VIRGINIA
CHARTERS

Abingdon, Town of

County of Washington

History of incorporation

Established, 1778, c. XXII.
Charter, 1803, c. 9.
Charter, 1806, c. 35.
Incorporation and charter, 1834, c. 238.
Charter, 1871, c. 140; repealed 1890, c. 331.
Charter, 1890, c. 331; repealed 1900, c. 171.
Charter 1900, c. 171; repealed 1950, c. 425.
Charter, 1950, c. 425, repealed 1978, c. 76.

Current charter

Charter, 1978, c. 76.

Amendments to current charter

2020, cc. 447, 448 (§§ 1.3, 3.1, 3.4, 3.7, 4.1, 4.2, 4.5, 4.6 [repealed], 4.7 [repealed], 4.9, 4.12)

Chapter 1. Incorporation, Form of Government and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Abingdon, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Abingdon, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1978, c. 76)

§ 1.2. Form of government.

The municipal government provided by this charter shall be known as the "town manager plan". Pursuant to its provisions, and subject only to the limitations imposed by the Constitution of Virginia and by this charter, all powers of the town shall be vested in an elective council, hereinafter referred to as "the council", which shall enact local legislation, adopt budgets, determine policies, and appoint the town manager, who shall execute the laws and administer the government of the town. (1978, c. 76)

§ 1.3. Boundaries.

The boundaries of the town shall be as established by the annexation order of the Circuit Court of Washington County, Virginia, entered in Law Order Book "S", page 173, on the 17th day of April, 1948, and an order of the Circuit Court of Washington County, Virginia, contracting the corporate limits of the town of Abingdon as entered on November 22, 1950, in Law Order Book 27, page 24, an order

of annexation of the Circuit Court of Washington County, Virginia, entered on May 28, 1987, in Law Order Book 55, page 456, a supplemental order of the Circuit Court of Washington County, Virginia, entered on July 6, 1987, in Law Order Book 55, page 583, and an order of the Circuit Court of Washington County, Virginia, entered on August 14, 1991, in Law Order Book 72, page 565 (amending and restating a prior order of the Circuit Court of Washington County, Virginia, entered on July 25, 1991, in Law Order Book 72, page 488), which are incorporated herein by reference and made a part hereof, and including such boundaries that may be annexed as memorialized by orders of court. (1978, c. 76; 2020, cc. 447, 448)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Abingdon shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1978, c. 76)

§ 2.2. Adoption of certain sections of the Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1978, c. 76)

§ 2.3. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of Abingdon. (1978, c. 76)

Chapter 3. Council.

§ 3.1. Election, qualification and term of office for councilmembers.

The town of Abingdon shall be governed by a town council composed of five councilmembers, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of councilmembers. The councilmembers in office at the time of the adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for councilmembers shall be held on the first Tuesday in May, 1978, and on the first Tuesday in May of every second year thereafter. The councilmembers elected the first Tuesday in May, 1978, and thereafter

shall enter upon their duties on the first day of July next succeeding their election, and shall each serve for a term of four years or until their successors have qualified. (1978, c. 76; 2020, cc. 447, 448)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled promptly from among the qualified voters of the town, by a majority vote of the remaining members of the council. (1978, c. 76)

§ 3.3. Council a continuing body.

The council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1978, c. 76)

§ 3.4. Mayor.

At its first meeting, the council shall choose by a majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council, shall have the same right to speak therein as other members and shall have a vote but no veto. The mayor shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process, and shall authenticate by the mayor's signature such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. The vice-mayor shall in the absence or disability of the mayor perform the duties of the mayor. In the absence or disability of both mayor and vice-mayor the council shall, by majority vote of those present, choose one of their number as acting mayor. (1978, c. 76; 2020, cc. 447, 448)

§ 3.5. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled promptly for the unexpired portion of the term from among the members of council, by a majority vote of the council. (1978, c. 76)

§ 3.6. Meetings of council.

The council shall fix the time of its stated meetings and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be open to the public. Three members of the council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor, by any three members of the council or by the town manager; provided that the members of the council are given reasonable notice of such meetings, and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. (1978, c. 76)

§ 3.7. Salaries.

The salaries of all councilmembers shall be fixed by council according to the procedure in § 15.2-1414.7 of the Code of Virginia. The council is hereby authorized to fix the salaries of all council appointees. (1978, c. 76; 2020, cc. 447, 448)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

At the first meeting in July following each councilmember election, or as soon thereafter as practicable, the council shall appoint: (1978, c. 76; 2020, cc. 447, 448)

§ 4.2. Town manager.

A town manager who shall be the administrative and executive head of the municipal government. The town manager shall be chosen by the council without regard to political beliefs and solely upon the basis of executive and administrative qualifications. At the time of appointment, the town manager need not be a resident of the town or the Commonwealth, but during the town manager's tenure of office shall reside within the town. The town manager's duties shall be as prescribed by the council. (1978, c. 76; 2020, cc. 447, 448)

§ 4.3. Town treasurer.

A town treasurer, whose duties shall be as prescribed by the council. (1978, c. 76)

§ 4.4. Town clerk.

A town clerk, who also may be the town manager, and/or the town treasurer, whose duties shall be as prescribed by council. (1978, c. 76)

§ 4.5. Town attorney.

A town attorney, who shall be an attorney at law licensed to practice under the laws of the Commonwealth and shall have actively practiced that profession therein for at least five years immediately preceding the appointment. The town attorney shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. The town attorney's duties shall be as prescribed by the council. (1978, c. 76; 2020, cc. 447, 448)

§ 4.6. (1978, c. 76; repealed, 2020, cc. 447, 448)

§ 4.7. (1978, c. 76; repealed, 2020, cc. 447, 448)

§ 4.8. Term of office.

Appointees hereunder shall serve at all times at the pleasure of the council and may be dismissed at any time by the council. (1978, c. 76)

§ 4.9. Bonds.

Officers shall execute such bonds as may be required by resolution of the council. (1978, c. 76; 2020, cc. 447, 448)

§ 4.10. Vacancies of office.

The council may fill any vacancy in any appointive office. (1978, c. 76)

§ 4.11. Appointment of one person to more than one office.

The council may appoint the same person to more than one appointive office. (1978, c. 76)

§ 4.12. Boards and commissions.

The council may, in its discretion, appoint such boards and commissions as it deems necessary. (1978, c. 76; 2020, cc. 447, 448)

Chapter 5. Courts.

§ 5.1. Jurisdiction of courts within the town.

The Washington County General District Court and the Juvenile and Domestic Relations Court, and the Circuit Court of Washington County, or their successors, shall have the same jurisdiction both criminal and civil within the town as provided by law. (1978, c. 76)

Chapter 6. Financial Provisions.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1978, c. 76)

Chapter 7. Miscellaneous.

§ 7.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1978, c. 76)

§ 7.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1978, c. 76)

§ 7.3. Ordinances continued in force.

All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the council. (1978, c. 76)

§ 7.4. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the charter but shall be confined in its operation to the clause, sentence, paragraph or

part thereof directly involved in the controversy in which such judgment shall have been rendered. (1978, c. 76)

§ 7.5. Disclosure of interest.

The council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1978, c. 76)

§ 7.6. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1978, c. 76)

Accomac, Town of

County of Accomack

History of incorporation

Incorporated by order of Circuit Court of Accomack County, June 13, 1944.

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

Virginia: - Circuit Court of the County of Accomack, On Tuesday, the 13th day of June, in the year of our Lord, Nineteen Hundred and Forty Four.
In the matter of Petition for
incorporation of the Town of Accomac

This day came again the petitioners by their Attorney and the contestants by their Attorney, and the Court having considered said Petition, the substance of which is words and figures, to wit:
"Your petitioners respectfully state:

(1) That they are inhabitants or the Town of Accomac, residing within the proposed limits of said Town, and that more than twenty of your petitioners are

qualified voters.

(2) That the Town of Accomac is an unincorporated Town situate in the County of Accomack, Virginia.

(3) That it will be to the best interest of the inhabitants of said Town that the same be incorporated, and the general good of the community will be promoted thereby.

(4) That the number of inhabitants of said Town exceeds two hundred and does not exceed five thousand.

(5) That the metes and bounds of the proposed corporate limits of said Town are as follows, to wit: Beginning at a post at an angle in the fence on the land of Stewart K. Powell on the Western side of U. S. Highway 13 approximately 278 feet from said Highway, said point marking the beginning of a certain survey made by J. B. Gibb, County Surveyor, on the 20th day of March, 1944, and running South 37 degrees,11 minutes East 278.6 feet to a locust on the Western side of said U. S. Highway 13; thence South 42 degrees, 28 minutes East across said Highway 65.6 feet to another locust; thence across the land of Mildred A. Mapp South 34 degrees, 24 minutes East 367.3 feet to a ditch; thence along said ditch North 59 degrees, 25 minutes East 326.1 feet to a gate post; thence South 30 degrees, 37 minutes East 240.1 feet to an axle between the land of Mildred A. Mapp and Mrs. James H. Fletcher; thence South 30 degrees, 31 minutes East along the lime of Mrs. James H. Fletcher 281.0 feet to a post; thence South 11 degrees, 53 minutes East across the land of Dr. J. L. DeCormis 391.7 feet to an axle iron on the line of Mrs. Blanche Lilliston; thence South 0 degrees, 9 minutes West across the land of Mrs. Blanche Lilliston 80.0 feet to an axle; thence South 0 degrees, 4 minutes East across the land of Dr. J. L. DeCormis 377.5 feet; thence North 89 degrees, 56 minutes East across the land of Dr. J. L. DeCormis 214.0 feet to the public highway; thence across the public highway and along the land of Dr. J. L. DeCormis North 88 degrees, 47 minutes East 314.0 feet; thence across the lands of Dr. J. L. DeCormis, Mrs. Maria Evans and Mrs. Florence Charnock North 0 degrees, 4 minutes West 544.4 feet to a pipe on the line of Mrs. Margaret B. Steinmetz; thence South 89 degrees, 59 minutes East along the line of the property of Mrs. Steinmetz and Mrs. Charnock 378.3 feet to a post; thence across the lands of Mrs. Steinmetz North 1 degree, 42 minutes East 467.5 feet to a sycamore; thence on across the land of Mrs. Steinmetz North 30 degrees, 14 minutes West 477.6 feet to a post on the line between Robert H. Oldham and Mrs. J. H. Ayres; thence North 56 degrees, 33 minutes East across the land of Mrs. J. H. Ayres and Mrs. Edgar Fletcher 551.2 feet to the line of Mrs. Ellen J. Nock; thence along the line of Mrs. Ellen J. Nock North 31 degrees, 34 minutes West 136.4 feet; thence across the land of Mrs. Ellen J. Nock North 54 degrees, 45 minutes East 487.1 feet; thence South 58 degrees, 13 minutes East 167.1 feet along the line of Thomas H. Melson's heirs; thence North 56 degrees, 33 minutes East 595.8 feet across the said Melson land, the land of Miss Hallie B. Higgins and Walker Eichelberger to the line of Mrs. Florence B. Turlington; thence North 69 degrees, 6 minutes East 481.5 feet across the land of Mrs. Florence B. Turlington, Mrs. Margaret Fick and Mrs. Myrtle Lilliston to the line of the H. Chris Somers property; thence North 86 degrees, 52 minutes East 223.9 feet across the Somers property and Samuel Holland lot to the Millard Holland property; thence South 87 degrees, 28 minutes East 363.35 feet across the land of Millard F. Holland and the land of Levin Melson to a point on the land of the Lee Hickman heirs; thence South 53 degrees, 8 minutes East 1132.85 feet across the land of the Lee Hickman heirs and along the Southwest edge of a roadway to a point on the land of Mrs. Thomas H. Melson; thence North 38 degrees, 8 minutes East 773.0 feet along the line of Mrs. Daisy Bundick across the public highway to a point on the land of David C. Wessells;

thence North 51 degrees, 57 minutes West 697.8 feet across the land of David C. Wessells; thence North 45 degrees, 43 minutes East 187.2 feet across the land of David C. Wessells; thence North 44 degrees, 17 minutes West 447.9 feet across the land of David C. Wessells and across U. S. Highway 13 to a point on the land of Mrs. Manie Matthews; thence South 45 degrees, 43 minutes West 477.9 feet across the land of Mrs. Manie Matthews and the Eichelberger land to the line of Mrs. C. B. Barnes; thence North 64 degrees, 37 minutes West 184.8 feet to an iron stob on the line of Levin Nock Davis; thence North 46 degrees, 33 minutes West 265.3 feet across the Eichelberger land to a post; thence North 87 degrees, 57 minutes West 400.4 feet across the line of Dr. H. D. Lilliston's land to a post; thence South 87 degrees, 8 minutes West 405.9 feet along the land of Dr. H. D. Lilliston to a pipe; thence South 7 degrees, 11 minutes East 220.5 feet to an axle on the land of B. K. Lilliston; thence South 82 degrees, 4 minutes West 653.3 feet along the land of B. K. Lilliston and Margaret Ellen White to the land of Dr. H. Dix Lilliston; thence North 7 degrees, 7 minutes West across the property of Dr. H. Dix Lilliston 148.5 feet to a pipe; thence South 82 degrees, 24 minutes West across the land of Dr. H. Dix Lilliston 194.1 feet; (thence) South 6 degrees, 10 minutes East 37.25 feet to a pipe; thence South 82 degrees, 24 minutes West 242.55 feet to a pipe; thence North 7 degrees, 31 minutes West 486.8 feet; thence North 8 degrees, 27 minutes West 324.2 feet to a pipe; thence North 9 degrees, 19 minutes West 548.8 feet to a point on the property of Emma L. Milliner; thence South 81 degrees, 59 minutes West 458.2 feet across the land of Emma L. Milliner to the line of the Accomac High School Property; thence along a ditch traverse in the rear of said Accomac High School Property, the ditch being the line, North 43 degrees, 55 minutes West 113.2 feet; thence North 74 degrees, 30 minutes West 175.4 feet; thence North 71 degrees, 53 minutes West 403.5 feet to the line of the Virginia Department of Highways lot and end of ditch traverse; thence South 79 degrees, 1 minute West 154.3 feet along said Highway Department lot; thence South 13 degrees, 14 minutes East 1516.6 feet across the land of Mrs. H. D. Sheppard to a concrete marker on the Methodist Parsonage lot; thence South 76 degrees, 50 minutes West 50.8 feet to a pipe in the rear corner of the Methodist Parsonage Lot; thence South 13 degrees, 10 minutes E. 104.33 feet across the rear of said Parsonage lot; thence North 76 degrees, 50 minutes East 50.8 feet along the line of said Parsonage lot to the land of Mrs. Lankford; thence South 13 degrees, 14 minutes East 173.4 feet along the lots of Mrs. Lankford, Mrs. Core and Lewis & Middleton; thence South 67 degrees, 32 minutes West along a steel fence on the line of Mrs. H. D. Sheppard 628.4 feet to a ditch; thence South 18 degrees, 25 minutes East 261.3 feet along said ditch, the same separating the land of Mrs. H. D. Sheppard and the land of the Eastern Shore of Virginia Fire Insurance Company; thence South 51 degrees, 39 minutes West 950.2 feet across the land of the Eastern Shore of Virginia Fire Insurance Company and the land of Stewart K. Powell to the point of beginning.

(6) That the entire area embraced in said proposed corporate limits is 186 acres.

WHEREFORE, your petitioners pray that an order may be entered by the Court incorporating the unincorporated Town of Accomac as an incorporated Town under the name and style of "The Town of Accomac," with the metes and bounds set forth in this Petition."
and having likewise considered the evidence adduced on behalf of the petitioners and contestants and the arguments of counsel, and it appearing to the Court that said Petition has been duly published for four successive weeks in the Peninsula Enterprise, a newspaper published in the County of Accomack, and posted at the front door of the Court House of said County for four successive weeks, and the Court being satisfied that it will be to the best interest of the inhabitants of the locality, that the prayer of said Petition is reasonable, that the general good of the community will be promoted by the incorporation of said town, and that the number of the inhabitants exceeds two hundred and does not exceed five thousand, and that the area of said locality designated to be embraced within the town is not excessive, the Court doth order and decree that such locality be and the same hereby is incorporated as a town by the name and style of "the town of Accomac," with the metes and bounds hereinbefore set forth as contained in the aforesaid Petition, and doth further order that hereafter the inhabitants within such bounds shall be a body politic and corporate, with the powers, privileges and duties conferred upon and appertaining to towns under the general law.
It is further ordered that an election be held on the third Tuesday in July 1944, at the Court House, in the Town of Accomac, for the election of a mayor and six councilmen for said town, and it is

likewise ordered that said mayor and six councilmen, when so elected, shall constitute the Council of said Town.

Alberta, Town of

County of Brunswick

History of incorporation

Incorporated by order of Circuit Court, September 4, 1928.

Current charter

Charter, 1978, c. 109.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Alberta, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Alberta, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be con-

tracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1978, c. 109)

§ 1.2. Boundaries.

The boundaries of the town of Alberta shall be as described in the order of the Circuit Court for Brunswick County dated September four, 1928, which description is incorporated herein by reference. (1978, c. 109)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Alberta shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1978, c. 109)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-915, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1978, c. 109)

§ 2.3. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of Alberta. (1978, c. 109)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

The town of Alberta shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. At the regular municipal election to be held on the first Tuesday in May, 1978, seven councilmen and a mayor shall be elected to serve as follows: the four councilmen receiving the greatest number of votes shall serve for a term of four years each; and the mayor and the three remaining councilmen shall serve a term of two years each. At the regular municipal election to be held on the first Tuesday in May, 1980, and every four years thereafter, three councilmen shall be elected for a term of four years each. At the regular municipal election to be held on the first Tuesday in May, 1982, and every four years thereafter, four councilmen shall be elected for a term of four years each.

The mayor shall serve for a term of two years and shall be elected at the regular municipal election held in 1978 as herein provided and every two years thereafter.

The mayor and councilmen elected under this section shall enter upon the duties of their respective offices the first day of July succeeding their election. Thereafter they shall each serve for the term set forth herein or until their successors have qualified. (1978, c. 109)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the remaining members of council. (1978, c. 109)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term from among the qualified voters of the town by a majority vote of the council. (1978, c. 109)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1978, c. 109)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive and administrative officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1978, c. 109)

§ 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council. (1978, c. 109)

§ 3.7. Acting mayor.

If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or

acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1978, c. 109)

§ 3.8. Meetings of the council.

The town council shall fix the time of its stated meetings, and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings and its meetings shall be open to the public. (1978, c. 109)

§ 3.9. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected. (1978, c. 109)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The town council may, in its discretion, appoint a clerk, a treasurer, a sergeant and such other officers, and may create such other boards and departments as may be authorized by law. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties, not inconsistent with general law, as this charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any such officers herein named. (1978, c. 109)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1978, c. 109)

§ 4.3. Term of office.

Appointees hereunder shall serve at all times during the pleasure of the town council and may be dismissed at any time by the council. (1978, c. 109)

§ 4.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1978, c. 109)

§ 4.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1978, c. 109)

§ 4.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1978, c. 109)

Chapter 5. Miscellaneous.

§ 5.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1978, c. 109)

§ 5.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1978, c. 109)

§ 5.3. Ordinances continued in force.

All ordinances now in force in the town of Alberta, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1978, c. 109)

§ 5.4. Severability of provision.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1978, c. 109)

§ 5.5. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1978, c. 109)

Alexandria, City of

History of incorporation

Once known as Hunting Creek Warehouse and as Belhaven.
Established in 1749.
Incorporated as a town in 1779.
Incorporated as a city in 1852.
Charter, 1932, c. 280; repealed 1950, c. 536.

Current charter

Charter, 1950, c. 536.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

Chapter 1. Incorporation.

§ 1.00. City boundary limits.

The boundary limits of the city of Alexandria shall be as set forth in Chapter 838 of the Acts of Assembly of 1972, and that Act is incorporated herein by reference as though fully set out. (1973, c. 258)

§ 1.01. (1950, c. 536; repealed 1973, c. 258)

§ 1.01.1. Corporate limits as changed by agreement with Arlington County.

The boundaries of the city shall be as described in § 1.00 of this charter as modified by an agreement between Arlington County and the city of Alexandria, authorized by Chapter 314 of the Acts of Assembly of 1962, approved March 30, 1962. The modified boundary is delineated in a resolution of the city council of the city of Alexandria, Virginia, recorded December 21, 1965, in deed book 641 at page 188 et seq. among the land records of the city of Alexandria, Virginia, and a resolution of the county board of Arlington County recorded December 21, 1965, in deed book 641 at page 201 et seq. among said land records. (1968, c. 510; 1973, c. 258)

§ 1.01.2. Corporate limits as changed by agreement with Fairfax County.

The boundaries of the city shall be as described in § 1.00 of this charter as modified by the agreement referred to in § 1.01.1 of this charter, and as further modified by an agreement between Fairfax County and the city of Alexandria, authorized by Chapter 867 of the Acts of Assembly, 1972, approved April 10, 1972. The modified boundary between the city of Alexandria and Fairfax County is delineated in a resolution of the city council of the city of Alexandria, recorded December 28, 1972, in deed book 750 at page 583 et seq. among the land records of the city of Alexandria, Virginia, and a resolution of the board of supervisors of Fairfax County recorded December 28, 1972, in deed book 750 at page 617 et seq. among the said land records. (1973, c. 258)

§ 1.02. Incorporation as body politic.

The inhabitants of the territory comprised within the present limits of the City of Alexandria as hereinbefore described or as the same may be hereafter altered and established by law, shall continue to be one body politic in fact and in name under the style and denomination of the City of Alexandria, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said city as a municipal corporation, and the said City of Alexandria, as such, shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure. (1950, c. 536)

§ 1.03. Jurisdiction over harbor and vessels therein.

The jurisdiction of said City Council of Alexandria shall extend over the harbor of Alexandria, and over vessels of every description which may arrive and be in the harbor. (1950, c. 536)

Chapter 2. Powers.

§ 2.01. General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by the said constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1950, c. 536)

§ 2.02. Financial powers.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall have power:

(1) To levy and collect ad valorem taxes on real estate and personal property and machinery and tools not exempt by law from taxation, or segregated to the State for exclusive taxation, all corporations located in the city or having their principal office therein and not exempt by law from taxation, all money owned by or credits due to any person living in the city and doing business therein and employed in said business though the said business may extend beyond the city; provided, that so much of said capital as is invested in real estate, or employed in the manufacture of articles outside of the city limits, shall not be taxed as capital; all stocks in incorporated joint stock companies doing business in the city and by whomsoever owned and not exempt by law from taxation; income, interest or money, dividends of banks or other corporations, provided that no capital, interest or dividend shall be taxed, when a license or other tax is imposed upon the business in which said capital is employed, or upon the principal, money, credits or stocks from which the interest, income or dividend is derived; nor shall a tax be imposed upon stocks of a corporation and upon the dividends thereon; and provided, further, that such property has not been segregated to the State for exclusive taxation. Assessments upon stocks and bonds shall be according to the market value thereof. The council may by curative ordinances, ratify and confirm assessments and levies of taxes heretofore or hereafter made, and the

acts of all ministerial officers in connection therewith, and any such ordinance heretofore passed is hereby ratified and confirmed. The rate of the tax that is levied on real estate shall be fixed once each calendar year and such rate shall not thereafter be changed during the same calendar year.

(2) [Repealed.]

(3) To levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge.

(4) To levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service.

(5) Unless prohibited by general law to require licenses for the privilege of engaging in any business, profession, occupation, or trade, prohibit the conduct of any business, profession, occupation, or trade without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, occupations, and trades, and to refuse such license to any person not entitled by law thereto.

(6) To require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such licenses. In any prosecution of a violation of any ordinance requiring such licenses, proof that the motor vehicle, trailer or semitrailer was located in the city and was displaying a current license plate of any state, shall constitute in evidence a prima facie presumption that such motor vehicle, trailer or semitrailer was operated on the public streets of the city.

(7) To impose penalties on persons following any business, profession, or trade in the city without the license prescribed therefor.

(b) To borrow money for the purposes and in the manner provided by Chapter 7 of this charter.

(c) To make appropriations, subject to the limitations imposed in Chapters 5 and 6 of this charter, for the support of the city government and any other purposes authorized by this charter and not prohibited by the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this charter, such sums as the council may deem necessary in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided, that any such appropriation shall require at least a two-thirds affirmative vote of council members present and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government.

(f) To provide, or aid in the support of, public libraries and public schools, to appropriate funds for educational purposes which may be expended in furtherance of elementary, secondary, collegiate or graduate education of Virginia students in public and nonsectarian private schools and institutions of learning in addition to those owned or exclusively controlled by the city and to make appropriations to nonsectarian schools of manual, industrial or technical training and also to any school or institution of learning owned or exclusively controlled by the city.

(g) To establish a system of pensions for injured, retired or superannuated city officers and employees, subject to the limitations imposed by Chapter 8 of this charter.

(h) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof. (1950, c. 536; 1970, c. 492; 1972, c. 808; 1976, c. 669; 1977, c. 122; 2015, cc. 201, 294)

§ 2.03. Powers relating to public works, utilities and properties.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To lay out, open, extend, widen, narrow, establish or change the grade, or close, vacate, abandon, construct, pave, curb, gutter, grade, regrade, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, including limited access or express highways, alleys, bridges, viaducts, subways and underpasses, and make and improve walkways upon streets and improve and pave alleys within the city; and the city shall have the same power and authority over any street, alley or other public place ceded or conveyed to the city or dedicated or devoted to public use as over other streets, alleys and other public places; provided, further, that whenever any ground shall have been opened to and used by the public as a street or alley for ten years it shall be considered as dedicated to the public and the city shall have the same authority and jurisdiction over and right and interest therein as it has over other streets.

(b) To acquire, by purchase, condemnation, or otherwise and to construct, own, maintain and operate, within and without the city, public parks, parkways, playfields and playgrounds, and to lay out, equip and improve them with all suitable devices, buildings and other structures, and to charge admissions and fees for the use of such facilities.

(c) To collect and dispose of garbage and other refuse and to impose and collect reasonable charges for such service, and to construct, maintain and operate, within and without the city, incinerators, dumps or other facilities or means of disposal of such garbage and other refuse.

(d) To construct, maintain and operate, within and without the city, sanitary sewers, storm sewers, drains, and culverts.

(e) To assess the whole or part of the cost of making and improving walkways on the existing streets, improving or paving existing alleys or constructing sewers, culverts and drains, upon the owners of land abutting thereon or on the street or alley in which such sewer, culvert or drain is laid, provided that the amount of such assessment shall not exceed the peculiar benefit resulting to the landowner from the improvement; provided further, that in lieu of any such assessment for the construction of a sewer, culvert or drain, the city may assess and collect an annual sewer tax as compensation for the use thereof, and may provide for the commutation thereof, upon such terms and conditions as the council may provide by ordinance, but such assessment shall not be in excess of the peculiar benefit resulting therefrom to such abutting landowners; and provided further, that the city may acquire by condemnation or otherwise any interest or right of any owner of abutting property in the use of any sewer, culvert or drain, and thereafter charge such landowner for the use of such sewer, culvert or drain. The city may order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the city and the abutting landowners. In the absence of such an agreement the improvements may be ordered on a petition from not less than three-fourths of the landowners to be affected thereby or by a majority affirmative vote of the council.

(f) To construct, maintain and equip all buildings and other structures necessary or useful in carrying out the powers and duties of the city.

(g) To sell, lease or dispose of, except as otherwise provided in this charter and in the Constitution and laws of the Commonwealth, land, buildings and other property of the city, real and personal.

(h) To control and regulate the use and management of all property of the city, real and personal.

(i) To acquire, by purchase, condemnation, lease, or otherwise, and to construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under any stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned; provided, that the council shall have authority to exempt from the payment of tolls for the use of any such bridge, viaduct, subway or underpass all vehicles, licenses to operate which have been paid to the city.

(j) To authorize by ordinance, in accordance with the Constitution and laws of the Commonwealth, the use of the streets for the laying down of street railway tracks and the operation of street railways therein under such conditions and regulations as may be prescribed by such ordinance or by any

future ordinance, or to acquire by agreement or condemnation any such street railway and maintain and operate the same.

(k) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate within and without the city, places for the parking or storage of vehicles by the public, which shall include but not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; provide for their management and control by a department of the city government or by an agency specially established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.

(l) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate, within and without the city, airports and all the appurtenances thereof; provide for their management and control by a department of the city government; charge or authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease any appurtenance of any such airport or any concession incidental thereto or, in the discretion of the council, lease any such airport and its appurtenances with the right to all concessions thereon to, or enter into a contract for the management and operation of the same with any person, firm or corporation on such terms and conditions as the council may determine.

(m) To acquire, by purchase, condemnation, lease, or otherwise, and to construct, own, maintain and operate, within and without the city, stadia, arenas, swimming pools and other sport and recreational facilities; provide for their management and control by a department of the city government; charge or authorize the charging of compensation for the use of or admission to such stadia, arenas, swimming pools and other sport and recreational facilities, including charges for any services incidental thereto; lease, subject to such regulations as may be established by ordinance, any such stadium, arena, swimming pool or other sport or recreational facility or any concession incidental thereto, or enter into a contract with any person, firm or corporation for the management and operation of any such stadium, arena, swimming pool or other sport or recreational facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine.

(n) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate, within and without the city, water works, gas plants and electric plants, with the pipe and transmission lines incident thereto, and to charge and collect compensation therefor, and to provide penalties for the unauthorized use thereof; to acquire by purchase, condemnation or otherwise from lower riparian owners the right to divert streams into the present or any future reservoir.

(o) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate, within and without the city, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the landings, wharves and docks, and from persons using any of the facilities above prescribed; provide for the management and control of such facilities or any of them by a department of the city government; lease any or all of such facilities or any concessions properly incident thereto to any person, firm or corporation for the maintenance and operation of any or all of such facilities on such terms and conditions as the council may determine; apply to the proper authorities of the United States to grant to the city the privilege of establishing, maintaining and operating a foreign trade zone within or without the city; regulate the use of other landings, wharves and docks located on the Potomac River within or near the city; prevent and remove obstructions from the harbor in, upon or near the landings, wharves, docks or canals adjacent thereto, and collect from the person or persons responsible for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing, dock or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation theretofore imposed by reason of such public use or easement by statute or otherwise.

(p) To acquire, by purchase, condemnation, lease, or otherwise such other utilities, abattoirs and other enterprises within as well as without the city, as may be deemed to be in the public interest.

(q) To compel persons sentenced to confinement in the city jail for petty larceny or other misdemeanor or other violations of the city ordinances to work on the public streets, parks or other public works of the city; and on the requisition of the judge of the circuit court it shall be the duty of the sheriff of the city to deliver such person to the duly authorized agent of the city for such purposes from day to day as he may be required.

(r) To give names to or alter the names of streets.

(s) To contribute funds or other aid to the building or improvements of permanent public roads leading to the city or of bridges on such roads, or to the purchase of such roads by an affirmative vote of two-thirds of the council provided that no such appropriation shall be made towards the building, purchase, or improvement of any road or bridge at a point more than five miles beyond the corporate limits of the city measured along the route of such road.

(t) To sell any product or by-product of any utility owned and operated by the city.

(u) 1. To acquire, establish, construct, improve, enlarge, operate and maintain a sewage disposal system with all necessary sewers, conduits, pipe lines, pumping and ventilating stations, treatment plants and works, plants and facilities for the manufacture of by-products, and other plants, structures, boats, conveyances and other real and personal property necessary for the operation of the sewage disposal system.

2. To acquire by purchase, gift, condemnation or otherwise, real estate, or rights of easements therein, necessary or convenient for establishment, enlargement, maintenance or operation of such sewage disposal system, and the right to dispose of property so acquired no longer necessary for the use of such system; provided, that the provisions of § 25-233 of the Code of Virginia shall apply to any property belonging to any corporation possessing the power of eminent domain that may be sought to be taken by condemnation hereunder.

3. To borrow money for the purpose of acquiring, establishing, constructing, improving and enlarging the sewage disposal system and to issue bonds therefor in the name of the City of Alexandria, as hereinafter provided.

4. To accept gifts or grants of real or personal property, money, material, labor or supplies for the establishment and operation of such sewage disposal system, and to make and perform such agreements or contracts as may be necessary or convenient in the procuring or acceptance of such gifts or grants.

5. To enter on any lands, waters and premises for the purpose of making surveys, borings, soundings and examinations for acquiring, constructing and operating the sewage disposal system and for the prevention of pollution of state waters.

6. To enter into contracts with the United States of America, or any department or agency thereof, or with the Commonwealth of Virginia or any other government or public agency in the United States, or with any person, firm or corporation providing for or in relation to the use, treatment and disposal of sewage and industrial wastes and by-products.

7. To require that all sewage and industrial waste created or originating upon any and all real estate or anywhere within the city be disposed of through the sewage disposal system.

8. To fix, charge and collect fees, rents or other charges for the use and services of the sewage disposal system. Such fees, rents and charges may be charged to and collected from any person contracting for the same, or from the owner or the occupant, or some or all of them, who uses or occupies any real estate which directly or indirectly is, or has been or will be connected with the sewage disposal system or from which originates, has originated or will originate sewage or industrial wastes, or either, which directly or indirectly have entered or will enter the sewage disposal system; and the owner or occupant of any such real estate shall pay to the city such fees, rents and charges at the time and place where the same are due and payable.

Such fees, rents and charges, being in the nature of use or service charges for use of the sewage disposal system, shall be in addition to tap charges heretofore or hereafter collected for connection to and use of the regular sewer pipes of the city, and shall, as nearly as the council shall deem practicable and equitable, be uniform for the same type, class and amount of use or service of the sewage disposal system, and may be based or computed either on the consumption of water on or in connection with the real estate, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real estate or on the number and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate, or on the number or average number of persons residing or working on or otherwise connected or identified with the real estate, or any other factors determining the type, class and amount of use or service of the sewage disposal system, or on any combination of such factors, or on such other basis as the council may determine. Such fees, rents and charges shall be due and payable at such time as the council may determine, and the council may require the same to be paid in advance for periods of not more than six months. The revenue derived from any or all of such fees, rents and charges is hereby declared to be revenue of such sewage disposal system.

In the event the fees, rents or charges charged for the use and services of the sewage disposal system by or in connection with any real estate shall not be paid when due, interest shall at the time begin to accrue thereon at the annual rate of six percent, plus such penalty as the council may determine, and the person or corporation supplying water for the use of such real estate, or the owner or occupant thereof, shall cease supplying water thereto at the request of the city manager.

Such fees, rents and charges and the interest due thereon may be recovered by the City of Alexandria by action at law or suit in equity and shall constitute a lien against the property ranking on a parity with liens for unpaid city taxes.

(v) To acquire by purchase, exchange, gift, lease or otherwise real estate or any interest therein, whether located within or without the city or State, lying between the center line of the George Washington Memorial Parkway (also known as Washington Street) on the west, the present established bulkhead line in the Potomac River on the east and the corporate limits of the City of Alexandria on the north and south as projected to said present established bulkhead line, for the purpose of public use, or sale, lease or exchange for such reasonable and fair consideration and upon such terms and conditions as the city council shall determine. Such sale, lease or exchange by the city may be to or with any person, firm, corporation or entity and for any purpose which the city council may determine to be in the public interest.

(w) To acquire by purchase, exchange, gift, lease or otherwise, real or personal property or any interest therein for contribution and conveyance to the Washington Metropolitan Area Transit

Authority as a portion of the city's participating share of the costs of the Authority's Mass Transit Plan.

(x) With the use of parking meters, to assess charges for the privilege of parking on designated public streets and to use the revenues derived therefrom for any public purpose incident to the acquisition, maintenance or provision of places for the parking and storage of vehicles by the public at any location in the city. (1950, c. 536; 1952, c. 564; 1971, c. 166; 1975, c. 511; 1976, c. 669; 1983, c. 314; 1986, c. 459)

§ 2.04. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.

In addition to the powers granted by other sections of this charter the city shall have power to adopt ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth, for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants. Among such powers, but not in limitation thereof, the city shall have power:

(a) To provide for the prevention of vice, immorality, vagrancy and drunkenness; prevention and quelling of riots, disturbances and disorderly assemblages; suppression of houses of ill-fame and gambling places and gambling devices of all kinds; restraint of mendicants; prevention of lewd and disorderly conduct or exhibitions; prevention of loitering; and prevention of conduct in the streets dangerous or annoying to the public.

(b) To regulate the construction, maintenance, repair and demolition of buildings and other structures and the plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health; to establish fire zones and to prohibit the construction of wooden buildings and wooden repairs and additions to buildings.

(c) To provide for the protection of the city's property, real and personal, the prevention of the pollution of the city's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, landings, docks, wharves, canals, airports and other public property, whether located within or without the city. For the purpose of enforcing such regulations all city property wherever located shall be under the police jurisdiction of the city. Any member of the police force of the city or employee thereof appointed as a special policeman shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section and the appropriate district court shall have jurisdiction in all cases arising thereunder.

(d) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city by railroads, street railways, buses, taxicabs, pedicabs and other vehicles for hire; prescribe the location in, under or over, and grant permits for the use of, streets, alleys, and other public places for the maintenance and

operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, areas, parking places, bus stops, and cellars; require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted; and prohibit such use of the streets, alleys and other public places of the city, and no such use shall be made of the streets, alleys or other public places of the city without the consent of the council.

(e) To prevent any obstruction of or encroachment over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment; remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes; require the owner or owners or the occupant or occupants of the property, so obstructing or encroaching to remove the same; pending such removal charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching, and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, but such authorization shall not relieve the owner or owners, occupant or occupants of the property encroaching, of any liability for negligence on account of such encroachment; and recover possession of any street, alley, sidewalk or other public place or any other property of the city by suit or action in ejectment.

(f) To prescribe the route and grade of any railroad laid in the city, regulate the operation of locomotives and cars, and exclude such locomotives and cars from the city provided no contract between the city and the corporation operating such locomotives or cars is violated by such action.

(g) To regulate the operation of motor and other vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations, provided that ordinances or administrative regulations adopted by virtue of this subsection shall not be inconsistent with the provisions of the Motor Vehicle Code of Virginia. All fines imposed for the violation of such ordinances and regulations shall be paid into the city treasury.

(h) To regulate, in the interest of public health, the production, preparation, distribution, sale and possession of milk, other beverages and foods for human consumption, and the places in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, where sewers are not available, and the sanitation of swimming pools and lakes; provide for the

removal of night soil, and charge and collect compensation for the removal thereof; compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; provide for the quarantine of any person afflicted with a contagious or infectious disease, and for the removal of such person to a hospital or ward specially designated for contagious or infectious diseases; inspect and prescribe reasonable rules and regulations in the interest of public health, with respect to private hospitals, sanatoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of the sick, of children, the aged and the destitute; provide and maintain hospitals and compel the removal of patients to the same; require the registration of births in the city; regulate in the interest of public health the construction, maintenance and operation of laundries; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.

(i) To regulate cemeteries and burials therein, prescribe the records to be kept by the owners of such cemeteries, prohibit all burials except in a public burying ground, and to prohibit burial of the dead within the city limits.

(j) To regulate or prohibit the exercise of any dangerous, offensive or unhealthful business, trade or employment, and the transportation of any offensive or dangerous substance.

(k) To regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same.

(l) To regulate the emission of smoke, the construction, installation and maintenance of fuel burning equipment, and the methods of firing and stoking furnaces and boilers.

(m) To compel the removal of weeds from private and public property and snow from sidewalks; to compel the covering or removal of offensive, unwholesome, unsanitary or unhealthful substances allowed to accumulate in or on any place or premises; to require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; to compel the raising or draining of grounds subject to be covered by stagnant water; to require the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public; to require the repair of any damaged, defective or deteriorated condition of dwellings or dwelling units when such condition adversely affects the health or safety of the occupants or the general public; to compel the abatement of smoke and dust and the elimination of unnecessary noise; to regulate or prevent slaughterhouses or other offensive business within the city; to regulate the transportation of articles through the streets; to provide means for and to regulate the cleaning of all dry closets and to assess against the owner or occupant of the

premises where same is located a reasonable charge therefor, which shall be collected as other city taxes; and to compel the abatement or removal of any and all other nuisances whatsoever within the city or upon property owned by the city beyond its limits. If after such reasonable notice as the council may prescribe by ordinance the owner or owners, occupant or occupants of the property or premises affected by the provisions of this subsection shall fail to abate or obviate the condition or nuisance, the city may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of taxes. There shall be a lien for said cost upon the real estate from which the nuisance or condition was abated or removed by the city, the lien to continue until actual payment of such cost shall have been made to the city.

(n) To regulate or prohibit the making of fires in the streets, alleys and other public places in the city and to regulate the making of fires on private property.

(o) To regulate or prohibit the manufacture, storage, transportation, possession and use of explosive or inflammable substances and the use and exhibition of fireworks and discharge of firearms.

(p) To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations; and to provide for the appointment of dog wardens and deputy dog wardens who, in the enforcement of the dog laws of the city, shall have the powers of a state game warden, within the city only.

(q) To prevent cruelty to and abuse of animals and the driving of horses and other animals at improper speeds.

(r) To regulate the sale of goods, wares or merchandise at auction; regulate the conduct of and prescribe the number of pawn shops and dealers in secondhand goods, wares and merchandise; regulate or prohibit the peddling or hawking of any article for sale on the streets of the city; regulate the soliciting of goods, wares, merchandise or services; prevent fraud or deceit in the sale of goods, wares and merchandise; regulate junk dealers; require the weighing, measuring, gauging and inspection of goods, wares and merchandise offered for sale; require weights and measures to be sealed and subject to inspection; and provide for the appointment of a sealer and one or more weighmasters who shall perform such duties and functions as may be prescribed by ordinance.

(s) To establish markets in the city and regulate the same and to make and enforce regulations regarding the keeping and sale of fresh meat, eggs, vegetables and other perishable groceries.

(t) To regulate livery stables, garages, gasoline filling stations, theatrical performances or other public shows or exhibitions, the hiring or use for pay of carriages, automobiles and other vehicles, billiard parlors, bowling alleys, pistol galleries, establishments that sell or display animals, and to

grant or refuse licenses to these and similar occupations and employments as may be deemed proper.

(u) To require a permit for the removal of household goods and chattels from a residence in the City of Alexandria to a place outside said city.

(v) To provide a complete building code for the city, and to provide setback lines on the streets beyond which no building may be constructed, and to provide for a city planning commission and define its powers, subject to the limitations imposed in Chapter 9 of this charter.

(w) To adopt plans and adopt and modify the official map of the city; divide the city into land use zones in accordance with the provisions of Chapter 9 of this charter; regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts, the density of populations, and the location and use of buildings for trade, industry, business, residence or other purposes; provide for safe and sanitary housing accommodation for families of low income; create a housing authority; adopt, modify, and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas; adopt, modify and carry out plans proposed by the planning commission for replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

(x) To adopt by reference an electrical code promulgated by a national association or organization.

(y) To provide for a curfew if, in the opinion of council, an emergency exists and the ordinance adopting a curfew contains a specific statement of the emergency claimed.

(z) To regulate health, athletic, massage and bath clubs or establishments.

(aa) To regulate security guards and private detectives.

(bb) To provide a burglary prevention code for the city.

(cc) Notwithstanding any other provision of law, to require that owners and operators of multi-family rental dwellings constructed in the city prior to September 1, 1974, provide and install dead bolt locks and peepholes on exterior solid doors to each dwelling unit and locks on all exterior glass doors at all levels and windows at a ground level which are capable of being opened.

(dd) To control or attempt eradication of Lymantria Dispar (gypsy moths) on private and public property.

Notwithstanding any limitation as to place that may be imposed by § 2.04 or any other section of this charter, the powers granted by this charter may be applied to any place, public or private.

(ee) Notwithstanding any contrary provision of law, general or special, to prohibit or regulate the possession of an opened alcoholic beverage container (a) in or on a street, alley, sidewalk or other

pedestrian walkway, park, playground, or parking lot so long as "the public has, or is permitted to have, access" to such areas, as that phrase is used in the definition of "public place" set out in § 4.1-100 of the Code of Virginia (1950), as amended, and (b) in a motor vehicle on any such street, alley or parking lot, whether or not such vehicle is moving. Violation of this subdivision shall be a Class 4 misdemeanor. The prohibitions or regulations shall not apply to the licensed establishments identified in subsection B of § 4.1-308 of the Code of Virginia or in the case of events identified in subsection C of § 4.1-308. (1950, c. 536; 1964, cc. 44, 288; 1970, c. 492; 1971, c. 166; 1972, c. 808; 1976, c. 669; 1980, c. 591; 1983, c. 314; 1984, c. 486; 1995, c. 782)

§ 2.04:1. Powers relating to the relationship between landlord and tenant.

In addition to the powers granted by other sections of this charter the city may by ordinance:

(a) Require that any security deposit of money, or prepaid rent, however denominated, furnished by a tenant or a lessee to a landlord or lessor or agent of same to secure the performance of any part of a written or oral lease or agreement, or as the security for damages to the leased premises, shall be returned to the tenant or lessee within one month after the date the tenancy terminates; provided, however, that the tenant must furnish the landlord or lessor or agent with a forwarding address. Notwithstanding this, the landlord or lessor may retain all or any portion of the deposit as is reasonably necessary to repair unreasonable wear or damage to the leased premises, or as accrued rent, or to compensate the landlord or lessor for actual damages suffered as a result of a default of the lease or agreement by the tenant or lessee. At the inception of the tenancy, the landlord or lessor shall provide the tenant or lessee with a written list of all existing damages, if any, to the leased premises. If any portion of the security deposit is retained upon the termination of the tenancy, the landlord or lessor shall forward to the tenant or lessee, within one month of such termination, an itemized statement accounting for the proceeds retained and giving the reasons therefor.

Such ordinance may further provide that the landlord or lessor or agent of same shall pay interest of four per centum per annum computed in six month increments, on deposits of one hundred dollars or more held for more than one year; provided, however, that the interest on all security deposits on deposit on the effective date of such ordinance shall be computed beginning sixty days following such effective date. Such interest shall be paid to the tenant within thirty days of termination of the tenancy.

The rights and obligations of any landlord or lessor agent of same under such ordinance shall apply to any successor in interest to whom the deposit is given and such security deposit shall be free from attachment by creditors of the tenant, landlord, lessor or agent of same.

Any landlord or lessor or agent of same who is found by a court of competent jurisdiction to have willfully failed to comply with the requirements of the ordinance shall be liable to the lessee in an

amount equal to twice the amount of the security deposit. Nothing hereinabove contained shall apply to a business lease or a commercial tenancy.

(b) Provide that any lease, written or oral, entered into by owners and operators of rental dwellings or dwelling units in the city shall be deemed to include a warranty that applicable laws of the city of Alexandria, Virginia, and the Commonwealth of Virginia, as may be determined by city council, shall be complied with throughout any tenancy.

(c) Require that owners and operators of rental dwellings or dwelling units in the city exclude from their leases all provisions whereby the tenant agrees:

(1) to waive the provisions of the Code of Virginia relating to the landlord's taking possession of the premises or of the tenant's personal property, other than for nonpayment of rent;

(2) to pay the landlord's attorney's fees for any legal action instituted by the landlord against the tenants other than for nonpayment of rent; or

(3) to indemnify the landlord or hold the landlord harmless, or preclude or exonerate the landlord from any or all liability to the tenant, or to any other person, for any injury, loss, damage or liabilities arising from any omission, fault, negligence or other misconduct of the landlord or the landlord's employees.

(d) Grant to the city landlord-tenant relations board the power to arbitrate a landlord and tenant dispute when the landlord and tenant voluntarily agree to same. (1974, c. 595; 1975, c. 511; 1976, c. 669; 1982, c. 480)

§ 2.04:2. Powers relating to housing and community development.

In addition to the powers granted by other sections of this charter and any other provision of law, the city shall have the power:

(a) To acquire, by purchase, exchange, gift, lease, condemnation or otherwise, land or buildings in the city for the purpose of providing housing for low or moderate income persons or for elderly or handicapped persons, to rehabilitate and dispose of any such land and buildings by lease or sale to low or moderate income persons or elderly or handicapped persons; or to dispose of such land and buildings by lease or sale to a nonprofit or limited profit organization which has as a principal purpose the provision or development of housing for low or moderate income persons or elderly or handicapped persons; to construct residential buildings in the city for lease or sale to low or moderate income persons or elderly or handicapped persons, or for lease or sale to a nonprofit or limited profit organization which has as its principal purpose the provision or development of housing for low or moderate income persons or elderly or handicapped persons; and to make grants and loans of funds to low or moderate income persons to aid in the purchase of any land or building in the city including, but not limited to, land and buildings which have been rehabilitated by the city or

by a nonprofit or limited profit organization which has as its principal purpose the development of housing for low or moderate income persons.

(b) To acquire, by purchase, exchange, gift, lease, condemnation or otherwise, real property in the city which is blighted, deteriorated, deteriorating, a blighting influence on the neighborhood, or in nonconformance with the city's zoning code or master land use plan; to clear, demolish or rehabilitate any such real property; and to dispose of any such real property by lease or sale to any person.

(c) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low or moderate income person; to acquire, by purchase, exchange, gift, lease, condemnation or otherwise, any dwellings or dwelling units in the city for the purpose of providing housing to low or moderate income persons, and to dispose of such dwellings or dwelling units, by sale or lease, to low or moderate income persons or to a nonprofit organization which has as its principal purpose the provision or development of housing for low or moderate income persons; and to make grants and loans of funds to low and moderate income persons to aid in the purchase of dwellings or dwelling units in the city.

(d) To issue tax-exempt bonds for the acquisition, rehabilitation and provision of housing for low or moderate income persons; provided, that prior to any action authorizing the issuance of such bonds, the city council finds affirmatively that such action is necessary to provide an adequate supply of such housing in the city.

(e) Notwithstanding any other provision of law, general or special, the city, in order to ensure competitiveness as an employer, may by ordinance, and subject to such reasonable terms and conditions as set forth in such ordinance, provide for the use of funds, other than state funds, to provide loans or grants to individuals who prior to receiving such funds were employees of the city, local school division, local constitutional officers, and local offices of state government for which employee salaries are supplemented by the city, or any of them, to purchase or rent residences within the city, for use as the employee's principal residence. Individual grants shall not exceed $5,000 per employee, nor shall lifetime cumulative grants exceed $5,000 per employee.

(f) For purposes of this section, the phrase "low or moderate income persons" has the same meaning as the phrase "persons and families of low and moderate income," as in § 36-55.26 of the Code of Virginia, and shall be applied in the city using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program authorized by § 36-55.33:1.

(g) In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and use state, federal or private funds in the exercise of such powers.

(h) The exercise of any of the powers granted in this section is hereby declared to be a public purpose and public use. (1976, c. 669; 1982, c. 480; 1984, c. 486; 1995, c. 782, 2004, c. 511)

§ 2.04.3. Alexandria Redevelopment and Housing Authority board of directors.

Notwithstanding any contrary provision of law, general or special, the council may, by ordinance adopted from time to time, alter from between seven and nine the number of members comprising the board of directors of the Alexandria Redevelopment and Housing Authority. (2002, c. 149)

§ 2.05. Miscellaneous powers.

The city shall also have power:

(a) To establish, maintain and operate public employment bureaus and public baths.

(b) To establish, maintain and operate, within and without the city, and to make advances to public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, children, the aged and the destitute.

(c) To provide care for the poor and have all the powers and duties conferred and imposed on cities by the laws of the Commonwealth relating to public assistance.

(d) To acquire, establish, own, maintain and operate, within and without the city, cemeteries for the interment of the dead, fix the price at which graves and lots therein shall be sold, make contracts for their perpetual care and establish the rates to be charged for the digging of graves, construction of vaults and other services.

(e) To establish, maintain and operate, within or without the city, a jail for the confinement of prisoners, ordered or sentenced to be confined therein, and a jail farm.

(f) To cooperate and enter into cooperative agreements or contracts with any state, county, city, political subdivision or any department or agency thereof, or with the government of the United States, or any department or agency thereof, or with any public agency, entity or authority, regional or otherwise, or with any person, firm, public utility or corporation regarding the construction and operation of any airport, incinerator, sewage disposal system, jail or workhouse, the use, treatment, reclamation, carrying or disposal of solid wastes and refuse, or the discharge of any other function or power vested by this charter in the City of Alexandria.

(g) To authorize and regulate the erection of party walls and fences, and to prescribe how the cost thereof shall be borne by the respective owners.

(h) To grant aid to military companies, to bands maintained within the city, to hospitals, to associations for the advancement of agriculture or the mechanic arts, to scientific, literary, educational or benevolent organizations or institutions, to public libraries, provided such action is not prohibited by the Constitution of the Commonwealth, and that all such societies, organizations or institutions be located in or near the city; and provided, further, that no appropriation for any such purposes shall be made, nor aid be otherwise granted through exemption from charge for use of water or light facilities or otherwise either with or without charge, beyond the city limits, unless two-thirds of the council vote therefor.

(i) To provide for aid in the support or maintenance of public free schools.

(j) To determine the value and to levy and collect, after January one of each year, a personal property tax on motor vehicles, boats, and trailers for which Alexandria is the situs for personal property taxation and which are first registered by the present owner after January one. In the case of such motor vehicles, boats, and trailers which are first registered after January one of each year, the city shall have the power to:

(1) Establish the date or dates in addition to and after January one of each year, upon which such motor vehicles, boats, and trailers shall be returned and valued for taxation.

(2) Establish the methods by which such tax shall be prorated and computed.

(3) Establish the procedures for filing returns and ascertaining the dates of purchases, exchanges, and first registration for all persons concerned, including both taxpayers and dealers in automobiles, boats, and trailers.

(4) Establish the methods by which a return or returns previously submitted by the owner shall be amended to reflect, on a prorated basis, the purchase or exchange of motor vehicles, boats, or trailers after January one of each year.

(k) In the event the city adopts an ordinance creating a service district under § 15.1-18.3 of the Code of Virginia to provide transportation services or public parking, it shall create a board or other body, pursuant to § 15.1-18.2 (b) (6.1), whose makeup and responsibilities with respect to the district shall be set out in the ordinance. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1970, c. 492; 1971, c. 166; 1977, c. 122; 1984, c. 486; 1989, c. 118)

§ 2.06. Enforcement of regulations.

(a) When, by the provisions of this charter or the constitution and general laws of the Commonwealth, the city is authorized to pass ordinances on any subject, the council, by ordinance, may provide suitable penalties, civil or criminal misdemeanor, for the violation of any such ordinances, including ordinances effective outside the city as provided in this charter. Designation of such a violation for a civil penalty under the authority of any ordinance enacted pursuant to this charter provision shall be in lieu

of criminal sanctions. Further, except for any violation resulting in personal injury to or death of any person or persons, such designation shall preclude the prosecution of such a violation as a criminal misdemeanor.

(b) No penalty provided pursuant to subsection (a) shall exceed a fine of $2,500 or imprisonment for twelve months or both. Upon conviction for violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security in the penalty of not more than $2,500, conditioned to keep the peace and be of good behavior and especially for the period of not more than twelve months not to violate the ordinance for the breach of which he has been convicted. From any criminal misdemeanor fine or imprisonment imposed, an appeal shall lie as in other cases of misdemeanor.

(c) Unless otherwise authorized by this charter, no civil penalty provided pursuant to subsection (a) shall exceed the sum of $5,000. Any person summoned for a civil violation may make appearance, either in person before or in writing by mail, to the treasurer of the city prior to the date fixed for trial in court. Any persons so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the offense charged. Any persons so summoned shall be informed of their right to request an administrative hearing, if one is provided by ordinance, or stand trial and that their admission of liability or a finding of their liability in an administrative hearing will have the same force and effect as a judgment in court. If a person charged with a civil violation does not elect to enter a waiver of trial and admit liability or request an administrative hearing, if one is provided by ordinance, the violation shall be tried in the general district court or circuit court in the same manner and with the same right of appeal as provided for in general law. In any administrative hearing or trial for a civil violation authorized by this section, it shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The council, by ordinance, may provide suitable procedures, generally consistent with the provisions of Article 3 (§ 9-6.14:15 et seq) of the Administrative Process Act of the Code of Virginia, for the conduct of administrative hearings under this subsection.

(d) The court may issue a writ of fieri facias directed to the sheriff of the city for the collection of the fine or civil penalty due, returnable within sixty days from its issuance.

(e) The city is hereby expressly authorized and empowered to institute and maintain a suit or suits to restrain by injunction the violation of any ordinance legally adopted by it, notwithstanding such ordinance may provide civil or criminal penalties for its violation. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1983, c. 314; 1992, c. 512)

§ 2.07. Licenses, permits and service fees.

Whenever in the judgment of the council it is advisable in the exercise of any of the powers of the city or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or

permits in connection therewith, establish the amount of the fee to be charged the licensee or permittee and require from the licensee or permittee a bond and an insurance policy of such character and in such amount and upon such terms as it may determine.

Whenever in the judgment of the council it is advisable in the exercise of any of the powers of the city or in the enforcement of any ordinance or regulation, it may establish and collect such fees as it may determine to be reasonable for the rendering of city services. (1950, c. 536; 1970, c. 492)

§ 2.08. Injunctions against the city.

No injunction shall be awarded by any court or judge to stay the proceedings of the city or any of its officers, employees or agents in the exercise of any of their powers unless it be manifest that the city, its officers, employees or agents are transcending the authority given the city by this charter and the general laws of the Commonwealth, and also that the intervention of a court of equity is necessary to prevent injury that cannot be compensated by damages. (1950, c. 536)

Chapter 3. Council.

§ 3.01. Composition of the council.

The Council shall consist of the mayor and six members at large elected as provided in Chapter 10 of this charter, and they shall serve for terms of three years or until their successors shall have been elected and take office. (1950, c. 536; 1956, c. 262; 2015, cc. 201, 294)

§ 3.02. Compensation of the council.

Members of the council and the mayor shall receive in full compensation for their services the rate of compensation set by ordinance, except that no such rate of compensation shall be increased to become effective during the term of office of the members of council and the mayor in which the vote to increase the compensation is cast. (1950, c. 536; 1962, c. 61; 1968, c. 510; 1971, c. 166; 2015, cc. 201, 294)

§ 3.03. Qualifications of council members.

If a councilman shall cease to reside within the territorial limits of the City of Alexandria or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant. Neither the Mayor or any other member of the council shall during the term for which he was elected and for one year thereafter be appointed to any office of profit under the government of the city. (1950, c. 536)

§ 3.04. Powers.

All powers of the city as granted in Chapter 2 of this charter and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(a) Appoint and remove the city manager.

(b) Adopt the budget of the city.

(c) Authorize the issuance of bonds by a bond ordinance.

(d) Inquire into the conduct of any office, department or agency of the city and make investigation as to municipal affairs.

(e) Establish administrative departments, offices or agencies.

(f) Appoint the members of the planning commission and the board of zoning appeals.

(g) Establish advisory boards and commissions and appoint their members.

(g-01) Notwithstanding any contrary provisions of law, general or special, establish by ordinance term limits for the members appointed by the council to any or all governmental or advisory boards or commissions.

(h) Provide for an independent audit.

(i) Provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees of the city.

(j) Provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city. (1950, c. 536; 1952, c. 564; 1962, c. 61; 1970, c. 492; 2009, c. 539; 2015, cc. 201, 294)

§ 3.05. Mayor and vice-mayor.

The mayor shall be elected as provided by Chapter 10 of this charter. The vice-mayor shall be a councilman and shall be elected by a majority vote of all the members of the council, including the mayor. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. The mayor shall not have the power of veto. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. If a vacancy shall occur in the office of mayor, such vacancy shall be filled as provided in Chapter 10 of this charter. If a vacancy shall occur in the office of vice-mayor, the council shall forthwith fill such vacancy for the unexpired term by majority vote of all the remaining members of council, including the mayor. In the absence or disability of the mayor, the vice-mayor shall perform the duties of mayor. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1968, c. 510; 1971, c. 166)

§ 3.06. City clerk.

The council shall appoint a city clerk and shall have power to remove him from office. He shall be the clerk of council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. He may incorporate into the said journal by reference various documents, including, but not limited to, agreements, ordinances, resolutions, reports and maps. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time. He shall receive compensation to be fixed by the council. The city clerk may appoint a deputy city clerk and shall have the

power to remove said deputy clerk from office. Any such appointed deputy city clerk shall, while holding office, have the power and authority to perform all of the duties and functions of the city clerk and clerk of council. (1950, c. 536; 1966, cc. 12, 83; 1972, c. 808; 1975, c. 511)

§ 3.06:1. Administrative assistants.

Notwithstanding any other provision of this charter, the mayor and each council member may appoint one administrative assistant. No member of the immediate family of a member of the council shall be eligible for appointment as an administrative assistant. For the purpose of this section, the spouse, parent, child, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law of a council member shall be considered a member of the member's immediate family. (1974, c. 595; 1976, c. 669; 1995, c. 782; 2015, cc. 201, 294)

§ 3.07. Induction of members.

The first meeting of a newly elected council shall take place at 7:00 P.M. on the second day of January following their election, or if such day shall fall on Saturday, Sunday or a legal holiday, then on the next business day following the second day of January. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1971, c. 166; 2002, c. 149; 2015, cc. 201, 294)

§ 3.07:1. Adjudication of election and qualifications of council and mayor.

The general laws of the Commonwealth relative to election recounts and election contests shall be applicable to mayor and council election recounts and contests. The council shall be the judge of the election and qualifications of its members, including the mayor, with respect to any matters not covered by the said general laws and the decision of the council shall be final and there shall be no right of appeal or review. (1971, c. 166)

§ 3.08. Rules of procedure.

The council shall be a continuing body and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office of or removal of the members of the body or any of them. Except as herein provided, the council shall establish its own rules of procedure. They shall provide that the council shall meet in regular session at least twice each month, except during the months of July and August. They shall also provide for the calling of special meetings by the mayor, the city manager or any two members of the council, provided that at least twelve hours' written notice of each special meeting is served personally on each member or left at his usual place of business or residence, which notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meeting except by the unanimous consent of all members of the council; provided, however, that a special meeting may be held at any time without notice if all members of the council attend said meeting or waive notice thereof. Regular and special meetings may be held at any suitable location in the city. Whenever a regular or special meeting is held at a location other than at city council chambers, notice of the time and location of any such meeting shall be published in a newspaper of general circulation in the city at least five days

prior to the meeting. In the event of an emergency no such notice need be published provided the city manager, the mayor, or any two members of the council attempt to give the news media such notice as can reasonably be given under the circumstances. A majority of the members of the council shall constitute a quorum for the transaction of business. No ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to council. On final vote on any ordinance or resolution the name of each member voting and how he voted shall be recorded. No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public and unless it shall have received the affirmative votes of a majority of the members present. No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken. No ordinance or resolution appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid unless at least three days intervene between its introduction and its passage. (1950, c. 536; 1952, c. 564; 1971, c. 166; 1972, c. 808; 1988, c. 157)

§ 3.09. Ordinances.

In addition to such acts of the council which are required by the Constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department or creating, assigning, abolishing any bureau, division, office, agency or employment, making an appropriation in excess of five thousand dollars, except as provided by § 5.16, authorizing the borrowing of money, except as provided by §§ 7.04, 7.19, 7.20 and 7.21, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed shall be by ordinance. (1950, c. 536; 1952, c. 564; 1971, c. 166)

§ 3.10. Form of ordinance.

Every ordinance except the annual appropriation ordinances and an ordinance codifying ordinances shall be confined to a single subject which shall be clearly expressed in its title. All ordinances shall be introduced in typewritten or printed form or a combination of both. All ordinances which repeal or amend existing ordinances shall identify by title the section or subsection to be repealed or amended. The enacting clause of all ordinances shall be: "The City Council of Alexandria hereby ordains." Unless another date is specified therein and except as otherwise provided in this charter, an ordinance shall take effect on the day of its final passage. (1950, c. 536; 1952, c. 564; 1972, c. 808; 1976, c. 669)

§ 3.11. Procedure for passing ordinances.

Any ordinance may be introduced by any members of the council or by the city manager at any regular meeting of the council or at any special meeting when the subject thereof has been included in the

notice for such special meeting or been approved by the unanimous consent of all members of the council. Upon introduction, the ordinance shall receive its first reading and, provided it shall receive an affirmative vote of the majority of members present at this meeting; and provided further, it is not a matter that by this charter or some other provision of law requires more than a majority vote, a time, not less than three days after such introduction, and place shall be set at which the council will hold a public hearing concerning it. If all members of the council present at such introduction have received a copy of the proposed ordinance not less than twenty-four hours before said introduction, then only the item as it appears on the docket of matters to be considered by city council need be read for the first reading, otherwise the ordinance shall be read verbatim. The hearing may be held at a regular or special meeting of the council and may be adjourned from time to time. It shall be the duty of the city clerk to cause to be published in a newspaper of general circulation in the city, not later than the fifth day following the introduction of the ordinance, a notice containing the time and place of the hearing and the title of the proposed ordinance. It shall also be his duty to have the title or the full text of the proposed ordinance printed in sufficient numbers to supply copies to meet requests or to cause it to be published as a paid advertisement in a newspaper of general circulation in the city. It shall also be the duty of the city clerk to place a copy of the ordinance in a file provided for each member of the council for this purpose. A proposed ordinance, unless it be an emergency ordinance, may be finally passed upon its second reading at either a regular or special meeting of the council following the introduction, publication and conclusion of the public hearing thereon.

Amendments or additions to an ordinance may be made at any time after introduction and further publication of an amendment is not necessary, except that if said amendments or additions introduce an entirely new subject matter and radically change the overall purpose of said ordinance, then they shall be handled separately and introduced as a new ordinance. At the second reading only the item as it appears on the docket of matters to be considered by city council need be read, unless amendments or additions have been made subsequent to the introduction, in which case said amendments or additions shall be read in full prior to passage. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1966, cc. 12, 83; 1971, c. 166; 1976, c. 669; 1988, c. 157)

§ 3.12. Emergency ordinances.

Except for ordinances appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, if, in the opinion of council, an emergency exists, an ordinance pertinent to the emergency may be read a second time and passed with or without amendment at the same meeting at which it is introduced, and no publication or specific time interval between introduction and passage is necessary. An emergency ordinance must contain a specific statement of the emergency claimed, and must be passed by a two-thirds affirmative vote of the members of the city council present. (1950, c. 536; 1952, c. 564; 1971, c. 166)

§ 3.13. Submission of ordinances or issues to the qualified voters of the city.

The Council shall have authority to submit by resolution directed to the circuit court of the City of Alexandria or the judge thereof in vacation, any proposed ordinance, question or issue to the qualified voters of the city for an advisory referendum thereon. Upon the receipt of such resolution, the circuit court of the City of Alexandria or the judge thereof in vacation shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by the general law of the Commonwealth for the conduct of referendum elections, and by the regular election officials of the city. (1950, c. 536; 2015, cc. 201, 294)

§ 3.14. Record and codification of ordinances.

Every ordinance after passage shall be given a serial number and shall be recorded by the clerk in a properly indexed book kept for that purpose. The council may cause to be prepared, under the direction of the city attorney, a codification of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without hearings or prior publication. This codification, to be known and cited officially as the city code, shall be printed and distributed as the council may direct.

In so codifying such ordinances, the council may, without limitation of the foregoing, arrange the various ordinances and assign to them appropriate places and section numbers, create new titles, chapters, articles and sections, correct unmistakable printers' errors or other unmistakable errors, make consequential changes in the titles of officers, agencies and references which are no longer appropriate, and make such other consequential changes, alterations, modifications, additions and substitutions therein as it may deem best to the end that a complete simplified code of ordinances in force shall be presented, but with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated. (1950, c. 536; 1956, c. 262)

§ 3.15. Appointments and removals.

The council in making appointments and removals shall act only by the affirmative votes of at least four members.

Notwithstanding any other provision of this charter or any provision of law, the council in making appointments and removals shall vote openly and publicly and the vote of each council member by name for each person voted upon shall be recorded in the minutes and journal of the council proceedings. The failure of any councilman to vote in the above described manner shall result in his vote not being counted for the particular ballot, poll, vote or roll call under consideration but any such failure shall not prevent his vote from being counted in any subsequent ballot, poll, vote or roll call for the same or another appointment or removal if his vote is cast in the required manner. (1950, c. 536; 1970, c. 492)

§ 3.16. Removal of council members.

Any member of the council may be removed by the council but only for malfeasance in office or neglect of duty; provided that the member of the council sought to be removed shall have been served with a written notice of the intention of the council to remove him, which notice shall contain a clear statement of the grounds for such removal and shall fix the time and place, not less than ten days after the service of such notice, at which he shall be given opportunity to be heard thereon. After the hearing which shall be public at the option of the council member sought to be removed and at which he may be represented by counsel, he may be removed by a vote of six members. It shall be the duty of the council, at the request of the council member sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council removing one of its members, an appeal may be had to the circuit court of the City of Alexandria. Any council member who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude shall cease to be a member of the council. (1950, c. 536; 2015, cc. 201, 294)

§ 3.17. Power of investigation.

The council shall have power to investigate any or all of the departments, boards, commissions, offices and agencies of the city government, and any officer or employee of the city. The council, in an investigation or hearing held by it, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Council shall have the power to apply to the judge of the circuit court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or who refuses to produce books and papers as ordered by the council, and the judge of said court shall, upon good cause shown, cause said subpoena to be issued. Any person refusing to obey the issuance of said subpoena as directed by the judge of the circuit court, upon failure to give satisfactory excuse to said judge may be fined not exceeding the sum of one hundred dollars or imprisoned not exceeding thirty days or both, such person to have the right of appeal, as in cases of misdemeanor, to the circuit court of Alexandria. Witnesses may be sworn by the officer presiding at investigations conducted by the council and shall be liable to prosecution for perjury for any false testimony given at such investigations. (1950, c. 536; 2015, cc. 201, 294)

Chapter 4. City Manager.

§ 4.01. The city manager; qualifications.

The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city. (1950, c. 536)

§ 4.02. The city manager; powers and duties.

The city manager shall be the chief executive officer of the city government. He shall be responsible to the council for the proper administration of all affairs of the city, except those responsibilities vested by law in the school board, and to that end he shall have power and shall be required to:

(a) Attend all meetings of the council with the right to introduce ordinances and to speak but not to vote.

(b) Keep the council advised of the financial condition and future needs of the city and of all matters pertaining to its proper administration, and to make such recommendations as may seem to him desirable.

(c) Prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption.

(d) Prepare in suitable form for publication and submit to the council each year at its first meeting in the fifth month following the end of the preceding fiscal year a concise, comprehensive report of the financial transactions and administrative activities and all other operations of the city government during the fiscal year ending on the last day of the preceding fiscal year, which report shall become a part of the minutes of the council and shall be printed if the council so directs.

(e) Present adequate monthly financial and activity reports at a regular meeting of council.

(f) Give such bonds as the council may require.

(g) Perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth, other than the duties conferred on the mayor by this charter.

(h) Prepare and submit to the council, whenever required by the council, a program of capital improvement projects and a budget therefor, covering such a term of years as council may designate. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1976, c. 669)

§ 4.03. Powers of appointment and removal.

The city manager shall appoint for an indefinite term and remove, except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city; provided, however, that such powers shall not extend to the employees of the school board and provided further that, where the council is given power by this charter to establish an advisory board or advisory commission for any purpose, the council may provide for the appointment of the members of such board or commission by the city manager or by the council, and for the appointment by such board or commission of its employees, and may specify which, if any, of such employees shall not be included under such personnel regulations as may be established by the manager for the service of the city under Chapter 8 of this charter. (1950, c. 536)

§ 4.04. Council and council members not to interfere in appointments or removals or direction of personnel.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by any of his subordinates, except as specifically provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman. Provided, however, that nothing herein contained shall be construed as prohibiting any councilman from discussing with the city manager any appointment or removal. (1950, c. 536)

§ 4.05. Absence of city manager.

To perform the duties of the city manager in the event of his temporary absence, disability, death or resignation, the council may by resolution appoint an officer of the city or any person other than a member of the council to perform the duties of manager until said manager returns to duty or his successor is duly appointed. (1950, c. 536)

§ 4.06. Directors of departments.

There shall be a single executive head of each department of the city government, who shall be an officer of the city and shall have direction and control of his department, subject to the supervision of the city manager. Two or more departments may be headed by the same individual, the manager may head one or more departments, and the directors of departments may also serve as chiefs of divisions. (1950, c. 536)

§ 4.07. Relations with boards, commissions, and agencies.

The city manager shall have the right to attend and participate in the proceedings of, but except as otherwise provided in this charter or by law not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance. (1950, c. 536; 1952, c. 564)

§ 4.08. Assessment and equalization.

(a) The City Manager shall provide for the annual assessment and equalization of assessments of real estate for local taxation, and to that end may establish a city real estate assessment office and appoint an assessor to assess such real estate for taxation and to equalize such assessment. The budget for the city real estate assessment office shall be approved by the city council.

(b) All duties imposed and all powers conferred by law on the Commissioner of the Revenue with respect to the assessment of real estate shall be transferred to the assessor appointed pursuant hereto. The director of finance shall continue to prepare the land book and make disposition of the copies thereof as required by law. The land book shall be prepared by the director of finance on the basis

of the assessments made by the assessor and certified to him. Transfers shall be verified by the director of finance.

(c) All real estate shall be assessed at its fair market value as of January first of each year by such assessor, and shall not be reassessed during such year subject to such modifications as may have been lawfully made, and taxes for each year on such real estate shall be extended by the director of finance on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made; provided, however, no notices of assessment shall be mailed or delivered during the month of December of any year and any such notices mailed or delivered during such month shall be void, unenforceable and of no effect.

(d) Notwithstanding any of the provisions of §§ 58.1-3370 and 58.1-3373 to 58.1-3376, inclusive, of the Code of Virginia, as amended, there shall be appointed to three-year staggered terms a board of review of real estate assessments composed of nine members, five of whom shall be appointed by the circuit court of said city or the judge thereof in vacation and four of whom shall be appointed by the council of said city. All members of the board shall be residents of and own real property within the city. Members serving on the board as of July 1, 2010, shall continue in office until the completion of their terms. Beginning July 1, 2010, the circuit court or the judge thereof in vacation shall appoint one additional member for a two-year term and one additional member for a three-year term. Also, beginning July 1, 2010, the Alexandria City Council shall appoint one additional member for a two-year term and one additional member for a three-year term. After these initial appointments, all subsequent appointments shall be for three-year terms.

The terms of all members shall commence on their appointment and shall expire on the thirty-first day of December of the year in which their term ends. The circuit court or the judge thereof in vacation and the council of said city shall fill any vacancy therein for the unexpired term of their respective appointees. The members of the said board shall receive per diem compensation for the time actually engaged in the duties of the board, to be fixed by the council of said city, and to be paid out of the treasury of said city; provided, however, that the council of said city may limit the per diem compensation to such number of days as, in its judgment, is sufficient for the completion of the work of the board.

Such board of review shall have and may exercise the power to revise, correct and amend any assessments of real estate made by said assessor in the year in which such assessments are effective, within such time as the council shall provide in accordance with § 58.1-3378 of the Code of Virginia, as amended, and to that end shall have all the powers conferred upon the boards of equalization by §§ 58.1-3378 to 58.1-3387, inclusive, of the Code of Virginia, as amended. Notwithstanding any provision of said sections, however, the board of review may adopt any regulations providing for the oral presentation, without formal petitions or other pleadings of requests for review, and looking to the fur-

ther facilitation and simplification of proceedings before the board, except that all matters before the board whether on behalf of the taxpayer or assessor, shall be presented in public session.

The board of review may sit in panels of at least three members each under the following terms and conditions:

1. The presence of all members in the panel shall be necessary to constitute a quorum.

2. The chairman of the board of review shall assign the members to panels and, insofar as practicable, rotate the membership of the panels.

3. The chairman of the board of review shall preside over any panel of which he is a member and shall designate the presiding member of the other panels.

4. Each panel shall perform its duties independently of the others.

The board of review shall sit en banc (i) when there is a dissent in the panel to which the matter was originally assigned and an aggrieved party requests an en banc hearing or (ii) upon its own motion at any time, in any matter in which a majority of the board of equalization determines it is appropriate to do so. The board of review sitting en banc shall consider and decide the matter and may affirm, reverse, overrule or modify any previous decision by any panel.

Any person of said city aggrieved by any assessment made by said assessor or board of review may apply for relief in the manner provided by §§ 58.1-3984 to 58.1-3989, inclusive, of the Code of Virginia, as amended; provided, however, that no person aggrieved by any assessment made by the assessor may apply for or be entitled to relief pursuant to said sections of the Code of Virginia until the assessment complained of has first been reviewed by and acted upon by the board of review.

(e) This law shall not apply to the assessment of any real estate assessable under the law by the State Corporation Commission.

(f) All acts and parts of acts relating to the assessment of real estate in cities not in conflict with the provisions hereof shall apply to the assessments made hereunder.

(g) The Council may require that the owners of income-producing real estate in the city subject to local taxation, except property producing income solely from the rental of no more than four dwelling units, furnish to the said assessor on or before a specified time statements of the income and expenses attributable over a specified period of time to each such parcel of real estate. Each such statement shall be certified as to its accuracy by an owner of the real estate for which the statement is furnished, or a duly authorized agent thereof. Any statement required by this section shall be kept confidential as required by § 58.1-3 of the Code of Virginia, as amended. (1956, c. 262; 1964, cc. 44, 288; 1968, c. 510; 1970, c. 492; 1973, c. 258; 1977, c. 122; 1983, c. 314; 2010, c. 221)

Chapter 5. Finance.

§ 5.01. Department of finance.

There shall be a Department of Finance, which shall include the functions of accounting and control, purchasing and such other functions as may be provided by ordinance. The Department of Finance shall include all the functions of the administration of the financial affairs of the city, including the powers conferred and duties imposed by § 5.04 (i), (j), (k), and (l) of this charter. (1950, c. 536; 1952, c. 564; 1973, c. 258; 1981, c. 512; 2015, cc. 201, 294)

§ 5.02. Director of finance.

The head of the department of finance shall be the director of finance, who shall be, or be appointed by, the city manager. If appointed, he shall be a person skilled in accounting and financial control. (1950, c. 536)

§ 5.03. Director of finance to give bond.

The director of finance shall provide a bond with such surety and in such amount as the council may require. (1950, c. 536)

§ 5.04. Director of finance; powers and duties.

The Director of Finance, under the supervision of the City Manager, shall have charge of the administration of the financial affairs of the city, and to that end he shall have authority and shall be responsible for the Department of Finance in order to discharge the following functions:

(a) Compile the current expense estimates for the budget for the City Manager.

(b) Compile the capital estimates for the budget for the City Manager.

(c) Supervise and authorize the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded. This subsection shall not apply to the administration of school funds.

(d) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial and budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; and require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient. This subsection shall not apply to the administration of school funds.

(e) Submit to the council through the City Manager a monthly statement of all receipts, disbursements, and encumbrances of funds in sufficient detail to show the exact financial condition of the city.

(f) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report.

(g) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government.

(h) Approve all proposed expenditures. No appropriation shall be encumbered and no expenditure shall be made unless the Director of Finance shall certify that there is an unencumbered balance of appropriated and available funds.

(i) Exercise all the powers conferred and perform all the duties imposed by law upon commissioners of the revenue.

(j) Exercise all the powers conferred and perform all the duties imposed by law upon city treasurers.

(k) Collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all deposits and all other money receivable by the city from whatever source.

(l) Exercise all the powers conferred and perform all the duties otherwise imposed by law upon city collectors or similar officers.

(m) Exercise such other functions as may be provided by ordinance. (1950, c. 536; 1952, c. 564; 1973, c. 258; 1981, c. 512)

§ 5.04:1. Signatures on city checks.

All city checks shall be signed by the Director of Finance. When the city manager so directs, designated city checks shall also be countersigned by such other officials as the city manager may select. Any such signature or countersignature may be a facsimile one which is made by means of such mechanical or electrical devices as the Director of Finance may select. Before any facsimile is used the city manager shall establish a security method for storing and using such facsimile. (1974, c. 595)

§ 5.05. Work programs; allotments.

Before the beginning of the budget year, the head of each office, department or agency shall submit to the director of finance, at such time as may be set by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, for such periods as may be designated by the city manager, for the entire budget year. The city manager shall review the requested allotments and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department or agency for the budget year. (1950, c. 536)

§ 5.06. Allotments constitute basis of expenditures and are subject to revision.

The director of finance shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. An approved

allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the city manager shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices, departments and agencies and revise the allotments so as to prevent the making of expenditures in excess of the said income. (1950, c. 536)

§ 5.07. Transfers of appropriations.

The city manager may at any time transfer any unencumbered appropriation balance or portion thereof within the accounts of an office, department or agency. The council when advised of the details by the city manager may by duly docketed resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. (1950, c. 536; 1968, c. 510)

§ 5.08. Accounting supervision and control.

The director of finance, except as to public schools, shall have power and shall be required to:

(a) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government.

(b) Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that funds have been appropriated and allotted and will be available when the obligation shall become due and payable.

(c) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the city attorney determine the regularity, legality and correctness of such claims, demands or charges.

(d) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office. (1950, c. 536; 1952, c. 564)

§ 5.09. When contracts and expenditures prohibited.

No officer, department, or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter shall be null and void. Any officer or employee of the city who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts of the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (1950, c. 536)

§ 5.10. Appropriations lapse at end of year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. (1950, c. 536)

§ 5.11. Fees shall be paid to city government.

All fees payable to the city received by any officer or employee shall belong to the city government and shall be paid to the department of finance as and when directed by the director of finance. (1950, c. 536; 1952, c. 564)

§ 5.12. Division of purchases.

There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent. The purchasing agent, pursuant to rules and regulations established by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department, or agency of the city government. (1950, c. 536; 1981, c. 512)

§ 5.13. Competitive bidding.

Before the city purchasing agent makes any contract, he shall give ample opportunity for competitive bidding or competitive negotiation, under such rules and regulations, and with such exceptions, as the council may prescribe; provided, however, that the council shall not except individual contracts, purchases or sales from the requirement of competitive bidding or competitive negotiation. (1950, c. 536; 1952, c. 564; 1981, c. 512; 1983, c. 314)

§ 5.14. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1976, c. 669; repealed 1981, c. 512)

§ 5.14.1. (1968, c. 510; repealed 1981, c. 512)

§ 5.15. No contract executed until bond ordinance effective.

No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law. (1950, c. 536)

§ 5.16. Emergency appropriations.

At any time in any budget year, the council may make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriations shall be by resolution adopted by the favorable votes of two-thirds of all members of the council. The total amount of all emergency appropriations made in any budget year shall not exceed three per centum of the total operating appropriations made in the budget for that year. (1950, c. 536; 1971, c. 166; 1981, c. 512)

§ 5.17. Auditor of municipal accounts.

There may be an auditor of municipal accounts to be appointed by the council for an indefinite term. He shall be qualified by training and experience for the duties of his office. It shall be his duty to

examine and audit all accounts, books, records and financial transactions of the city, and of any department, court, board, commission, office or agency thereof, excluding such accounts as are audited by the auditor of public accounts of the Commonwealth but including all trust and special funds. It shall be his duty to make annually to the council, as soon after the end of the fiscal year as possible but in any event not later than ninety days, a complete audit report covering the transactions of the preceding fiscal year as they appear in the accounts, books and records kept in the department of finance, with such comments and recommendations as he may deem advisable. He shall make examinations and audits of the accounts, books and records of other departments, courts, boards, commissions, offices and agencies subject to examination and audit by him at such times as he or the council shall deem necessary and upon completion of each such examination or audit shall file with the council a report thereof in writing. He shall also transmit a copy of each such report to the city manager and to the department, court, board, commission, office or agency covered thereby. If he shall at any time discover any unauthorized, illegal, irregular or unsound practice he shall forthwith lay such facts before the city manager and council. In performing his duties he shall have access at any and all times to all books, records and accounts of each department, court, board, commission, office or agency of the city subject to examination and audit by him. A copy of each audit report made to the council by the auditor of municipal accounts shall always be available for public inspection in the office of the city clerk during regular business hours. (1950, c. 536)

§ 5.18. Independent audit.

The council shall cause to be made at least every year from the date of the adoption of this charter an independent audit of all accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection in the office of the city manager during regular business hours. (1950, c. 536)

§ 5.19. Power to sell property for taxes.

The Director of Finance shall have any or all of the powers which are now or which may be hereafter vested in any office of the State charged with the collection of State taxes and any powers granted by State law for the collection of local taxes, and may collect the same in the same manner in which State taxes are collected by any officer of this State, unless and except as otherwise provided by law. No deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained or sold for taxes assessed thereon, no matter in whose possession such goods and chattels may be found. A tenant from whom payment of taxes on his landlord's property shall be obtained by distress or otherwise shall have credit for the same against such person on account of his rent, unless by contract the tenant is to pay such taxes. The council may require a list of all real estate in the city of Alexandria delinquent for nonpayment of taxes thereon for the preceding year to be recorded in a book of

delinquent taxes to be kept in the office of the Director of Finance. (1950, c. 536; 1973, c. 258; 1975, c. 511)

§ 5.20. Penalties for nonpayment of taxes; interest.

The council may impose penalties for the nonpayment of city taxes and levies by the day fixed by ordinance for payment thereof, and for the failure to make any return required by law for the assessment of taxes, and may cause such penalties to be added to the amount of taxes and levies due from taxpayers, as it may by ordinance or resolution from time to time prescribe; and the council may charge interest at a rate fixed by ordinance, not to exceed fifteen per centum per annum, on such unpaid taxes and levies and penalties for nonpayment thereof. The Director of Finance shall have the power of distress, garnishment or action and any powers granted by State law for the collection of delinquent local taxes and any other power now possessed or that may hereafter be given to any person charged with the collection of delinquent State taxes. Should it come to the knowledge of the Director of Finance that any person, firm or corporation owing taxes or levies to the city is moving or contemplating moving therefrom prior to the day fixed by ordinance for payment thereof, he shall have the right to collect taxes by distress, garnishment, suit or action or otherwise at any time after such bills for taxes have come into his hands unless and except as otherwise provided by law. (1950, c. 536; 1973, c. 258; 1975, c. 511; 1980, c. 591; 1981, c. 512)

§ 5.21. Foreclosure of tax liens by city.

There shall be a lien on all real estate within the corporate limits and on each and every interest therein for all taxes, levies, or charges assessed thereon or against the same, or upon or against the owner or owners thereof, under the provisions of this charter, or by ordinance, which lien shall have priority over all other liens except the lien for State taxes. When any such taxes or levies or charges have not been paid by the third anniversary of the original due date thereof, the council may require such real estate to be sold for said taxes, levies, or charges in accordance with the provisions of Article 8 of Chapter 21 of Title 58 of the Code of Virginia. (1950, c. 536; 1972, c. 808; 1973, c. 258; 1975, c. 511; 1980, c. 591)

§ 5.22. (1950, c. 536; 1971, c. 166; 1973, c. 258; repealed 1975, c. 511)

§§ 5.23 through 5.27. (1950, c. 536; 1973, c. 258; repealed 1975, c. 511)

§ 5.28. Deputy director of finance.

The Director of Finance shall have the power to appoint and remove a Deputy Director of Finance. The Deputy Director of Finance shall have such powers and duties as the Director of Finance may lawfully authorize him to perform. The Deputy Director of Finance shall also have the power to authenticate city bonds by manual signature when the city council by resolution shall so determine. (1964, cc. 44, 288; 1973, c. 258; 1981, c. 512)

Chapter 6. Budget.

§ 6.01. Fiscal year.

The fiscal year of the city government shall be established by ordinance. Such fiscal year shall constitute the budget and accounting year. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered. (1950, c. 536; 1952, c. 564)

§ 6.02. Submission of budgets.

The City Manager shall submit to the council a general budget, a capital budget and an explanatory budget message in the form and with the contents provided by this chapter at such time as the council may by ordinance require. (1950, c. 536; 1970, c. 492; 1981, c. 512)

§ 6.03. Preparation of budgets.

It shall be the duty of the head of each department, the judges of all courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the Sheriff, the Attorney for the Commonwealth, and clerks of courts to file with the City Manager or with another employee of the city designated by him, at such time as the City Manager may prescribe, estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the City Manager or his designee and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the City Manager may require to be submitted thereon. The employee designated by the City Manager shall assemble and compile these estimates and supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the City Manager in the preparation of the budgets. The City Manager shall hold such hearings as he may deem advisable, and with the assistance of city staff shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board he may recommend a revision only in its total estimated expenditure. (1950, c. 536; 1973, c. 258; 1981, c. 512; 2015, cc. 201, 294)

§ 6.04. Scope of the general budget.

The general budget shall contain:

(a) An estimate of such portion of the general fund cash surplus, if any, at the end of the current fiscal year as it is proposed to use for meeting expenditures in the general budget.

(b) An estimate of the receipts for current ad valorem taxes on real estate and personal property during the ensuing fiscal year, assuming that the proportion of the levy collected be no greater than the average proportion of the levy collected in the last three completed tax years.

(c) An estimate of receipts from all other sources of revenue provided that the estimated receipts from no such source shall exceed the amount estimated to be received from such source in the current fiscal year by more than the average rate of increased collections from that source during the preceding two fiscal years, unless the reasons for an increase greater than the average rate are contained in a written statement furnished by the city manager.

(d) A statement to be furnished by the director of finance of the debt service requirements for the ensuing year.

(e) An estimate of the city's cash deficit, if any, at the end of the current fiscal year and of any other obligations required by this charter to be budgeted for the ensuing fiscal year.

(f) An estimate of expenditures for all other purposes to be met in the ensuing fiscal year.

All the estimates shall be in detail, showing receipts by sources and expenditures by operating units, functions, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year in comparison with estimated receipts and recommended expenditures for the ensuing year. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present a simple and clear summary of the detailed estimates of the budget. (1950, c. 536; 1952, c. 564; 1968, c. 510)

§ 6.05. A balanced budget.

In no event shall the expenditures recommended by the City Manager in the general budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year unless property assessments have been raised or unless the City Manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes, licenses or other sources. Receipts from increased taxes, licenses or other sources shall be estimated on the basis of the average rate of increased collections during the preceding two fiscal years except in instances in which the city manager submits as a part of the budget a written statement explaining any estimate that is made on some other basis. Receipts from new taxes, licenses or other sources shall be estimated on information available from other cities, the State of Virginia or other states, the federal government or other appropriate sources. If estimated receipts exceed estimated expenditures, the City Manager may recommend revisions in the tax, license or other ordinances of the city in order to bring the general fund budget into balance. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1981, c. 512)

§ 6.06. (1950, c. 536; repealed 1981, c. 512)

§ 6.07. Appropriation and additional tax ordinances.

At the same time that he submits the general fund budget the city manager may introduce in the council a general appropriation ordinance. The appropriation ordinance shall be based on the general fund budget but need not be itemized further than by departments and the major operating units thereof, and by courts, bureaus, boards, commissions, offices and agencies submitting separate budget estimates, and by the principal object of the expenditure. At the same time the city manager shall also introduce any proposals for altering the tax rate on real estate and personal property or other proposals for levying a new tax or altering the rate of any other tax necessary to balance the general fund budget as hereinbefore provided. New ordinances altering the tax rate or levying a new tax may, however, be introduced and passed at any other time of the year, except that the rate of the tax that is levied on real estate shall be fixed as set forth in § 2.02 (a) (1). (1950, c. 536; 1952, c. 564; 1964, cc. 44, 288; 1970, c. 492)

§ 6.08. Budget a public record.

The budget and budget message and all supporting schedules shall be a public record in the office of the city manager open to public inspection after the budget has been submitted to the council and made public by it; provided, however, except as stated in section 6.08.1, no department or agency, head or judge or board or commission, manager, or director of finance shall divulge details of the proposed budget nor make public statements regarding budget estimates until the budget has been submitted to the council and made public by it. The city manager on authorization from the council shall cause sufficient copies of the budget message to be prepared for distribution to interested persons. (1950, c. 536; 1968, c. 510)

§ 6.08.1. School budget hearings.

The school board shall, prior to the time work has begun on the school budget, hold a public informational hearing to receive suggestions from the public concerning the school budget. The school board shall also hold a public hearing on its proposed budget prior to submitting it to the City Manager. The school board shall cause a notice of the time and place of each public hearing to be published in a newspaper of general circulation in the city at least seven days prior to the hearing. The school board shall also cause copies of the proposed budget to be available to the public at least seven days prior to the public hearing on the proposed budget. The school board may submit to the City Manager as its proposed budget the same proposed budget considered at the public hearing or it may, subsequent to said public hearing, submit a revised proposed budget. (1968, c. 510; 1981, c. 512)

§ 6.09. Publication of notice of public hearing.

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, which time shall be at least sixty days prior to the beginning of each budget year, and shall cause to be published a notice of the place

and time, not less than seven days after date of publication, at which the council will hold a public hearing. (1950, c. 536; 1970, c. 492)

§ 6.10. Public hearing on budget.

The council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof. (1950, c. 536; 1981, c. 512)

§ 6.11. Action by the council on the general budget.

After the conclusion of the public hearing on the general budget, the council may insert new items of expenditure or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service or other provision of law shall be reduced or stricken out. The council shall in no event adopt a general budget in which the total of expenditures exceeds the receipts, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as hereinbefore provided, sufficient to make up the difference. (1950, c. 536; 1981, c. 512)

§ 6.12. Adoption of budget.

The budget shall be adopted by the votes of at least a majority of all the members of the council. The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council. (1950, c. 536)

§ 6.13. Additional appropriations.

An appropriation in addition to those contained in the general appropriation ordinance, except for the purpose of meeting a public emergency as provided for elsewhere in this charter, may be made by the council, by not less than a majority affirmative vote of all members of council, only if there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. (1950, c. 536; 1972, c. 808; 1981, c. 512)

§ 6.14. Capital budget.

At the same time that he submits the general budget the city manager shall submit to the council a budget of the proposed capital improvement projects for the ensuing fiscal year and for the five fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city manager shall obtain and transmit to the council the advisory recommendations of the planning commission with regard to the consistency of proposed capital improvement projects with the master plan and the priority and timing of those projects in comparison to other elements in the master plan. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year but, except in the case of emergency as provided in subsection (d) of § 2.02 of this charter, the council

shall not authorize any capital improvement project or make any appropriation therefor unless such project is included in the capital budget as adopted by it. The council shall hold at least one public hearing on said budget and shall take final action on the budget not later than twenty calendar days after the date prescribed for the adoption of the general budget. A capital project in the budget may lapse at the end of one year but once an appropriation has been made for such project it shall not lapse until approved by the city council at a meeting open to the public at which meeting the matter of lapse of the specified project involved is a duly docketed item. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1982, c. 480)

§ 6.15. Reserve for permanent public improvements.

The council may by ordinance establish a reserve fund or account or both for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund or account or both a specified portion of the ad valorem tax on real estate and tangible personal property not to exceed ten cents on the hundred dollars of the assessed valuation thereof or the whole or part of the proceeds of any other tax. Appropriations from the said fund or account or both shall be made only to finance improvements included in the capital budget. (1950, c. 536; 1968, c. 510)

Chapter 7. Borrowing.

§ 7.01. Borrowing power.

The City Council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter. (1950, c. 536)

§ 7.02. Purposes for which bonds may be issued.

Bonds may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project, paying all costs incurred in any extension of the city's boundaries and to refund outstanding bonds. A capital improvement is hereby defined to include any public improvement or utility which the city is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, structure, or facility necessary or useful in carrying out the powers of the city, and in the equipment or re-equipment of the same. (1950, c. 536; 1968, c. 510)

§ 7.03. Limitations on indebtedness.

The city shall not issue any bonds or other interest bearing obligations which, including existing indebtedness, shall, at any time, exceed eighteen per centum of the assessed valuation of real estate in said city subject to taxation, as shown by the last preceding assessment for taxes. In determining the limitation for the city there shall not be included the classes of indebtedness enumerated in paragraphs (1), (2), (3) and (4) of subsection (a) of Section 10, Article VII of the Constitution of Virginia.

All contract obligations, heretofore or hereafter incurred, by the city to provide payments to the Washington Metropolitan Area Transit Authority on account of transit facilities in the Washington Metropolitan Area shall not be included as a class of indebtedness in determining the debt limitation of the city pursuant to Article VII, Section 10 of the Constitution of Virginia. (1950, c. 536; 1972, c. 808)

§ 7.04. Notes in anticipation of bonds.

Whenever an issue of bonds has been authorized as provided in this charter, the Director of Finance, when authorized by resolution, shall have power to issue notes of the city in anticipation of such bonds, for the purpose of defraying the whole or any part of the cost of such project. Such notes shall be authenticated by the signature of the Mayor and the Director of Finance and shall mature not later than two years after the date of issue. (1950, c. 536; 1952, c. 564; 1973, c. 258; 1981, c. 512)

§ 7.05. Form of bonds.

All bonds issued pursuant to this charter shall be paid in consecutive annual installments, no one of which shall be more than three times the smallest prior installment. The first annual installment of any issue or of any block or series of bonds shall be payable not later than two years from the date of sale of such issue or block or series thereof. Bonds shall be authenticated by the manual signature of the Director of Finance, or the Deputy Director of Finance, as the city council by resolution shall determine, and shall bear the facsimile signature of the Mayor and a facsimile of the seal of the city attested by the facsimile signature of the City Clerk. Should interest payments on such bonds be evidenced by coupons attached thereto, such coupons shall be authenticated by the facsimile signature of the Mayor. (1950, c. 536; 1964, cc. 44, 288; 1971, c. 166; 1973, c. 258; 1981, c. 512)

§ 7.06. Ordinance for bond issue.

(a) Ordinance Required: All bonds shall be authorized by ordinance, the procedure for the passage of which shall be the same as for the passage of any ordinance, except that such ordinance shall not be passed as an emergency ordinance, and that two-thirds affirmative votes of all members of the council shall be necessary for its adoption.

(b) What Ordinance Must Show: The ordinance shall state:

1. In brief and general terms the purpose or purposes for which the bonds are to be issued, including, in the case of funding or refunding bonds, a brief description of the indebtedness to be funded or refunded sufficient to identify such indebtedness;

2. If the purpose of the bonds is to finance one or more capital improvement projects, a general description of each such project and an estimate of the maximum cost of each thereof;

3. The maximum aggregate principal amount of the bonds;

4. That the debt limit as prescribed herein and by the Constitution of the Commonwealth is not exceeded.

(c) When the Ordinance Takes Effect: A bond ordinance shall take effect at the time and upon the condition stated therein. (1950, c. 536; 1952, c. 564; 1968, c. 510)

§ 7.07. Period of limitation.

When thirty days shall have elapsed from the date of publication of the bond ordinance, or in case of submission to a referendum, from the date of approval by the voters, any recitals or statements of fact contained in said ordinance shall be deemed to be true for the purpose of determining the validity of the bonds, and the city and all other parties interested shall thereafter be estopped from denying them; the ordinance shall be conclusively presumed to have been duly and regularly passed by the city and to comply with the provisions of this charter and all laws; and the validity of such bond ordinance shall not thereafter be questioned in court action except in action commenced prior to the expiration of such thirty days. The city manager within five days after the enactment of a bond ordinance shall cause to be published a notice in a newspaper of general circulation in the city to the effect that the thirty days provided for in this subsection within which action questioning the validity of the ordinance can be commenced has begun to run. (1950, c. 536; 1952, c. 564; 1971, c. 166; 1988, c. 157)

§ 7.08. Consolidated bond issue.

Bonds for two or more unrelated purposes may be authorized by the same ordinance or by separate ordinances in the discretion of the council. After two or more ordinances have been passed, the council may, in its discretion, direct by resolution that all or any of the bonds authorized by the ordinances shall be issued as one consolidated bond issue. Separate issues of funding and/or refunding bonds may be made under authority of the same bond ordinance for the retirement of two or more different debts or classes of debts. (1950, c. 536; 1968, c. 510)

§ 7.09. Within what time bonds issued.

After a bond ordinance takes effect, bonds may be issued in conformity with its provisions at any time within three years after the ordinance takes effect, unless the ordinance is repealed, which repeal is permitted unless notes shall have been issued in anticipation of such bond issue and are outstanding. (1950, c. 536)

§ 7.10. Amount and nature of bonds determined.

The aggregate amount of bonds to be issued under a bond ordinance, the maximum rate or rates of interest they shall bear and the times and places of payment of the principal and interest of the bonds shall be fixed by resolution or resolutions of the council. The bonds may be issued either all at one time or from time to time in blocks, and different provisions may be made for different blocks. (1950, c. 536)

§ 7.11. Determining periods for which bonds to run.

(a) How periods estimated. Either in the bond ordinance or in a resolution passed after the bond ordinance, but before any bonds are issued thereunder, the council shall, within the limits of subsection (d) of this section, determine and declare:

1. The probable period of usefulness of the improvements, undertakings or properties for which the bonds are to be issued; or

2. If the bonds are to be funding or refunding bonds, either the shortest period in which the debt to be funded or refunded can be finally paid without undue burden upon the taxpayers, or, at the option of the council, the probable unexpired period of usefulness of the improvements, undertaking or property for which the debt was incurred.

(b) Average of Periods Determined. In the case of a bond issue authorized by different ordinances and consolidated by resolution, and in the case of a bond issue authorized by one ordinance for two or more unrelated purposes in respect of which several different periods are determined as aforesaid, the council shall also determine the average of the different periods so determined, taking into consideration the amount of bonds to be issued on account of each purpose or item in respect of which a period is determined.

The period required to be determined as aforesaid shall be computed from a date not more than one year after the time of passage of any bond ordinance authorizing the issuance of bonds. The determination of any such period by the council shall be conclusive.

(c) Maturity of Bonds. The bonds must mature within the period determined as aforesaid, or, if several different periods are to be determined, then within such average period.

(d) Periods of Usefulness. In determining, for the purpose of this section, the probable period of the usefulness of an improvement, undertaking or property, the council shall not deem said period to exceed the following periods for the following improvements, undertakings and properties, respectively.

(1) Water systems, including water treatment facilities, forty years.

(2) Sewer system (either sanitary or storm water), forty years.

(3) Plants or structures for the treatment, disposal or filtration of sewage, either with or without such additional sewer lines as may be necessary to divert sewage thereto, forty years.

(4) Gas systems, thirty years.

(5) Electric light and power systems, separate or combined, thirty years.

(6) Public parks (including or not including a playground as a part thereof, and any buildings thereon at the time of acquisition thereof, or to be erected thereon with the proceeds of the bonds issued for the same), forty years.

(7) Playgrounds, forty years.

(8) The acquisition of real property for purposes other than parks or playgrounds, thirty years.

(8.1) Public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute, forty years.

(9) All other purposes, thirty years. (1950, c. 536; 1968, c. 510)

§ 7.12. Procedure for sale of bonds.

All bonds issued under this charter shall be sold by the city council at public sale upon sealed proposals after at least ten days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, published in the City of New York, New York, and at least ten days' notice published in the City of Alexandria and such other places as the council may designate. (1950, c. 536)

§ 7.13. Payment of bonds and notes.

The faith and credit of the city and all taxes and revenues paid thereto are hereby pledged for the payment of the principal of and interest on all bonds and notes of the city issued pursuant to this charter, except bonds for revenue producing utilities issued pursuant to this charter and which bonds are by their terms payable solely from the revenues derived from such utilities, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issue. (1950, c. 536)

§ 7.14. Sinking fund.

There shall be a sinking fund for the amortization of the outstanding term bonds of the city. There shall be paid into the sinking fund annually the sum determined by the Director of Finance, and by him certified to the City Manager for inclusion in the budget, to be necessary on actuarial principles to amortize such term bonds at maturity. The sinking fund may be invested only in bonds or other direct obligations of the city, the Commonwealth or the United States. The sinking fund shall be administered by the Director of Finance and such person or persons as the council may designate. (1950, c. 536; 1973, c. 258; 1981, c. 512)

§ 7.15. Bond issues for revenue producing utilities.

The city is hereby empowered to issue from time to time in the manner prescribed by paragraph (2) of subsection (a) of Section 10, Article VII of the constitution of Virginia bonds of the City of Alexandria for the purpose of acquiring, establishing, constructing, improving or enlarging any sewage disposal system, water work, gas plant, electric plant, garbage and trash disposal system, incinerator, toll bridge, motor vehicle parking area or building, airport, hospital, or other public utility from which the city may derive a revenue; for the purpose of reimbursing the general fund or other fund of the city for monies paid from said fund or funds for such purposes; and/or for the purpose of funding or refunding any existing indebtedness incurred for such purposes. Such bonds shall not be included in determining the power of the city to incur indebtedness within the limitation prescribed by Article VII, Section

10 of the Constitution of Virginia or § 7.03 hereof; but, from and after a period to be determined by the council, not exceeding five years from the date of the election authorizing such bonds, whenever and for so long as any such revenue producing utility fails to produce sufficient revenue to pay for cost of operation and administration, including the interest and amortization of such bonds, and the cost of insurance against loss by injury to persons or property, all such bonds outstanding shall be included in determining the limitation of the power of the city to incur indebtedness under any provision of this charter or under the provisions of Article VII, Section 10 of the Constitution of Virginia. The city may, however, issue bonds from time to time for any or all of such purposes, including reimbursement of funds and the funding or refunding of existing indebtedness, in the manner prescribed by paragraph (3) of subsection (a) of Section 10, Article VII of the Constitution of Virginia, the principal and interest of which bonds shall be payable exclusively from the revenue of such revenue producing utilities and for which payment of principal and interest the full faith and credit of the city shall not be deemed to be pledged notwithstanding any other provision of this charter, and such bonds shall never be included in determining the limitation of the power of the city to incur indebtedness under the provisions of this charter or under the provisions of Article VII, Section 10 of the Constitution of Virginia. (1950, c. 536; 1968, c. 510; 1972, c. 808)

§ 7.16. Contents of bond ordinance for revenue producing utilities.

In addition to the requirements of § 7.06 of this chapter, the ordinance authorizing the issuance of any bonds for any revenue producing utility shall state either:

(a) That the bonds shall be payable from the ad valorem taxes without limitation of rate or amount; the full faith and credit of the city is deemed to be pledged for the payment of principal and interest thereof; and the bonds are to be issued pursuant to the provisions of the Constitution of Virginia and are not to be included in determining the power of the city to incur indebtedness within the limitation prescribed by the Constitution of Virginia; provided, however, that from and after a period specified in such ordinance not exceeding five years from the date of the election authorizing the bonds, whenever and for so long as such revenue producing utility fails to produce sufficient revenue to pay for the cost of operation and administration, including the interest on such bonds, and the cost of insurance against loss by injury to persons or property, and an annual amount to be covered into a sinking fund sufficient to pay all such bonds outstanding shall be included in determining the limitation of the power of the city to incur indebtedness; or

(b) That the principal and interest of such bonds shall be payable exclusively from the revenue of such revenue producing utility, the faith and credit of the City of Alexandria shall not be deemed to be pledged for the payment of such principal and interest; and the bonds are to be issued pursuant to the provisions of the Constitution of Virginia and are never to be included in determining the power of the city to incur indebtedness within the limitation prescribed by the Constitution of Virginia. (1950, c. 536; 2015, cc. 201, 294)

§ 7.17. Funding of revenues derived from utilities.

The council shall provide that revenues derived from revenue producing utilities shall be maintained separately from the general fund, with a special fund for each such utility, and monies from such fund shall not be transferred to the general fund until the operating expenses and the amortization of the bonds of such utility have been provided for. (1950, c. 536)

§ 7.18. Borrowing to meet emergency appropriations.

In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of § 5.16 of this charter, the council may by resolution authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made. (1950, c. 536)

§ 7.19. Borrowing to pay judgment.

In the absence of unappropriated available revenues to pay a final judgment for money which may be recovered against the city, the council may by resolution authorize the issuance of a note or notes, the proceeds of which shall be used to pay such judgment, which note or notes may be renewed from time to time, but such note or all such notes of any fiscal year and any renewals thereof, shall be paid not later than the last day of the fiscal year next succeeding the budget year in which such judgment was paid. (1950, c. 536)

§ 7.20. Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year 20__" (stating the budget year). Such notes may be issued for periods not exceeding one year and may be renewed from time to time for periods not exceeding one year, but together with renewals shall mature and be paid not later than the end of the third fiscal year after the budget year in which the original notes have been issued. The amount of the tax anticipation notes originally issued in any budget year shall not exceed fifty per centum of the amount of the property tax levied in that year for city purposes. On renewal of tax anticipation notes of any given fiscal year, the amount renewed in the next succeeding fiscal year shall not exceed twenty per centum of the amount originally issued, and the amount renewed in the second fiscal year succeeding the year of levy shall not exceed four per centum of the amount originally issued. (1950, c. 536; 2015, cc. 201, 294)

§ 7.21. Borrowing in anticipation of other revenues.

In any budget year, in anticipation of the collection or receipt of other revenues of that year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year 19 " (stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall

mature and be paid not later than the end of the fiscal year after the budget year in which the original notes shall have been issued. (1950, c. 536)

§ 7.22. Notes redeemable prior to maturity.

No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note. (1950, c. 536)

§ 7.23. Sale of notes.

All notes issued pursuant to the provisions of this chapter when authorized by the council, may be sold at private sale without previous advertisement by the director of finance, with the approval of the city manager. (1950, c. 536; 1970, c. 492)

§ 7.24. Payment of notes.

The power and obligation of the city to pay any and all notes hereafter issued by it pursuant to the provisions of this chapter shall be unlimited and the city shall levy ad valorem taxes on all the taxable property within the city for the payment of such notes and interest thereon without limitation of rate or amount; provided, however, that the provisions of this section shall not be applicable to notes issued in anticipation of the issuance of bonds for revenue producing utilities except within the terms of §§ 7.15 and 7.16 of this chapter. (1950, c. 536)

§ 7.25. Interest rate and interest cost of bonds and notes.

Notwithstanding any limitations contained in any other laws, the city shall be empowered to issue the bonds and notes authorized by this chapter at such rate or rates not exceeding eight per centum (8%) per annum or such higher rate or rates as may be permitted by general law, and to sell such bonds and notes for such price as the city council may determine to be for the best interests of the city, but no such sale shall be made at a price so low as to require the payment of interest on the moneys received therefor at more than eight per centum (8%) per annum, or such higher rate or rates as may be permitted by general law, computed with relation to the absolute maturity of such bonds or notes in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on the redemption of any bonds or notes prior to maturity. (1970, c. 492)

Chapter 8. Personnel.

§ 8.01. Merit basis of appointment.

Appointments and promotions in the administrative service of the city shall be made according to merit and fitness. The council shall have all necessary powers to carry out this purpose. The following powers are vested in the city manager, who may delegate them to any officer or department of the city government as he may decide; provided, however, that, such powers do not extend to employees of the school board.

(a) To prepare and submit to the council from time to time rules designed to give effect to the provisions of this chapter.

(b) To prepare and submit to the council classification plans covering all positions in the city service.

(c) To advise the council on problems concerning personnel administration.

(d) To make any investigation which he may consider desirable concerning personnel management in the city service, and report to the council his findings, conclusions and recommendations.

(e) To conduct open competitive examinations for original appointments and for promotions whenever it seems desirable to him.

(f) To enter into agreements with other public personnel departments or agencies for the joint administration of examinations and the joint use of eligible lists.

(g) To prepare and recommend to the council a pay plan covering all employees in the city service.

(h) To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city, of such personnel records and service ratings of members of the city service as he shall prescribe.

(i) To maintain a roster of all persons in the city service.

(j) To certify all payrolls.

(k) To develop and establish training programs for persons in the city service.

(l) Such other powers and duties as may be assigned to him by ordinance. (1950, c. 536; 1952, c. 564)

§ 8.02. (1950, c. 536; repealed 1981, c. 512)

§ 8.03. Classification.

The City Manager shall allocate each position in the city service to the appropriate class therein on the basis of its authority, duties, and responsibilities. (1950, c. 536; 1981, c. 512)

§ 8.04. Pay plan.

Amendments in the pay plan may be adopted by the council from time to time; provided, however, that in increasing or decreasing items in the city budget, the council shall not increase or decrease any individual salary items in the city budget, but shall act solely with respect to classes of positions as established in the classification and pay plan. In no event shall the council reduce the salary of a class below the minimum or raise it above the maximum salary established by the pay plan except by amendment of the pay plan. (1950, c. 536; 1981, c. 512)

§ 8.05. Removals.

No employee in the service of the city appointed by the City Manager shall be removed from the service except for due cause shown in a written statement to such employee made by the City Manager. The decision of the City Manager in all removals shall be final. The City Manager may delegate the authority granted by this section to any officer or employee of the city appointed by him. (1950, c. 536; 1956, c. 262; 1981, c. 512)

§ 8.06. Pension and retirement system.

The council shall have authority to establish a pension and retirement system for any and all officers and employees in the service of the city including the following elective officers and their employees: sheriff and Commonwealth attorney, but excluding the mayor and members of city council. Any such pension and retirement system shall not include any provisions that would entitle the elective officers or their employees to any benefit or a greater benefit than the benefits granted to other officers and employees of the city. Any such pension and retirement system shall be established on a jointly contributory basis, except as to prior service charges for which may be borne entirely by the city. The cost of the system shall be determined actuarially on the basis of such mortality and service tables as the council shall approve. Any officer or employee of the city at the time of the establishment of such system shall have a reasonable time thereafter to elect the privilege of becoming a member of the system so established. Officers and employees thereafter appointed to any position which has been included in a retirement system by the council shall be required to join the system as a condition of employment. Nothing in this section shall be construed to prevent the council from making appropriations for pensions for or relief of persons retired from the service of the city prior to the establishment of the retirement system authorized herein. If the council shall deem it inadvisable to establish an independent retirement system for the City of Alexandria, it may make arrangements for group insurance for employees or it may affiliate its retirement system with that of the Commonwealth, if permissible under general law, or with that of any other local government in the Commonwealth or any combination thereof. Any pension and retirement system established under this section shall be administered as provided by ordinance. The benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever nor shall any assignment of such benefits be enforceable in any court. (1950, c. 536; 1968, c. 510; 1983, c. 314)

§ 8.07. Prohibited practices.

No person shall wilfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test held or certification or appointment made under the personnel provisions of this charter or any ordinance adopted hereunder or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules made thereunder. No person seeking appointment to or promotion in the service of the city shall either directly or indirectly

give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion or proposed promotion. The soliciting of campaign contributions in any city office, building or premises during regular working hours is hereby prohibited. Any person who by himself or with others wilfully or corruptly violates any of the provisions of this subsection shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment for a term not exceeding sixty days or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five years be ineligible for appointment to or employment in a position in the city service and shall, if he be an officer or employee of this city, immediately forfeit the office or position he holds. (1950, c. 536)

§ 8.08. (1950, c. 536; repealed 1956, c. 262)

§ 8.08.1. Supplemental salaries for Department of Public Health employees.

The council shall have authority to enter into agreements with the State Department of Health to supplement the salaries of the Department of Public Health of the City. Such supplement shall be in accord with the pay plan adopted pursuant to this Chapter. (1968, c. 510)

Chapter 9. Planning, Zoning, and Subdivision Control.

§ 9.01. Power to adopt master plan.

In addition to the powers granted elsewhere in this charter, the city council shall have the power to adopt by ordinance a master plan for the physical development of the city to promote health, safety, morals, comfort, prosperity and general welfare. The master plan may include but shall not be limited to the following:

(a) The general location, character and extent of all streets, highways, super-highways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, waterways, harbors, water fronts, landings, wharves, docks, terminals, canals, airports and other public places or ways and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension thereof.

(b) The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof.

(c) The general location, character and extent of slum clearance, housing and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings.

(d) A general plan for the control and routing of railways, street car lines, bus lines and all other vehicular traffic.

(e) The general character, location and extent of all roads, streets, highways, super-highways, freeways, boulevards, parks, parkways and public buildings and public facilities and of such other general features as may affect the health, welfare, safety and prosperity of the city.

Before the council considers an ordinance proposing the adoption of a new master plan or an amendment of an existing master plan, it shall first conduct a public hearing proceeded by notice as provided in subsection G of § 9.12. (1950, c. 536; 1968, c. 510; 1970, c. 492; 1971, c. 166; 1982, c. 480; 1988, c. 157; 1995, c. 782)

§ 9.02. The city planning commission; composition.

There shall be a city planning commission which shall consist of seven members, who shall be qualified resident voters of the city who hold no office of profit under the city government, appointed by the council for terms of four years.

The city manager shall designate an officer or employee to sit with the commission with the right to discuss and advise but without the right to vote. Vacancies shall be filled by the council for the unexpired portion of the term. Members of the city planning commission shall serve as such without compensation, but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings, and such other travel as they may perform in the interest of the City of Alexandria in the performance of the duties and activities of the planning commission. (1950, c. 536; 1952, c. 564; 1958, cc. 105, 132; 1982, c. 480; 1992, c. 512)

§ 9.03. City planning commission; organization and expenditures (in 1950 act).

The commission shall elect a chairman and vice chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for reelection, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. The city manager may appoint such employees as he may deem necessary for the work of the commission and may enter into contracts for and on behalf of the commission or permit it to contract directly with city planners, engineers, architects and other consultants for service it may require. All expenditures, exclusive of gifts to the commission, shall not exceed the sums appropriated by the city council therefor. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1982, c. 480)

§ 9.04. Duty to adopt master plan.

It shall be the duty of the commission to make and adopt a master plan which with accompanying maps, plats, charts, and descriptive matter shall show the commission's recommendations for the development of the territory covered by the plan. (1950, c. 536)

§ 9.05. Adoption of master plan by commission.

The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical division of the city or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto, and from time to time at intervals not exceeding five years prepare and submit to the council such changes in or revisions of said plan as changing conditions may make necessary. The adoption of the plan or any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby, shall be certified to the council. (1950, c. 536)

§ 9.06. Effect of adoption of master plan.

Whenever the commission shall have adopted a master plan for the city or one or more parts thereof, geographical, topographical or functional, and the master plan of such part or parts thereof shall have been approved by the council and it has been certified by the council to the clerk of the corporation court and filed by him with the court records, then and thereafter no street, square, park or other public way, ground, open space, public building or structure, shall be construed or authorized in the city or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission. No widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city, nor the sale of any land held by the city, shall be authorized to take place unless such transactions shall have been first submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be construed or authorized in the city or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission; and no ordinance giving effect to, or amending the comprehensive zoning plan as provided in § 9.09 of this chapter shall be adopted until such application on motion for such change has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above the commission shall communicate its reasons to the council which shall not have the power to overrule such action except by a recorded affirmative vote of three-fourths of the members of the council, except as otherwise provided in § 9.12 of this chapter. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, underground pipes and conduits,

drainage, or other work in or upon any existing street or other existing public way. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1962, c. 61)

§ 9.07. (1950, c. 536; repealed 1956, c. 262)

§ 9.07:1. Amendment of master plan initiated by council.

Amendment of the master plan may be initiated by a majority vote of the city council to submit a proposed amendment to the planning commission. Notwithstanding any provision in this charter or the general law to the contrary, if the planning commission disapproves the proposed amendment, the council shall have the power to overrule such action and adopt the amendment by an affirmative vote of not less than six members. The failure of the planning commission to act within sixty days from the date of the official submission to it shall be deemed approval; however, the council may extend such sixty-day period for an additional period not to exceed sixty days upon a recorded vote of the majority of all the members of council that good cause exists for such extension. The authority of the council under this section shall be concurrent with the authority of the planning commission to initiate a master plan amendment on its own motion. (1994, c. 131)

§ 9.08. Further powers and duties of the commission.

The commission shall have the power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine. All public officials shall upon request furnish to the commission within a reasonable time such available information as it may require for its work. The commission, its members, officers and employees in the performance of their duties may enter upon any land in the city and make examinations and surveys and place and maintain necessary monuments and markers thereon. In general the commission shall have such powers as may be necessary to enable it to fulfill its function, promote planning and carry out the purposes of this charter. The commission shall make an annual report to the council concerning its activities. (1950, c. 536)

§ 9.09. Zoning powers.

In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets, secure safety from fire, panic and other danger, promote health, sanitation and general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate public and private transportation and the supplying of public utility services and sewage disposal, preserve existing and facilitate the provision of new housing that is affordable to all segments of the community, and facilitate provision for schools, parks, playgrounds and other public improvements and requirements. The comprehensive zoning plan shall include the division of the city into zones with such boundaries as the council deems necessary to carry out the purposes of this charter and

shall provide for the regulation and restriction of the use of land, buildings and structures in the respective zones and may include but shall not be limited to the following:

(a) It may permit specified uses of land, buildings and structures in the zones and prohibit all other uses.

(b) It may restrict the height, area and bulk of buildings and structures in the zones.

(c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.

(d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.

(e) It may prescribe the area of lots and the space in buildings that may be occupied by families.

(f) It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles.

(g) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the zone in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the zone or zones in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the zone or zones in which they are situated, in any event within a reasonable period of time to be specified in the ordinance.

(h) It may require that permits be granted for special uses of property within a zone.

(i) It may, in order to promote the general welfare through the preservation and protection of historic places and any other buildings or structures within the city having an important historic, architectural or cultural interest and other areas of historic interest in the city and through the preservation of the memorial character of the George Washington Memorial Highway, provide for old and historic districts or designated preservation districts in which no building or structure shall be erected, reconstructed, altered, restored, moved, removed, capsulated or razed until approved by a board of architectural review and in which, notwithstanding any contrary provision of general law, no building or structure shall be allowed to deteriorate so that the building or structure or any exterior architectural feature thereof shall be lost or threatened with loss.

(j) It may create boards of architectural review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of buildings and structures to be

erected, reconstructed, altered or restored in any old and historic districts or in designated preservation districts established in the city and prohibit the moving, removing, capsulation, demolition or razing of any building in such a district without a permit if any such building is of such historic, architectural or cultural interest that its removal would be to the detriment of the public interest.

In addition to the provisions of § 2.06 of this charter, the council may adopt an ordinance which establishes a civil penalty for the moving, removing, capsulation, demolition or razing of a building or structure which is located in an old and historic or a designated preservation district without the prior approval from either the board of architectural review or the council. The civil penalty established for a violation of any such ordinance shall not exceed the market value of the property as determined by the assessed value of the property at the time of the violation, and that market value shall include the value of any improvements together with the value of the land upon which any such improvements are located. Such ordinances may be enforced by the city attorney by bringing an action in the name of the city in the circuit court. Such actions shall be brought against the party or parties deemed responsible for the violation. It shall be the burden of the city in any such action to show the liability of the violator by a preponderance of the evidence.

The council shall establish standards, rules, regulations and procedures for the operation of any such boards of architectural review, and, to carry out the purposes and provisions of subsection (i) above and of this subsection (j), it shall provide for appeals to the city council from any final decision of a board, which appeal shall stay a board's decision pending the outcome of the appeal before the council. The council, on appeal, shall apply the same standards as those established for such boards and may affirm, reverse or modify the decision of such boards, in whole or in part. The city council shall determine, by ordinance, the parties entitled to appeal decisions of the city council; such parties shall have the right to appeal to the circuit court of the city for review by filing a petition, at law, setting forth the alleged illegality of the city council's action, provided such petition is filed within thirty days after the final decision is rendered by the city council. The filing of the said petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council.

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removal, capsulation, the razing or demolition of which is subject to the provisions of subsection (i) above and of this subsection (j), shall, as a matter of right, be entitled to move, remove, capsulate, raze or demolish such building or structure provided that: (1) he has applied to the board for such right and has also been a party to an appeal from the board's decision to the council, (2) that the owner has for the period of time set forth in the time schedule hereinafter contained and at a

price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto, and (3) that no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one year after a final decision by the city council. The time schedule for offers to sell shall be as follows: three months when the offering price is less than $25,000; four months when the offering price is $25,000 or more but less than $40,000; five months when the offering price is $40,000 or more but less than $55,000; six months when the offering price is $55,000 or more but less than $75,000; seven months when the offering price is $75,000 or more but less than $90,000; and twelve months when the offering price is $90,000 or more.

(j-01) It may, in order to promote the general welfare through the preservation and protection of properties in the city which are located outside of any old and historic or designated preservation district but which are over 100 years old and are of historic, architectural or cultural interest, provide by ordinance for the listing of such buildings and structures for preservation which shall not be moved, removed, demolished, razed, capsulated, reconstructed, altered or restored until approved by the board of architectural review except as hereinafter indicated and which, notwithstanding any contrary provision of general law, shall not be allowed to deteriorate so that the building or structure or any exterior architectural feature thereof shall be lost or threatened with loss.

Boards of architectural review shall have the power to prohibit moving, removal, capsulation, razing, reconstruction, alteration or restoration of any building or structure so listed that is over 100 years old and is of such historical, architectural or cultural interest that its removal would be to the detriment of the public interest.

In addition to the provisions of § 2.06 of this charter, the council may adopt an ordinance which establishes a civil penalty for the moving, removing, capsulation, demolition or razing of a building or structure which has been designated by the council as an historic building or structure or landmark without the prior approval from either the board of architectural review or the council. The civil penalty imposed for a violation of any such ordinance shall not exceed the market value of the property as determined by the assessed value of the property at the time of the violation, and that market value shall include the value of any improvements together with the value of the land upon which any such improvements are located. Such ordinances may be enforced by the city attorney by

bringing an action in the name of the city in the circuit court. Such actions shall be brought against the party or parties deemed responsible for the violation. It shall be the burden of the city in any such action to show the liability of the violator by a preponderance of the evidence.

The council shall establish standards, rules, regulations and procedures for the operation of such board to carry out the purposes and provisions of this subsection (j-01); it shall provide for appeals to the city council from any final decision of any board, which appeal shall stay the board's decision pending the outcome of the appeal before the council. The council, on appeal, shall apply the same standards as those established for the board and may affirm, reverse or modify the decision of a board, in whole or in part. The city council shall determine, by ordinance, the parties entitled to appeal decisions of the city council; such parties shall have the right to appeal to the circuit court of the city for review by filing a petition, at law, setting forth the alleged illegality of the city council's action, provided such petition is filed within thirty days after the final decision is rendered by the city council. The filing of the said petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council. In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removal, capsulation, razing or demolition of which is subject to the provisions of this subsection (j-01), shall, as a matter of right, be entitled to move, remove, capsulate, raze or demolish such building or structure provided that: (1) he has applied to a board for such right and has also been a party to an appeal from a board's decision to the council, (2) that the owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one year after a final decision by the city council. The time schedule for offers to sell shall be as follows: three months when the offering price is less than $25,000; four months when the offering price is $25,000 or more but less than $40,000; five months when the offering price is $40,000 or more but less than $55,000; six months when the offering price is $55,000 or more but less than $75,000; seven months when the offering price is $75,000 or more but less than $90,000; and twelve months when the offering price is $90,000 or more.

(j-1) To acquire, in the manner provided in Chapter 13 of this charter, areas, properties, lands or any estate or interest therein, of old and historic interest which, in the opinion of the council, should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of old and historic interest by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the old and historic character of the area, property or lands shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, property, lands or estate or interest therein so acquired as a place of old and historic interest, provided, the city shall not use the right of condemnation under this paragraph unless the historic value of such area, property, lands or estate or interest therein is about to be destroyed.

(k) To restrict, and regulate the erection of buildings and structures in areas subject to floods. (1950, c. 536; 1964, c. 288; 1966, cc. 12, 83; 1975, c. 511; 1976, c. 669; 1982, c. 480; 1983, c. 314; 1986, c. 459; 1989, c. 118; 1992, c. 512)

§ 9.10. Consideration to be observed in adoption and alteration of regulations.

The regulations and restrictions shall be enacted with reasonable consideration, among other things, of the character of each zone and its peculiar suitability for particular uses, and with a view of conserving the value of land, buildings, and structures and encouraging the most appropriate use thereof throughout the city. (1950, c. 536; 1952, c. 564; 1960, c. 8; 1966, cc. 12, 83; 1992, c. 512)

§ 9.11. Duties of the city planning commission with relation to zoning.

It shall be the duty of the city planning commission to prepare and submit to the council a comprehensive zoning plan, as referred to in § 9.09 of this chapter, and from time to time, at intervals not exceeding two years, prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary. The provisions of §§ 9.06 and 9.13 shall apply to zone boundary changes adopted under § 9.10; provided, however, that said §§ 9.06 and 9.13 shall not apply to city-owned property. (1950, c. 536; 1960, c. 8; 1962, c. 61; 1964, cc. 44, 288; 1982, c. 480)

§ 9.12. Adoption and amendment of regulations and restrictions and determination of zone boundaries; notice of public hearings.

A. Subject to the other provisions of this chapter, the council shall have power by ordinance to adopt the regulations and restrictions herein before described and determine the boundaries of the zones in which they shall apply, provide for their enforcement, and from time to time amend, supplement or repeal the same. The council shall also have authority to provide for the collection of fees to cover costs involved in the consideration of any application for amendment of any such determination of

boundaries, to be paid to the Director of Finance by the applicant upon filing such request. No ordinance to adopt the regulations and restrictions herein before described or to determine the boundaries of zones or to provide for their enforcement, and no ordinance to amend, supplement or repeal the same shall be enacted until the application or motion for such change has been considered by the city planning commission and until after a public hearing in relation thereto has been held by the commission. The commission may recommend approval or disapproval of the matter by the city council, or the commission may request that the council refer the matter back to the commission for further study. The commission shall vote on the application or motion at the public hearing; provided, that the commission may defer a vote for a period not to exceed 90 days upon a recorded vote of a majority of the members of the commission that good cause exists for such deferral.

B. A public hearing on the application or motion shall be held by the council, at which time the parties in interest shall have an opportunity to be heard. Council may, by ordinance, provide for the consideration of applications or motions or both by the commission or council only at specified intervals of time, not exceeding 90 days. The council may approve or disapprove recommendations of the planning commission on the matter, subject to the provisions of § 9.06 of this charter. It may also refer back the matter to the commission for further study.

C. The commission shall act on any matter referred back from the council for further study within 25 calendar days of the date of the council referral and shall resubmit its reviewed recommendations to council. Such commission action shall follow a public hearing on the matter which shall be preceded by at least 10 days' notice thereof published in a newspaper of general circulation in the city. If two-thirds of the entire membership of the commission votes to recommend disapproval of any matter referred back to the commission by the council for further study, such recommendation may be overruled only by a recorded affirmative vote of three-fourths of all the members of the council. If the commission fails to act on such a referral back within 25 days of the date of the council referral or fails to recommend disapproval of the matter referred back or by a two-thirds vote of its entire membership, the council may adopt said application or motion for change by a simple majority. An additional public hearing shall be held by the council, preceded by at least 10 days' notice thereof published in a newspaper of general circulation in the city, on any matter referred by council to the planning commission for further study 45 days from the date on which the matter was referred back to the planning commission by the council; provided, that the council may extend such 45-day period for an additional period not to exceed 45 days upon a recorded vote of the majority of all the members of council that good cause exists for such extension.

D. Should the council approve the application or motion, 75 days may be taken to follow the proper procedure for the passage of an ordinance implementing the approval.

E. The time constraints and limitations listed and described above in this section shall not apply to any motion, or to any ordinance, to adopt, amend, supplement or repeal the regulations and

restrictions herein before described, or to provide for their enforcement. In addition, notwithstanding any of the procedural requirements set forth in this chapter or by other law, ordinances adopting or amending zoning regulations and restrictions or determining zone boundaries may be enacted under the emergency ordinance provisions of this charter without compliance with such requirements.

F. The council, in determining the boundaries of zones, may approve an application or motion for, and may adopt an ordinance for, a zone change to a more restrictive zone than that originally applied for or moved; provided, in cases where the zone change procedure is initiated by other than the planning commission or the council on its own motion: (1) that the planning commission recommends in favor of such more restrictive zone change at a public hearing held to consider the application for a zone change amendment; (2) that the applicant agrees to the more restrictive zone change at or before the said planning commission hearing; and (3) that at least 10 days' notice of the more restrictive zone change and of the time and place of the public hearing before council required by this section shall be given by publication thereof in a newspaper of general circulation in the city. A protest under § 9.13 of this charter against a less restrictive zone change shall not be effective against a more restrictive change. This shall not, however, preclude the filing of an effective new protest against a more restrictive zone change under § 9.13, nor shall it preclude the effectiveness of a protest filed against both a less restrictive and a more restrictive zone change.

G. Whenever a public hearing is required or provided under the provisions of this chapter or any related provision of general law, or under any local ordinance adopted pursuant to this chapter or such general law, at least 10 days' notice of the time and place of such hearing, together with a general description of the matter being heard, shall be published in a newspaper of general circulation in the city. The council may, by ordinance, prescribe additional newspaper notice requirements for particular hearings or classes of hearings. This subsection shall preempt all other newspaper notice requirements of general or special law.

H. Any ordinance adopted, or other action taken, under the authority of this chapter or any related provision of general law prior to April 1, 2004, shall not be declared to be invalid by reason of a failure to advertise or give notice as required by general law, so long as advertisement and notice of such adoption or action was given in compliance with the then applicable local law; however, this subsection shall not affect any litigation concluded before, or pending on, April 1, 2004.

I. Whenever written notice of a public hearing is required to be given to an owner of property affected by the adoption or amendment of regulations or restrictions or zone boundaries under the provisions of this chapter or any related provision of general law, such notice shall be given for the public hearing on the application or motion for such adoption or amendment, as provided in subsection A or subsection B of this section, and not for the public hearing on the ordinance implementing the approval, as provided in subsection D of this section. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1964, cc. 44,

288; 1968, c. 510; 1971, c. 166; 1973, c. 258; 1974, c. 595; 1982, c. 480; 1988, c. 157; 1989, c. 118; 1990, c. 652; 1992, c. 131; 1995, c. 782; 2004, c. 511)

§ 9.12.1. Parties to applications and motions for amendments, supplements or repeal of regulations and restrictions and determination of boundaries.

Applications for changes in zone boundaries shall be accepted only from parties having a legal interest in the property, from the duly authorized representative of any such party or from persons exhibiting the consent of parties having a legal interest in the property. The planning commission may initiate on its own motion the adoption, amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones. The council may initiate on its own motion the adoption, amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones. All such applications and motions shall be subject to the procedures set forth in this chapter. This section shall preempt all provisions of general law applicable to the initiation by the planning commission or city council of the adoption, amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones. (1968, c. 510; 1989, c. 118; 2004, c. 511)

§ 9.12.2. Disclosure by applicants.

(a) The zoning ordinance may provide that each applicant for a land use or land development approval pursuant to such ordinance make full public disclosure of parties having an ownership interest in the real estate that is the subject of the application and of parties having any other financial interest in such application or approval.

(b) The zoning ordinance may further provide that a party having an ownership interest in such real estate or any other financial interest in such application or approval make full public disclosure of any business or financial relationship that such party presently has, or has had within the 12-month period prior to the public hearing on the application, to each member of the planning commission, board of zoning appeals, boards of architectural review, or city council, as the case may be.

(c) The zoning ordinance may further provide that a member of the planning commission, board of zoning appeals, board of architectural review, and city council, as the case may be, who has or has had a business or financial relationship subject to disclosure under subsection B shall be ineligible to vote or participate in any way in consideration of the application; provided, however, that for purposes of this subsection, a business or financial relationship arising out of a campaign contribution, which has been disclosed as required by law, shall not render a member ineligible to vote or participate.

(d) The ordinance may establish reasonable classifications and definitions of the nature and extent of the ownership and other financial interests subject to the disclosures provided under subsections (a) and (b), provided that such classifications and definitions shall not be more inclusive or stringent than the classifications and definitions established by § 15.2-852 of the Code of Virginia.

(e) The ordinance may establish reasonable classifications and standards for the disclosures provided under subsection (a) and (b), and for the recusal provided under subsection (c), provided that such classifications and standards shall not be more inclusive or stringent than the classifications and standards established by § 15.2-852 of the Code of Virginia, and may establish reasonable procedures for the administration of the ordinance.

(f) Any person who knowingly and willfully violates the provisions of the zoning ordinance adopted pursuant to this section shall be guilty of a Class 1 misdemeanor.

(g) The provisions of this section preempt any conflicting provisions of law, general or special, except that any provision of the State and Local Government Conflict of Interests Act, (§ 2.2-3100 et seq) of the Code of Virginia that is more stringent than the provisions of any ordinance adopted pursuant to this section shall not be preempted. (2009, c. 539)

§ 9.13. Effect of protest by twenty percent of the owners of property.

If a protest is filed with the city clerk against an application or motion to amend the boundaries of a zone or to amend the terms of an adopted conditional zoning proffer or zoning condition, signed by the owners of twenty percent or more either of the area of land within the boundaries of such proposed change or of the area of land within 300 feet of the boundaries of the land affected by such proposed change, the council shall not approve the application or motion, or adopt the ordinance making such amendment, by less than three-fourths affirmative votes of the members of council. Streets, alleys and lands dedicated to public use or lands owned by the city, Commonwealth, or federal government shall not be included in computing the above mentioned areas.

Any such protest shall be filed not later than 12 o'clock noon on the last working day on which a public hearing on the application or motion is first conducted by the city council. Once any such protest has been filed no changes thereto by way of addition, substitution, amendment or withdrawal, may be made after said 12 o'clock noon deadline. (1950, c. 536; 1960, c. 8; 1966, cc. 12, 83; 1971, c. 166; 1974, c. 595; 1988, c. 157; 1990, c. 652)

§ 9.14. Board of zoning appeals; composition.

There shall be a board of zoning appeals which shall consist of seven members. They shall be qualified resident voters of the city, shall hold no office of profit under the city government and shall be appointed by the city council for terms of four years. Vacancies shall be filled by the city council for the unexpired portion of the term. A member may be removed by the council for neglect of duty or malfeasance in office, upon written charges and after a public hearing. Members of the board of zoning appeals shall serve without compensation, but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings and such other travel as may be in the interest of the city and the performance of the duties and activities of the Board of Zoning Appeals. (1950, c. 536; 1952, c. 564; 1982, c. 480; 1992, c. 512)

§ 9.15. Board of zoning appeals; organization.

The board shall elect one of its members as chairman. The chairman shall preside at all meetings of the board and in his absence a member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and the city manager shall appoint such other employees as may be needed for the conduct of the work of the board. (1950, c. 536; 1982, c. 480)

§ 9.16. Board of zoning appeals; procedure.

The meeting of the board shall be held at the call of the chairman and such other time as the board may determine. The board shall keep minutes of its proceedings showing the vote of each member on each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record. (1950, c. 536)

§ 9.17. Appeals to board of zoning appeals.

Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the city affected, by any decision of the director of planning, who shall enforce the ordinance establishing zones and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule by filing with the said director of planning and with the board a notice of appeal specifying the grounds thereof. The director of planning shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the director of planning from whose decision the appeal is taken certifies to the board that by reason of the facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application and on notice to the director of planning and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the issue within a reasonable time. At the hearing any party may appear in person, by agent or by attorney and shall be given opportunity to be heard. The board may prescribe a fee to be paid whenever an appeal is taken which fee shall be paid into the city treasury. (1950, c. 536)

§ 9.18. Powers of board of zoning appeals.

The board shall have the following powers and it shall be its duty:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the director of planning in the administration and enforcement of the provisions of the ordinance.

(b) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of the exceptional topographical condition or other extraordinary situation, or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

(1) That the strict application of the ordinance would produce undue hardship.

(2) That such hardship is not shared generally by other properties in the same zone and the same vicinity and is not created by the owner of such property.

(3) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the zone will not be changed by the granting of the variance.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such reasonable conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of public health, safety or welfare and to assure that the variance authorized shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.

(c) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures, in any zone in which they are prohibited by the ordinance, by any agency of the city, state, or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall

not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

(d) To permit the following exceptions to the zone regulations and restrictions, provided such exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase public danger from fire or otherwise unreasonably affect public safety, and shall not diminish or impair the established property values in surrounding areas:

(2) Extension of a zone where the boundary line of a zone divides a lot in single ownership as shown of record at the time of the effective date of the ordinance.

(3) Reconstruction of buildings or structures that do not conform to the comprehensive zoning plan and regulations and restrictions prescribed for the district in which they are located, which have been damaged by explosion, fire, act of God or the public enemy, to the extent of more than sixty per cent of their fair market value as established by the opinion of three disinterested appraisers to be appointed by the city council, when the board finds some compelling public necessity for a continuance of the use and such continuance is not primarily to continue a monopoly, provided that nothing herein shall relieve the owner of any such building or structure from obtaining the approval of such reconstruction by the council or any department or officer of the city when such approval is required by any law or ordinance. (1950, c. 536; 1952, c. 564; 1958, cc. 105, 132; 1968, c. 510; 2010, c. 221)

§ 9.19. In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision, or determination as should be made, and to that end shall have all the power of the director of planning. The concurring affirmative vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the director of planning. The concurring affirmative vote of four members of the board shall be necessary to reverse any order, requirement, and decision or determination of the director of planning or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall render a written decision which shall set forth the reason for its decision and the vote of each member participating therein shall be spread upon its records and shall be open to public inspection. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1992, c. 512)

§ 9.20. Appeals from board of zoning appeals.

Any person, firm or corporation, jointly or severally aggrieved or in fact affected by a decision of the board of zoning appeals, or any officer, department, board or agency of the city government charged

with the enforcement of any order, requirement or decision of said board, may appeal from such decision by filing a petition in the circuit court of the city, verified by affidavit, setting forth the alleged illegality of the action of the board and the grounds thereof. The petition shall be filed within thirty calendar days from the date of the decision of the board. (1950, c. 536; 1982, c. 480)

§ 9.21. Powers and duties of the court.

The circuit court shall review the record, documents and actions taken by the board and may receive evidence. The court may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. (1950, c. 536; 1983, c. 314)

§ 9.22. Proceedings against violators of zoning ordinance.

Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with § 9.12 of this chapter, the city may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property. (1950, c. 536)

§ 9.23. Penalties for violation of zoning ordinance.

The council may in the zoning ordinance provide that penalties, civil or criminal, as provided in § 2.06 of this charter shall be imposed for violations of the ordinance by owners of land, buildings or structures, their agents having possession or control of such property, lessees, tenants, architects, builders, contractors or any other persons, firms or corporations who take part in or assist in any such violations or who maintain any land, building or structure in which such violations exist. This section shall preempt all provisions of general law authorizing the establishment of penalties for the violation of the zoning ordinance. (1950, c. 536; 1992, c. 512; 2004, c. 511)

§ 9.24. Land subdivisions.

In order to provide for the orderly subdivision of land within the city, there is hereby conferred upon the city the power to adopt regulations relative to the subdivision of land in the manner hereinafter provided. Such regulations may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: location, size and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the master plan; access for fire fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks and playgrounds; planting of shade trees and shrubs; the restriction or regulation of the erection of buildings and structures in areas subject to flood; naming and designation of streets and other public places; laying out, constructing and improving streets, alleys and sidewalks and the installation of storm and sanitary sewers or any other utilities owned by the city and apportioning the cost thereof; and the

guarantee of payment by the developer of his proportionate share of such cost; procedure for making variations in such regulations and restrictions; requirements for plats of subdivisions and their size, scale, contents and other matters; for the erection of monuments of specified type for making and establishing property, street, alley, and other lines and provide penalties for the unauthorized removal of such monuments. (1950, c. 536; 1966, cc. 12, 83; 1982, c. 480)

§ 9.25. (1950, c. 536; 1971, c. 166; repealed 1982, c. 480)

§ 9.26. Adoption of regulations applicable only within the city limits.

After hearing as above provided the council shall adopt by ordinance the regulations referred to in § 9.24 which shall become effective when recorded in the office of the clerk of the circuit court. (1950, c. 536; 1982, c. 480)

§ 9.27. Approval of plats of subdivisions.

From and after the date on which such regulations and restrictions become effective in the city the owners of tracts of land within the city to which such regulations and restrictions are applicable who subdivide them into two or more lots, shall cause plats of such subdivisions, in the form prescribed by the applicable regulations and restrictions, to be made and submitted to the city planning commission. It shall be the duty of such commission to consider such plat in the light of regulations and restrictions applicable to the same and approve or disapprove the plat in accordance therewith. Before taking any action thereon the city planning commission shall afford the owner and other interested parties an opportunity to be heard after such reasonable notice as may be provided in such regulations and restrictions. Failure to act on any plat for a period of forty-five days shall be deemed to constitute approval. Approval shall be attested on the plat by the signature of the chairman or vice-chairman of the city planning commission. The council may by ordinance provide for appeals to the city council in cases in which the city planning commission approves or disapproves a plat of subdivision, provided that in the instance of an appeal from an approval the appeal must be made by the owners of at least twenty percent of the area of the land within three hundred feet of the boundaries of the proposed subdivision. Street, alleys and land dedicated to public use or land owned by the city, State or federal governments or public agencies shall not be included in computing said area. (1950, c. 536; 1972, c. 808; 1974, c. 595)

§ 9.28. Recording of plats of subdivisions.

From and after the date on which such regulations and restrictions become effective in the city no plat of any subdivision to which such regulations and restriction are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in the preceding section. No owner of land in the city who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided in the preceding section

and has been recorded in the office of the clerk of the court in which a deed conveying such lot would be required to be recorded. (1950, c. 536)

§ 9.29. Penalty for transfer of lots in unapproved subdivisions.

Whoever being the owner or agent of the owner of any land subject to such regulations and restrictions, the plat of which has not been approved and recorded as above provided, shall transfer, sell or offer for sale or agree to sell a portion of any such land by reference to or exhibition of an unapproved and unrecorded plat or otherwise, shall be punishable by fine not exceeding three hundred dollars or imprisonment in the city jail for not more than ninety days or both, for each lot or similar parcel of land transferred or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies herein provided. The city may enjoin such transfer or sale or agreement in a court having jurisdiction of the land to which the injunction applies. (1950, c. 536; 1968, c. 510)

§ 9.30. Transfer of portion for public use.

The recording of the plat shall operate to transfer in fee simple to the city such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose and to create a public right of passage over or use of the same. (1950, c. 536)

§ 9.31. Vacation of plats.

Any plat or part thereof recorded may be vacated in accordance with the provisions of §§ 15-792 and 15-793 of the Code of 1950. (1950, c. 536)

§ 9.32. Present master plan and comprehensive zoning plan.

The master plan and the comprehensive zoning plan as heretofore adopted, approved and filed, with all amendments, additions and extensions thereto, in force and effect at the effective date of this charter, are hereby validated and confirmed as if the same had been prepared, adopted, approved and filed in accordance with the provisions of this chapter. Every amendment or addition thereto or extension thereof and every other master plan or comprehensive zoning ordinance henceforth adopted shall be in accordance with the provisions of this chapter. Where existing ordinances are at variance with the provisions of this chapter they shall be deemed to be amended in accordance with the provisions of this chapter. (1950, c. 536)

§ 9.33. Land development and site plans.

In order to provide for the orderly and proper development of land within the city and to protect the public safety, health and welfare the city council shall have the power to adopt by ordinance regulations and restrictions relative to the development of land. Such regulations and restrictions may prescribe standards and requirements which provide for, but shall not be limited to, the following: access for fire, police, emergency and service vehicles; width, grade, location, alignment and arrangement of streets

and sidewalks with relation to existing streets and sidewalks, planned streets and sidewalks and the master plan; easements for public utilities; facilities for off street parking; laying out, constructing and improving streets, alleys and sidewalks; access to adjacent land and to existing or proposed streets; water mains for servicing fire hydrants; disposition of storm water; disposition of sewage; control of flooding; control of slippage, shifting, erosion, accretion and subsidence of soil; dedication of public streets, alleys, sidewalks, curbs, gutters, sewers, drains and other public improvements; protection to other land, structures, persons and property; guarantee of payment by the developer of all costs or a proportionate share of costs for public streets, alleys, sidewalks, curbs, gutters, sewers and drains; the submission and approval of site plans and plats prior to developments; and procedures, enforcement and penalties. The procedures may include but shall not be limited to authorizing the city planning commission to consider the site plans and plats in light of the regulations and restrictions applicable thereto and approve or disapprove site plans and plats in accordance therewith. (1962, c. 61)

§ 9.34. Incorporation by reference of plans, maps, etc.

Plans, maps, plats, charts, descriptive matter, regulations, restrictions, zone boundaries, and amendments, recommended or adopted under the powers conferred by this chapter may be incorporated by reference. Whenever there is incorporation by reference the matter incorporated shall be reasonably identified. When advertisement is required, the matter incorporated by reference need not be advertised in full but may be advertised by reference. In such cases, the advertisement shall designate a place where the matter incorporated may be examined. (1972, c. 808; 1982, c. 480)

Chapter 10. Elections.

§ 10.01. Election of mayor and council members.

On the day of the November general election in 2015, and every third year thereafter, the qualified voters of the city at large shall choose a mayor and six members at large of the council for terms of three years from the first day of January following their election. A candidate for mayor shall file his petition therefor specifically; and a candidate for city council shall file his petition therefor specifically, provided, however, that a candidate who files his petition for mayor shall not have his name printed on the ballot for city council. The names of all candidates for city council and mayor shall be placed on the ballot in accordance with general law. Immediately above the list of names of candidates for city council shall appear the words "For City Council, vote for no more than six (6)," or some similar designation. Immediately above the list of names of candidates for mayor shall appear the words "For Mayor, vote for one," or some similar designation.

In the event no candidate shall file a petition for the office of mayor, the ballot shall show no candidates for that office and the member of council who receives the largest popular vote shall be the mayor of the city and persons receiving the next six highest votes shall be the city council members.

The said election shall be held in accordance with the general laws of the Commonwealth relating to primary and general elections wherever applicable. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1972, c. 808; 1995, c. 782; 2014, cc. 400, 698)

§ 10.02. Filling of mayor and council vacancies.

Any vacancy in the office of mayor or the membership of the council from whatever cause, which shall occur on or before one hundred eighty days prior to the next ensuing regular council election shall be filled by a special popular election for the unexpired term. In the event of such vacancy, the council shall by resolution certify that such vacancy exists to the Circuit Court of the City of Alexandria or the judge thereof in vacation, and said court or judge thereof in vacation shall order a special election to be held not less than forty nor more than sixty days after the filing of the resolution to fill such vacancy for the unexpired term. Candidates shall file the declarations of the candidacy and petitions required by general law not less than thirty days before said election. The election shall be conducted and the results thereof ascertained in the manner provided by law for the conduct of general elections and by the regular election officials of the city. Should a vacancy in the office of mayor occur within one hundred eighty days of the next ensuing regular council election, the vice-mayor shall serve as mayor for the unexpired term unless he declines, in which case, the council shall forthwith fill such vacancy for the unexpired term by majority vote of all the remaining members of council. Vacancies in the council occurring within one hundred eighty days of the next ensuing regular council election shall be filled for the unexpired term by appointment by the chief judge of the Circuit Court of the City of Alexandria. (1950, c. 536; 1952, c. 564; 1964, cc. 44, 288; 1971, c. 166; 1983, c. 314)

§ 10.03. (1950, c. 536; repealed 1952, c. 564)

§ 10.03.1. Voter registration offices.

It shall be the duty of the general registrar of the city to maintain and the city to provide and furnish, in the city hall, or other building, an office wherein all qualified voters of the city may be registered. It shall also be the duty of the general registrar to maintain as many other temporary or permanent offices, wherein qualified voters of the city may be registered, as city council may, in its sole judgment, deem necessary or desirable; provided, however, that such offices shall not be established, located or maintained in any private home. (1968, c. 510; 2015, cc. 201, 294)

§ 10.04. (1950, c. 536; repealed 1952, c. 564)

§ 10.05. (1950, c. 536; repealed 1952, c. 564)

Chapter 11. Law.

§ 11.01. City attorney.

The city attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth who has actively practiced law for at least five years immediately preceding his appointment. The city

manager shall review the applications of all applicants for the office and forward his recommendations to the city council.

The council shall appoint the city attorney, and the terms and conditions of such appointment shall be set forth in an employment agreement consistent with the provisions of this Charter.

The entire compensation of the city attorney shall be fixed by the council on a salary basis. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1972, c. 808; 1980, c. 591; 2015, cc. 201, 294)

§ 11.02. City attorney, powers and duties.

The city attorney shall:

a) Be the legal adviser of the council, the city manager, and all departments, boards, commissions and agencies of the city in all matters affecting the interest of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties. The city attorney may also be the legal advisor of and counsel to the school board in all matters affecting the interests of the school division with the concurrence of both the council and the school board.

(b) At the request of the city manager or any member of the council, prepare ordinances for introduction and, at the request of the council or any member thereof, examine any ordinance after introduction and render his opinion as to the form and legality thereof.

(c) Draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest.

(d) Represent the city as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue or in which the city is a party.

(e) Institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city.

(f) Attend in person or assign one of his assistants to attend all meetings of the council.

(g) Appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 8 of this charter, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter.

(h) Have such other powers and duties as may be assigned to him by ordinance.

Notwithstanding the provisions of this section or any other law the council may, from time to time, enter into agreements with the Commonwealth's Attorney for such attorney to represent the city in any criminal case in which the city is a party. The council shall only consent to such an agreement

by resolution adopted at a regular meeting and agreed to by a majority of all of its members. The agreement shall specify the types of cases to be handled by the Commonwealth's Attorney. Prior to the adoption of any such resolution the council shall request the recommendation of the City Attorney on the feasibility and operation of the agreement, but such recommendation shall not be binding on the council. The council may, at any time, modify or repeal its consent to such an agreement provided it follows the procedure provided herein for the giving of its consent and such right of council shall be a part of every such agreement. So long as such agreement is effective the City Attorney shall have no power or duty with respect to the types of cases specified therein. Notwithstanding any other provisions of law the council may provide supplements to the office of the Commonwealth's Attorney for performing the functions and duties covered by the agreement. (1950, c. 536; 1970, c. 492; 1972, c. 808; 2014, cc. 400, 698)

§ 11.03. Restrictions on actions for damages against city and notice to be given of claims.

(a) Whenever in any action, suit or proceeding against the city any person, firm or corporation may be liable or responsible with the city, such person, firm or corporation shall, upon motion of the city, be joined as defendant with the city, and whenever there is a judgment, order or decree rendered against or affecting the city and any person, firm, or corporation is so joined, the court shall determine which of the defendants is primarily liable or responsible. If it shall be ascertained by the judgment of the court that some person, firm, or corporation other than the city is primarily liable, there shall be a stay of execution against the city until execution against such person, firm or corporation shall have been returned without realizing the full amount of said judgment. If the city, where not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that said judgment is paid by the city, assign the said judgment to the city without recourse on the plaintiff, and the city shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit in equity to enforce the said judgment, or an action at law, or scire facias to revive or enforce said judgment.

(b) No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, employee or agent thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney, mayor or city manager within six months after such cause of action shall have accrued, except if the complainant during such six-month period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the six-month period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from said injury so as to be able to give such notice. Neither the city attorney nor any other officer,

employee or agent of the city shall have authority to waive the foregoing conditions precedent or any of them. (1950, c. 536; 1974, c. 595)

Chapter 12. Courts. (Repealed)

§ 12.01. (1950, c. 536; 1952, c. 7; 1958, cc. 106, 117; repealed 1976, c. 669)

§ 12.02. (1950, c. 536; 1952, c. 564; 1971, c. 166; repealed 1976, c. 669)

§ 12.03. (1950, c. 536; 1971, c. 166; repealed 1976, c. 669)

§ 12.04. (1950, c. 536; repealed 1976, c. 669)

§ 12.05. (1950, c. 536; repealed 1976, c. 669)

Chapter 13. Acquisition of Property for Public Purposes.

§ 13.01. Acquisition, ownership and use of property.

The city shall have, for the purpose of carrying out any of its powers and duties, power to acquire by gift, bequest, purchase or lease, and to own and make use of within and without the city and State, lands, buildings, other structures and personal property, including any interest, right, easement or estate therein and in acquiring such property to exercise, within and without the city but not without the State, the right of eminent domain, as hereinafter provided in this chapter. In any acquisition by eminent domain or purchase the city may provide relocation assistance in city projects in which federal or State funds are not used. (1950, c. 536; 1971, c. 166; 1974, c. 595)

§ 13.02. Eminent domain.

The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of the incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the State or cannot with reasonable diligence be found in the State or is unknown.

Such proceedings may be instituted in the circuit court of the city, if the subject to be acquired is located within the city, or, if it is not located within the city, in the circuit court of the county in which it is located. If the subject is situated partly within the city and partly within any county the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the courts of the city hereinbefore enumerated. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders, any or all of whom reside either in the county or city, any three of whom may act as commissioners, as provided by law, provided, however, that the provisions of §

25.1-102 of the Code of Virginia, 1950, shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act. (1950, c. 536; 1983, c. 314; 2015, cc. 201, 294)

§ 13.03. Alternative procedures in condemnation.

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law as modified by said section or may elect to proceed as hereinafter provided. In either event the date of valuation shall be the time of the lawful taking by the petitioner, or the date of the filing of the petition in condemnation, whichever occurs first. The resolution or ordinance directing the acquisition of any property as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, or other contemplated structures if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity or property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the State or cannot with reasonable diligence be found in the State, or if the residence of the owner or tenant be unknown, he may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ 8.01-316, 8.01-317, and 8.01-319 of the Code of Virginia.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such

property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceedings are instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of the property so taken or damaged agreed upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making of such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in § 25.1-227.2 of the Code of Virginia, as amended, or as provided for in § 13.02, and all proceedings thereafter shall be had as provided in Article 6 (§ 25.1-230 et seq.) of Chapter 2 of Title 25.1 of the Code of Virginia, as amended insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award. (1950, c. 536; 1964, cc. 44, 288; 1970, c. 492; 1976, c. 669; 2015, cc. 201, 294)

§ 13.04. Enhancement in value when considered.

In all cases under the provisions of §§ 13.02 and 13.03, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the city, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage there shall be no recovery over against the owner for such excess. (1950, c. 536)

§ 13.05. Unclaimed funds in condemnation cases.

Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in § 13.02, in any condemnation proceeding instituted therein by the city, without any claim having been asserted thereto such court shall, where the amount is one hundred dollars or more, cause a publication to be made once a week for two successive weeks in a newspaper of general circulation in the city, setting forth the amount of such money, the source from which it was derived and the proceeding in which it is held, and requiring all persons having any claim to said money to appear before said court within such time after the completion of the publication as the court may prescribe, and establish their claim. If the sum be less than one hundred dollars, the court shall direct the same to be paid into the treasury of the city, and a proper receipt for the payment taken and filed among the records of the proceeding. If no person shall appear and show title in himself the court shall order the money, after deducting therefrom the costs of such publication if such publication is made, and any other proper charges, to be paid into the treasury of the city and a proper receipt for the payment to be taken and filed among the records of the proceeding. The director of finance shall, in a book provided for the purpose, keep an account of all money thus paid into the city treasury, showing the amount thereof, when, by whom, and under what order it was paid, and the name of the court and as far as practicable, a description of the suit or proceeding in which the order was made and, as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the city shall be paid out on the order of the court having jurisdiction of the proceeding, to any person entitled thereto who had not asserted a claim therefor in the proceeding in which it was held, upon satisfactory proof that he is entitled to such money. If such claim be established the net amount thereof, after deducting costs and other proper charges, shall be paid to the claimant out of the treasury of the city on the warrant of the director of finance. No claim to such money shall be asserted after ten years from the time when such court obtained control thereof; provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted by such person, claim to such money may be asserted within five years after the removal of such disability. (1950, c. 536; 1971, c. 166; 1988, c. 157)

Chapter 14. City Collector. (Repealed)

§ 14. (Repealed 1983, c. 314)

§ 14.01. (1950, c. 536; 1952, c. 564; 1972, c. 808; repealed 2015, cc. 201, 294)

§ 14.02. (1950, c. 536; 1952, c. 564; repealed 2015, cc. 201, 294)

§ 14.03. (1950, c. 536; 1952, c. 564; 1964, cc. 44, 288; repealed 2015, cc. 201, 294)

§ 14.04. (1950, c. 536; 1973, c. 258; repealed 2015, cc. 201, 294)

§ 14.05. (1950, c. 536; repealed 2015, cc. 201, 294)

Chapter 15. Miscellaneous Provisions.

§ 15.01. Transfer and destruction of books and papers.

If any person having been an officer of the city, shall not, within ten days after he shall have vacated or been removed from office, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs. All books, records and documents used in any such office, by virtue of any provision of this charter or of any ordinance or order of the council or any superior office of the city, shall be deemed the property of the city and appertain to said office, and the chief officer thereof shall be responsible therefor. The council shall have authority to determine or to delegate to any agency of its creation the authority to determine which books, records and documents shall be stored, which shall be microfilmed or otherwise preserved, and which shall be destroyed. (1950, c. 536; 1958, cc. 105, 132)

§ 15.01:1. Definition of officer of the city.

As used in this charter an officer of the city is defined as one whose office was created by or pursuant to the charter of the city or general law and who has performed or is performing a municipal service for the city and who is not a constitutional officer of the State of Virginia. (1958, cc. 105, 132)

§ 15.01.2. Residence requirements of officers.

The residence requirements of § 15.1-51 of the Code of Virginia, as amended, shall not apply to an officer of the city unless otherwise specifically provided by this charter, or by a duly enacted ordinance or resolution. (1968, c. 510)

§ 15.02. Enforcement of surety bonds.

In all cases where a bond is required of any officer such bond shall be with corporate surety and conditioned for the faithful discharge by himself, his deputies, assistants or other subordinates, of the duties imposed on him by this charter and all ordinances passed in pursuance thereof. The director of finance shall be the custodian of all personnel surety bonds. (1950, c. 536; 1952, c. 564)

§ 15.03. Rules and regulations to be filed.

All departments, boards, commissions, officers and agencies of the city, authorized to make rules and regulations by this or any previous charter of the city or by the general laws of the Commonwealth, shall within three months after this charter takes effect file with the city manager copies of all such rules and regulations previously issued by them and in force on such day and shall thereafter file with said city manager copies of all rules and regulations and amendments thereof subsequently issued by them upon their issuance. It shall be the duty of the city manager to keep in his office for public inspection a well indexed file of the rules and regulations so filed. (1950, c. 536)

§ 15.04. (1950, c. 536; repealed 1971, c. 166)

§ 15.05. Officers to hold over until their successors are appointed and qualified.

Whenever under the provisions of this charter any officer of the city, judge or member of any board or commission is elected or appointed for a fixed term, such officer, judge or member shall continue to hold office until his successor is elected or appointed and qualified. (1950, c. 536; 1952, c. 564)

§ 15.06. Posting of bonds unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the city, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the city has not filed or executed the bond that might otherwise be required, and the city shall be bound to the same extent that it would have been bound had the bond been given. (1950, c. 536)

§ 15.07. More than one salary for officers and employees.

In instances where an officer or employee of the city holds more than one full-time position in the city service such officer shall not receive salary for more than one such position except by specific authorization of the council. (1950, c. 536)

§ 15.08. Severability.

If any provision of this charter or the applicability thereof to any person or circumstance is held invalid the remainder of this charter and the applicability thereof and of such provision to other persons or circumstances shall not be affected thereby. (1950, c. 536)

§ 15.09. (1950, c. 536; repealed 1970, c. 492)

§ 15.10. School board and school districts.

(a) The City of Alexandria shall constitute a single school division.

(b) The supervision of schools in the City of Alexandria shall be vested in a school board consisting of nine members. Members of the school board shall be selected by direct election by the voters, unless and until a referendum is passed in favor of changing the method of selecting board members to appointment by the city council, as provided in § 22.1-57.4 of the Code of Virginia, 1950, as amended. The school board members shall be elected from election districts, and the council shall establish by ordinance the number and boundaries of the election districts. Elections for school board members shall be held to coincide with the elections for members of the city council which, pursuant to § 10.01 of this charter, are held every three years on the day of the November general election. The terms of office of school board members shall commence on the January 1 following the members' elections, shall be for three years and shall run concurrently. Elections for school board members shall be held in accordance with the general laws of the Commonwealth relating to general elections; however, where the provisions of such laws are inconsistent with the provisions of this section, the provisions of this section shall apply.

(c) Notwithstanding any contrary provision of law, general or special, a vacancy from whatever cause in the office of school board member filled by direct election by the voters shall be filled as follows:

(1) A vacancy which occurs on or before 180 days prior to the next ensuing regular school board election shall be filled by a special popular election for the unexpired term of the office. In the event of such vacancy, the school board shall by resolution certify that such vacancy exists to the Circuit Court of the City of Alexandria, and the said court shall order a special election to be held not less than forty, nor more than sixty days after the filing of the resolution to fill the vacancy. Candidates shall file their declarations of candidacy and any statements or petitions required by general law not less than thirty days before said election. The election shall be conducted, and the results thereof ascertained, in the manner provided by law for the conduct of elections and by the regular election officials of the city;

(2) A vacancy which occurs within 180 days of the next ensuing regular school board election shall be filled for the unexpired term by appointment by the chief judge of the Circuit Court of the City of Alexandria;

(3) When a vacancy on the school board is created by the departure of the board chairman, the remaining members of the board shall, as soon as practicable and by majority vote, select a new chairman from among the members. (1962, c. 61; 1964, cc. 44, 288; 1972, c. 808; 1976, c. 669; 1996, c. 885; 2014, cc. 400, 698)

§ 15.10.1. Counsel for school board.

Counsel approved by the school board of the city may be employed by the school board of the city to serve as legal adviser for and represent the school board of the city. Nothing in this section shall be construed to prevent the school board of the city from employing the attorney for the Commonwealth or other counsel to defend pursuant to § 22-56.1 of the Code of Virginia, 1950, as amended. (1972, c. 808)

§ 15.11. Service by United States government employees.

No person otherwise eligible, shall be disqualified, by reason of his accepting or holding employment, an office, post, trust or emolument under the Government of the United States, from serving as an officer or employee of the city, or as a member, officer, or employee of any body, including but not limited to the council, any board, commission, authority, committee or agency. (1968, c. 510)

§ 15.12. Elimination of elective offices of city treasurer and commissioner of the revenue.

The elective offices of City Treasurer and Commissioner of the Revenue are hereby eliminated, effective January 1, 1974. (1973, c. 258)

§ 15.13. Board of health.

The city council shall have the power to establish by ordinance a board of health which shall have such composition as the city council may determine and set forth in any such ordinance and such powers and duties so set forth as do not conflict with the general law of the Commonwealth. (1976, c. 669)

Chapter 16. Transitional Provisions (1952, c. 564).

§ 16.01. Present ordinances and rules and regulations continued in effect.

All ordinances of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent with the provisions of this charter, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1950, c. 536)

§ 16.02. (1950, c. 536; repealed 1976, c. 669)

Editor's note: Complete amendments listing for the City of Alexandria:

Current charter
Charter, 1950, c. 536.

Amendments to current charter
1952, c. 7 (§ 12.01)

1952, c. 564 (§§ 2.03, 2.05, 2.06, 3.04, 3.05, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 4.02, 4.07, 5.01, 5.04, 5.08, 5.11, 5.13, 5.14, 6.01, 6.04, 6.05, 6.07, 6.14, 7.04, 7.06, 7.07, 8.01, 9.02, 9.03, 9.06, 9.10, 9.12, 9.14, 9.18, 9.19, 10.01, 10.02, 10.03 [repealed], 10.04 and 10.05 [repealed], 11.01, 12.02, 14.01, 14.02, 14.03, 15.02, 15.05)

1956, c. 262 (§§ 3.01, 3.05, 3.11, 3.14, 4.02, 4.08 [added], 8.05, 8.08 [repealed], 9.03, 9.06, 9.07 [repealed], 9.12, 9.19, 10.01)

1958, cc. 105, 132 (§§ 9.02, 9.18, 15.01, 15.01:1 [added])

1958, cc. 106, 117 (§ 12.01)

1960, c. 8 (§§ 9.10, 9.11, 9.13)

1962, c. 61 (§§ 3.02, 3.04, 9.06, 9.11, 9.33 [added], 15.10 [added])

1964, cc. 44, 288 (§§ 2.04, 4.08, 5.28 [added], 6.07, 7.05, 9.11, 9.12, 10.02, 13.03, 14.03, 15.10)

1964, c. 288 (§ 9.09)

1966, cc. 12, 83 (§§ 3.06, 3.11, 9.09, 9.10, 9.13, 9.24)

1968, c. 510 (§§ 1.01.1 [added], 2.05, 2.06, 3.02, 3.05, 3.07, 4.08, 5.07, 5.14, 5.14.1 [added], 6.04, 6.05, 6.08, 6.08.1 [added], 6.14, 6.15, 7.02, 7.06, 7.08, 7.11, 7.15, 8.06, 8.08.1 [added], 9.01, 9.12, 9.12.1 [added], 9.18, 9.29, 10.03.1 [added], 11.01, 15.01.2 [added], 15.11 [added])

1970, c. 492 (§§ 2.02, 2.04, 2.05, 2.07, 3.04, 3.15, 4.08, 6.02, 6.07, 6.09, 7.23, 7.25 [added], 9.01, 11.02, 13.03, 15.09 [repealed])

1971, c. 166 (§§ 2.03, 2.04, 2.05, 3.02, 3.05, 3.07, 3.07:1 [added], 3.08, 3.09, 3.11, 3.12, 5.16, 5.22, 7.05, 7.07, 9.01, 9.12, 9.13, 9.25, 10.02, 12.02, 12.03, 13.01, 13.05, 15.04 [repealed])

1972, c. 808 (§§ 2.02, 2.04, 3.06, 3.08, 3.10, 5.21, 6.13, 7.03, 7.15, 9.27, 9.34 [added], 10.01, 11.01, 11.02, 14.01, 15.10, 15.10.1 [added])

1973, c. 258 (§§ 1.00, 1.01 [repealed], 1.01.1, 1.01.2 [added], 4.08, 5.01, 5.04, 5.19, 5.20 through 5.28, 6.03, 7.04, 7.05, 7.14, 9.12, 14.04, 15.12 [added])

1974, c. 595 (§§ 2.04:1 [added], 3.06:1 [added], 5.04:1 [added], 9.12, 9.13, 9.27, 11.03, 13.01)

1975, c. 511 (§§ 2.03, 2.04:1, 3.06, 5.19, 5.20, 5.21, 5.22 [repealed], 5.23 through 5.27 [repealed], 9.09)

1976, c. 669 (§§ 2.02, 2.03, 2.04, 2.04:1, 2.04:2 [added], 3.06:1, 3.10, 3.11, 4.02, 5.14, 9.09, 12.01 through 12.05 [repealed], 13.03, 15.10, 15.13 [added], 16.02 [repealed])

1977, c. 122 (§§ 2.02, 2.05, 4.08)

1980, c. 591 (§§ 2.04, 5.20, 5.21, 11.01)

1981, c. 512 (§§ 5.01, 5.04, 5.12, 5.13, 5.14 [repealed], 5.14.1 [repealed], 5.16, 5.20, 5.28, 6.02, 6.03, 6.05, 6.06 [repealed], 6.08.1, 6.10, 6.11, 6.13, 7.04, 7.05, 7.14, 8.02 [repealed], 8.03, 8.04, 8.05)

1982, c. 480 (§§ 2.04:1, 2.04:2, 6.14, 9.01, 9.02, 9.03, 9.09, 9.11, 9.12, 9.14, 9.15, 9.20, 9.24, 9.25 [repealed], 9.26, 9.34)

1983, c. 314 (§§ 2.03, 2.04, 2.06, 4.08, 5.13, 8.06, 9.09, 9.21, 10.02, 13.02, 14 [repealed])

1984, c. 486 (§§ 2.04, 2.04:2, 2.05)

1986, c. 459 (§§ 2.03, 9.09)

1988, c. 157 (§§ 3.08, 3.11, 7.07, 9.01, 9.12, 9.13, 13.05)

1989, c. 118 (§§ 2.05, 9.09, 9.12, 9.12.1)

1990, c. 652 (§§ 9.12, 9.13)

1992, c. 131 (§ 9.12)

1992, c. 512 (§§ 2.06, 9.02, 9.09, 9.10, 9.14, 9.19, 9.23)

1994, c. 131 (§ 9.07:1 [added])

1995, c. 782 (§§ 2.04, 2.04:2, 3.06:1, 9.01, 9.12, 10.01)

1996, c. 885 (§ 15.10)

2002, c. 149 (§§ 2.04.3, 3.07)

2004, c. 511 (§§ 2.04:2, 9.12, 9.12.1, 9.23)

2009, c. 539 (§§ 3.04, 9.12.2 [added])

2010, c. 221 (§§ 4.08, 9.18)

2014, cc. 400, 698 (§§ 10.01, 11.02, 15.10)

2015, cc. 201, 294 (§§ 2.02, 3.01, 3.02, 3.04, 3.06:1, 3.07, 3.13, 3.16, 3.17, 5.01, 6.03, 7.16, 7.20, 10.03.1, 11.01, 13.02, 13.03, 14.01 through 14.05 [repealed])

Altavista, Town of

County of Campbell

History of incorporation

Incorporated by Circuit Court of Campbell County, September 1912.

Current charter

Charter, 1936, c. 419.

Amendments to current charter

1954, c. 190 (§ 22)
1956, c. 52 (§ 7)
1958, c. 512 (§ 33 [added])
1971, c. 59 (§ 3)
1984, c. 212 (§§ 2, 3 [repealed], 3A [added], 5, 7, 25, 26)
2006, c. 263 (§§ 3A, 4, 5, 7, 8, 9, 10, 14, 15, 16 [repealed], 20, 22, 32, 33 [repealed])

§ 1. The town corporate.

The inhabitants of the territory comprised within the present limits of the town of Altavista, as such limitations are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Altavista, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and the said town of Altavista, as such, shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1936, c. 419)

§ 2. The town boundary.

The corporate limits of the town of Altavista, Virginia, as heretofore established, and as defined by order of the Circuit Court of Campbell County, Virginia, entered February 5, 1976, and recorded in the clerk's office of the aforesaid court in Civil Law Order Book 1, page 698, which by reference hereto is incorporated herein, and made a part hereof, are hereby reestablished and shall be taken and deemed as the town of Altavista, Virginia. (1936, c. 419; 1984, c. 212)

§ 3. (1936, c. 419; 1936 Ex. Sess., c. 35; 1971; c. 59; repealed, 1984, c. 212)

§ 3A. General grant of powers.

The powers set forth in §§ 15.2-1100 through 15.2-1131, inclusive, of Chapter 11 of Title 15.2 of the Code of Virginia, as now exist, and as hereinafter amended, are hereby conferred on and vested in the Town of Altavista. In addition thereto, the town shall have and may exercise all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a town government and may exercise powers to promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants. No enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

In addition to the general grant of powers set forth above, the town shall be empowered to exercise full police powers and to establish and maintain a police department. (1984, c. 212; 2006, c. 263)

§ 4. Administration and government.

The administration and government of the town of Altavista shall be vested in one body to be called the council of the town of Altavista, which shall consist of seven (7) members, six (6) of whom shall be known as council members and one to be known as mayor, all of whom shall be residents and qualified voters of the said town. The council of the said town shall have power to elect or appoint such other officers as it may deem necessary, and to define their duties, including a town manager, who may or may not be a resident or qualified voter of the said town, who shall, under the control of the council, have the general charge and management of the administrative affairs and work of the said town, and who shall perform such other duties as may be required of him by the council. The said manager shall receive such salary as shall be allowed him by the council, and may be dismissed at any time by the said council. The council may create, appoint, or elect such other departments, bodies, boards, and other officers as are hereinafter provided for, or as are permitted, or required by law to be appointed by the council. (1936, c. 419; 2006, c. 263)

§ 5. The mayor.

The mayor shall preside over the deliberations of the council and shall have the same powers and rights of voting as other members of the council, but he/she shall have no right of veto; he/she shall be the chief executive officer of the town and shall perform such other duties consistent with his/her office as may be imposed by the council; he/she shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed; he/she shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; he/she shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require; and he/she shall from time to time recommend to the council such measures as he/she may deem needful for the welfare of the town. (1936, c. 419; 1984, c. 212; 2006, c. 263)

§ 6. The powers of the council.

The council hereinbefore created shall have full power and authority, except as herein otherwise specifically provided, to exercise herein all of the powers conferred upon the town, and pass all laws and ordinances relating to its municipal affairs, subject to the constitution and general laws of the State and of this charter, and shall have full and complete control of all fiscal and municipal affairs of said town and all of its real and personal properties, and may from time to time amend, re-amend and/or repeal any or all of the said ordinances, for the proper regulation, management, and government of the said town and may impose fines and penalties for the violation or non-observance thereof. (1936, c. 419)

§ 7. Composition of the council; vacancies.

The mayor and the six (6) council members shall be elected at large by the qualified voters of the town, and shall be elected on the Tuesday following the first Monday of November of even years. Council members shall serve for terms of four years each.

At the regular municipal election to be held in 2006 and every two years thereafter three council members shall be elected for terms of four years each. The mayor shall serve for a term of four years. The mayor and council members elected in the election of 2004 shall serve out their terms through 2008.

Terms of office shall commence on the first day of January next following their election and the council members and mayor shall continue in office until their successors have been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of the members of said body or any of them. Vacancies in the council shall be filled within thirty days after such vacancy occurs for the unexpired term by a majority vote of the remaining members, except where otherwise inconsistent with the provisions of this charter. (1936, c. 419; 1956, c. 52; 1984, c. 212; 2006, c. 263)

§ 8. Salaries.

The town council shall fix the salaries of the mayor and members of the town council and the appointed officers and employees of the town. The town council is further authorized to establish and fix the salaries of members of boards or commissions of the town. Such salaries shall be subject to the limitations prescribed by all other applicable law and in no event shall an increase in salaries established for the mayor, council, boards, or commissions become effective until the date of commencement of the terms of council members elected at the next regular election. (1936, c. 419; 2006, c. 263)

§ 9. The meetings of the council.

The council shall by ordinance adopt such rules as it might deem proper for the regulation of its proceedings and shall meet at such times as may be prescribed by ordinance, provided, however, that it shall hold at least one regular meeting each month. A majority of the council shall constitute a quorum for the transaction of business. The mayor, or any other two members of the council, may call a

special meeting of the council upon at least twelve hours written notice of the time, place, and purpose to each member served personally or left at his usual place of business or residence by the town sergeant, and no business shall be transacted by the council in such special meeting which has not been stated in the notice, provided, however, that these regulations shall not apply when all members of the council attend such meeting or waive notice thereof, nor shall it apply to an adjourned session from a regular meeting. No ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes or authorizing the borrowing of money, shall be passed except by the recorded affirmative vote of a majority of all members elected to the council. The meetings of the council shall be public unless the council by a recorded vote of a majority of those present shall declare that a closed session of the council pursuant to the laws of the Commonwealth is required; and citizens may have access to the minutes and records of the council at any reasonable time. (1936, c. 419; 2006, c. 263)

§ 10. Vice-mayor.

At the first meeting after the mayor takes office following his/her election, the council shall elect from its membership a vice mayor. The vice mayor shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor until the next regular councilmanic election. (1936, c. 419; 2006, c. 263)

§ 11. Elections.

The time of holding and the method of conducting municipal elections shall conform to the general laws of the State of Virginia. (1936, c. 419)

§ 12. Bond.

All officers elected or appointed under the provisions of this charter, shall, unless otherwise provided under general law or by this charter, or by ordinance of the council, execute such bond, with such approved corporate security as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the town clerk before entering upon the discharge of their duties; and in event of default on the part of any bonded municipal officer, the town shall have the same remedies against him and his sureties as are provided for the State in enforcing the penalty of any official bond given to it. (1936, c. 419)

§ 13. Oaths.

All officers elected or appointed under the provisions of this charter shall take the oath of office required by general law before entering upon the discharge of his duties, and if these requirements have not been complied with within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. (1936, c. 419)

§ 14. The town clerk.

The town clerk shall be appointed by the council, and shall attend the meetings of the council and shall keep permanent records of its proceedings; he/she shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he/she shall keep all papers, documents and records pertaining to the town, the custody of which is not otherwise provided for in this charter; he/she shall give notice to all parties, presenting petitions, or communications to the council of the final action of the council on such communications or petitions; he/she shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contracts or agreements; he/she shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he/she shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he/she shall perform such other acts and duties as the council may, from time to time, allow or require. (1936, c. 419; 2006, c. 263)

§ 15. The town treasurer.

There shall be appointed by the council one town treasurer who shall hold office during the pleasure of the council; but the present treasurer of the town shall continue to discharge the duties of the office until removed by the council or until his/her successor shall have qualified. Any vacancy in this office shall be promptly filled by the council. The said treasurer shall be the disbursing agent of the town and have the custody of all money and all evidences of value belonging to the town or held in trust by the town. He/She shall receive all money belonging to and received by the town and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He/She shall collect all taxes and assessments, water rents, and other charges belonging to and payable to the town, and for that purpose he is hereby vested with powers similar to these which are now or may hereafter be vested in county and city treasurers for the collection of county, city , and State taxes under the general law; he/she shall keep, disburse and deposit all money or funds in such manner and in such places as may be determined by ordinance or the provision of law applicable thereto; he/she shall pay no money out of the treasury, except in the manner prescribed by this charter or by ordinance or the general law; he/she shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and town license taxes and shall have power to administer oaths in the performance of his/her official duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by this charter or by ordinance or resolution of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council, and before entering upon the duties of his/her office shall execute a bond in such amount and with such security as the council by ordinance may prescribe. The treasurer shall be subject to the supervision of the council of the town of Altavista and shall perform such other duties not inconsistent with his/her office as may be required of him/her by the town council ; and he/she shall make all such

reports as may be required by the council. The said treasurer and the town clerk may be one and the same person if the council may deem it more expedient. (1936, c. 419; 2006, c. 263)

§ 16. (1936, c. 419; repealed, 2006, c. 263)

§ 17. Tax lien on real estate.

A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law of the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law. (1936, c. 419)

§ 18. Tax remedies; personal property.

All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the granter's possession. (1936, c. 419)

§ 19. License taxes.

License taxes may be imposed by ordinance on businesses, trades, professions or callings and upon the persons, firms, associations and corporations engaged therein, and the agents thereof, except in cases where taxation by the localities shall be prohibited by the general law of the State, and nothing herein shall be construed to repeal or amend any general law with respect to taxation. The council may subject any person, who, without having obtained a license therefor, shall do any act or follow any business, occupation, vocation, pursuit, or calling in the town for which a license may be required by ordinance, to such fine or penalty as it has authority to impose for any violation of its laws. (1936, c. 419)

§ 20. Audit of accounts.

After the close of each fiscal year an annual audit shall be made of the accounts of all town officers; said audit shall be made by a qualified pubic accountant selected by the council, who shall have no personal interest, direct or indirect, in the financial affairs of the town or any of its officers or employees. The council may at any time provide for an examination or audit of the accounts of any officer or department of the town government. (1936, c. 419; 2006, c. 263)

§ 21. Subdividing lands, dedication of streets, recording plats.

Every owner or proprietor of any tract of land who may hereafter subdivide the same into three or more parts for the purpose of creating a subdivision shall conform to the general laws of the State of

Virginia, in the preparation of the plat, laying out and dedication of streets, alleys, and lanes, and recordation thereof, except as herein otherwise provided, but in no event shall the town of Altavista be held responsible for the upkeep of any street, alley or lane, or be held liable for any accidents which may occur upon such streets, alleys or lanes until after the dedication of such streets, alleys or lanes shall have been accepted by or declared by ordinance of the town council. (1936, c. 419)

§ 22. Municipal securities.

Bonds, notes, and other evidences of indebtedness may be issued by the town for such purposes and in such manner as are prescribed by Chapter 26 of Title 15.2 of the Code of Virginia the Constitution, or any other general statute on the subject of bond issues by towns or the issue of other municipal securities. (1936, c. 419; 1954, c. 190; 2006, c. 263)

§ 23. Sinking fund provision.

(a) There shall be set apart annually from the revenues of the town a sinking fund sufficient in amount, to be invested as hereinafter set forth, to pay the outstanding indebtedness of the town as it matures and which by its terms is not payable in one year, and the council may in its discretion annually from time to time, set aside such additional sinking funds as may be deemed proper.

(b) When taxes on real and personal property are collected for the year the town treasurer shall take therefrom the necessary amount and any additional sum, if any, so set apart, and deposit the same in a separate account to the credit of the sinking fund in such bank or banks as the council may designate; and the said council may, if it shall so elect, cause its sinking fund to be loaned on improved real estate situated in the town of Altavista, secured by first mortgage liens thereon, provided such funds shall not be loaned to a greater amount than fifty per centum of the fair market value of the property, and fire insurance shall be carried on the property during the loan in an amount at least equal to the face amount of the loan, which money shall be loaned at the rate of six per centum per annum, payable semi-annually and for no longer than five years at any one time.

(c) All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not within a reasonable time be required for payment of any bond of the town, or cannot be used to advantage in the purchase and redemption of any bonds of the town, which may be outstanding, the same shall be securely invested in interest bearing municipal, State or government bonds or loaned upon otherwise unencumbered real estate, within the town of Altavista upon the basis hereinbefore provided, or invested in any securities approved by the general laws of the State for the investment of such funds, or deposited in a bank on a reasonable rate of interest. Such sinking fund may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council.

(d) The town council shall act as the sinking fund commission and shall provide for the investment, deposit and application of the funds in conformity to the provisions of this charter; and it may require of

any bank or banks receiving on deposit its revenues or any of its sinking fund a fidelity bond. (1936, c. 419)

§ 24. Acquisition of property; condemnation.

The town shall not take or use any private property for streets, highways or any other public purposes without making just compensation for the same, but where the town cannot obtain the title to property necessary for such purposes, it may proceed to condemn the same in the mode prescribed by the Constitution and general laws of the State. (1936, c. 419)

§ 25. Actions against town; damages.

(a) (Repealed)

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in any action brought to recover damages for such negligence, and where there is judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it be ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or other corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, where not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that said judgment is paid by the town, assign the said judgment to the town without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit in equity to enforce the said judgment, or an action at law, or scire facias to revive or enforce said judgment.

(e) No order shall be made, and no injunction shall be awarded, by any court or judge, to stay the proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages. (1936, c. 419; 1984, c. 212)

§ 26. Investigations.

The council, the mayor, and any officer, board or commission authorized by them or either of them, shall have power to make such investigations relating to its government affairs as it may deem necessary, may order the attendance of witnesses and the production of books and papers and may

administer oaths. The investigating body shall have the authority to apply to the judge of the Campbell County General District Court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or refusing to produce books, papers or records as ordered by the council, and the judge of such court shall, upon good cause shown, cause the subpoenas to be issued. Any person failing to comply with any such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. (1936, c. 419; 1984, c. 212)

§ 27. Books, records, et cetera.

All books, records and documents used by any town officer in his office or pertaining to his duties shall be deemed the property of said town, and the chief officer in charge of such office shall be responsible therefor. Any such officer or person made by this section responsible for the keeping of such books, records, and documents shall, within ten days after the end of his term of office or within ten days after the date of his resignation or removal from office, as the case may be, deliver to the town clerk all such records and documents. Any such officer or person failing to deliver such books, records, or documents as required by this sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as the council may have by ordinance provided. (1936, c. 419)

§ 28. Validation of contracts.

All contracts and obligations heretofore or hereafter made by the council of the town of Altavista, while in office, not inconsistent with this charter, or the Constitution, or the general laws of this State shall be, and are hereby declared to be valid and legal. (1936, c. 419)

§ 29. Ordinances to continue in force.

All ordinances now in force in the town of Altavista, not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council of the said town. (1936, c. 419)

§ 30. Partial invalidity.

If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the said act, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1936, c. 419)

§ 31. Repealing clause.

All acts or parts of acts in conflict with this charter, in so far as they affect the provisions of this charter, and all former charters and amendments thereto for the town of Altavista, Virginia, are hereby repealed. (1936, c. 419)

§ 32. Citation of act.

This act may for all purposes be referred to or cited as the Altavista charter of 1936, as amended. (1936, c. 419; 2006, c. 263)

§ 33. (1958, c. 512; repealed, 2006, c. 263)

Amherst, Town of

County of Amherst

History of incorporation
Incorporation and charter, April 15,1910, by circuit court; repealed 1950, c. 397.

Current charter
Charter, 1950, c. 397.

Amendments to current charter
1975, c. 347 (Art. III, § 1)
2010, cc. 220, 636 (Art. II, § 1; Art. III, § 1)
2015, c. 279 (Art. III, § 1; Art. IX, § 1; Art. X, § 1)
2018, cc. 91, 330 (Art. III, § 1)

Article I. The Town Corporate.

§ 1. (1) The inhabitants of the territory comprised within the limits of the town of Amherst, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Amherst, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1950, c. 397)

Article II. Corporate Limits.

§ 1. A plat depicting the corporate limits of the Town of Amherst, dated November 22, 1993, is on file in Chancery Order Book B-72 at the Amherst County Clerk of the Circuit Court's Office. (1950, c. 397; 2010, cc. 220, 636)

Article III. Administration and Government.

§ 1. (1) Mayor and councilmen as of July 1, 2018.

The present mayor and councilmen of the town of Amherst shall continue in office and exercise all the powers conferred by this charter and the general laws of the State until January 1, 2019.

(2) Staggered elections; terms of office of mayor and councilmen; composition of town council.

On the Tuesday following the first Monday in November 2018, there shall be elected by the qualified voters of the town of Amherst one elector who shall be denominated the mayor and five electors who shall be denominated the councilmen of the town. The mayor and the two town councilmen candidates receiving the greatest number of votes shall be elected for terms of four years, and the three town councilmen candidates receiving the next greatest number of votes shall be elected for terms of two years. An election shall be held for the three council seats first expiring on the Tuesday following the first Monday in November 2020, and the three town councilmen so elected shall serve four-year terms. Elections thereafter shall be held on the Tuesday following the first Monday in November in even-numbered years, for terms of four years.

The term of each person elected under this section shall enter upon the duties of his office on the first day of January next succeeding his election and shall continue in office until his successor is duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment as prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner prescribed in the Code of Virginia.

The mayor and five town councilmen shall constitute the council of the town.

(3) Registrar and election officials; electorate.

There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(4) Council as judge of qualifications and returns of members; power to fine and expel council members, and to fill vacancies in council.

The council shall judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one eligible to such office. A

vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

(5) Quorum of council.

A majority of the members of the council shall constitute a quorum for the transaction of business.

(6) Salaries of councilmen and mayor; mayor's salary is in lieu of fees.

Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct.

(7) Powers and duties of mayor generally.

The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by the general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have the right to veto.

(8) Approval or veto of ordinances, and resolutions having the effect of ordinances; reconsideration and passage over veto.

Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections in writing, to the town manager who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days.

(9) Vice mayor.

The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers,

duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

(10) Regular and special meetings of council.

The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the town manager at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings.

(11) Council minute book.

The council shall keep a minute book, in which the town manager shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) Council rules or procedures; certain matters may be adopted only by vote of majority of all members elected to council.

The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

(13) [Repealed.]

(14) [Repealed.]

(15) Town treasurer; town depository; commingling of funds.

The council may in its discretion designate the place of deposit of all town funds.

(16) [Repealed.]

(17) [Repealed.]

(18) [Repealed.]

(19) [Repealed.]

(20) Effective date of ordinances, resolutions and by-laws.

All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage.

(21) Creation of office, appointment, compensation, and removal of town manager.

The office of town manager is hereby created. The town manager shall be appointed by majority vote of the town council for an indefinite term. The manager shall be chosen by the council solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of this appointment, the appointee need not be a resident of the town or state, but during the manager's tenure of office, shall reside within the town. No council member shall receive such appointment during the term for which the council member shall have been elected nor within one year after the expiration of the council member's term. The town manager shall receive such compensation as the council shall fix from time to time by ordinance or resolution. The town council may remove the town manager at any time by a majority vote of its members.

(22) Powers and duties of the town manager.

The town manager shall be the chief executive officer of the town, responsible to the council for the management of all town affairs placed in the manager's charge by or under this charter. The town manager shall:

(a) Appoint and suspend or remove all town employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The town manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(b) Direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this charter or by law;

(c) Attend all town council meetings. The town manager shall have the right to take part in discussion but shall not vote;

(d) See that all laws, provisions of this charter, and acts of the town council subject to enforcement by the town manager or by officers subject to the manager's direction and supervision are faithfully executed;

(e) Prepare and submit the annual budget and capital program to the town council and implement the final budget approved by council to achieve the goals of the town;

(f) Submit to the town council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;

(g) Make such other reports as the town council may require concerning operations;

(h) Keep the town council fully advised as to the financial condition and future needs of the town;

(i) Make recommendations to the town council concerning the affairs of the town and facilitate the work of the town council in developing policy;

(j) Provide staff support services for the mayor and council members;

(k) Assist the council in developing long-term goals for the town and strategies to implement these goals;

(l) Encourage and provide staff support for regional and intergovernmental cooperation;

(m) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and

(n) Perform such other duties as are specified in this charter or may be required by the town council.

(23) Council not to interfere with appointments or removals.

Neither the council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the town manager or any of the manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the town. Except for the purpose of inquiry, the council and its members shall deal with the administration solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately.

(24) Emergencies. In case of accident, disaster, or other circumstance creating a public emergency, the town manager may award contracts and make purchases for the purpose of meeting said emergency, but the manager shall file promptly with council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures. (1950, c. 397; 1975, c. 347; 2010, cc. 220, 636; 2015, c. 279; 2018, cc. 91, 330)

Article IV. Taxation and Finances.

§ 1. (1) The Town Council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

(2) To prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by State law, and to publish the same.

(3) To raise annually be levy and collection of taxes and assessments in the said town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the said town in such manner as the said council shall deem expedient in accordance with this charter, the Constitution and laws of this State and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(4) To impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this State, as may be in force at the time of the imposition of such special or local assessments.

(5) To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution and laws of this State concerning bonds issued by towns, upon credit of the town, or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(6) To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

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

(8) To levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the State or not, and may, if permitted by general law, exceed the State license, if any be required, and may provide penalties for any violation thereof.

(9) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection.

(10) To impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in the town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

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

(12) For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

(13) A lien shall exist on all real estate within the corporate limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth. The council shall have the benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general laws of the State, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1950, c. 397)

Article V. Property.

§ 1. The Town Council shall have the following powers:

(1) To acquire by purchase, gift, devise, condemnation, or otherwise, property, real or personal, or any estate therein within or without the town, for any purpose of the town, not inconsistent with the general law, and the Constitution of Virginia, and to hold, improve, sell, lease, mortgage, or pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(2) To acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State, lands, or any interest or estate in lands, rock quarries, gravel pits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

(3) To acquire and operate parks, playgrounds, and public grounds within or without the corporate limits of the town, and to place on the same either within or without the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures or every character and charge admission thereto, and to rent out or lease the privileges of the same.

(4) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(5) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(6) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of various departments of the town and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them, and, either within or

without the town to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise. (1950, c. 397)

Article VI. Utilities.

§ 1. The Town Council shall have the following powers:

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

(2) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights and riparian rights as the council of the town may deem necessary for the purpose of providing an adequate water supply to the town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the town, and to require abutting property owners within such corporate limits to connect therewith, for the distribution of water to its customers and consumers, both within and without the corporate limits of the town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connections therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights-of-way, riparian and other rights and easements necessary for said purposes, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(4) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience

furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(5) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(6) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charge directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(7) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services thereof any existing franchises to the contrary notwithstanding, if permitted by the terms thereof.

(8) To regulate, permit or prohibit poles and wires for electric, telephone, and telegraph purposes erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the owner or lessee of an electric light, telephone, or telegraph pole or poles, or wires, now in use or hereafter erected, to change the location of or move the same. (1950, c. 397)

Article VII. Streets.

§ 1. The Town Council shall have the following powers:

(1) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, streets, sidewalks, boulevards, parkways, alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, to regulate the operation and speed of cars and vehicles within the streets and highways within the town; and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive.

(2) To give names to or alter the names of the streets. (1950, c. 397)

Article VIII. Building Regulations.

§ 1. The Town Council shall have the following powers:

(1) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may become dangerous to life or property, or which may be erected contrary to law.

(2) To provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide setback lines on the streets beyond which no buildings may be constructed if permitted by general law; to require the standard of all dwelling houses to be maintained in residential sections in keeping with the majority of residences therein, and if permitted by general law to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) To make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, or within one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Amherst County, Virginia.

(4) To issue, or refuse (in case of noncompliance with the building requirements of the town) to issue, permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation failing to secure such permit prior to the beginning of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1950, c. 397)

Article IX. Additional Powers.

§ 1. In addition to powers elsewhere mentioned in this charter and the powers conferred by general law and the Constitution, the town shall have the following powers:

(1) Nuisances; maintenance of premises; things detrimental to health, morals, aesthetics, safety, convenience and welfare generally.

To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to

be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent noisome or offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of bill boards and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow, and any obstruction.

(2) Fire protection generally.

To extinguish and prevent fires, and to establish, regulate, and control a fire department or division; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblages, entertainments or amusements.

(3) Explosives; fireworks; firearms; bonfires.

To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline, and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town.

(4) Health and sanitation; department of health.

To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in said town of any articles or thing intended for human consumption which is adulterated, impure, or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for the town, with authority necessary for the prompt and efficient

performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the State and United States.

(5) Care, etc., of children and persons sick, aged, insane or paupers.

To provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.

(6) Maintenance of various institutions.

To provide and maintain either within or without the town, charitable, recreative, curative, corrective, detention or penal institutions.

(7) Animals and fowl.

To regulate poultry or other fowl, hogs, dogs or other animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

(8) Acts of annoyance on streets; abuse of animals.

To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, the setting off of fireworks or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

(9) Markets and keeping of foodstuffs; hucksters; junk dealers.

To establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers as may be deemed advisable.

(10) Exclusion from town of certain classes of undesirable persons.

To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety to the town from coming to town from without the same; and to expel therefrom any such person who has been in the town less than twelve months.

(11) Police powers; police department.

To exercise full police powers and establish and maintain a department or division of police.

(12) Drunkards, beggars, etc., gambling; houses of ill-fame; disorderly conduct.

To restrain and punish drunkards, vagrants, and street beggars; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gambling houses and punish operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the town; to prevent and punish lewd, indecent, and disorderly exhibitions in the town. To prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct, and public swearing and cursing, within the town.

(13) Malicious mischief.

To prohibit and punish mischievous, wanton, or malicious damage to school, church, and public property, as well as to private property.

(14) Minors.

To prohibit minors from and punish them for frequenting, playing or loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same.

(15) [Repealed.]

(16) Enjoining of ordinance violations.

To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

(17) By-laws, rules, regulations and ordinances for the good order of the town, etc.

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

(18) Maintenance of general welfare, etc.

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

(19) Rewards.

To offer and pay rewards for the apprehension of criminals.

(20) Meat and milk inspection; licensing of slaughter houses.

To provide by ordinance a system of meat and milk inspection, and appoint milk and meat inspectors, agents, or officers to carry the same into effect; to prevent, license, regulate, control, and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges; and to provide reasonable penalties for the violation of such ordinances.

(21) Public schools and libraries.

To establish, organize, administer, or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State.

(22) Inspection of commodities; weights and measure.

To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures, and scales.

(23) Alcoholic beverages.

To make and enforce ordinances, in so far as not prohibited by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

(24) Licensing of motor vehicles.

To require every owner or operator of motor vehicles residing in the town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the town manager, or such other person as may be designated by the council; to issue such license, and to require the owner to pay the annual license fee therefor to be fixed by the council, provided that the license fee shall not exceed the amount charged by the State on such machines. The council shall have the right to require the operator of the motor vehicle to attach a proper license plate on a conspicuous part of the motor vehicle and to keep same thereon in plain view for common observation. The council may prorate such license fee over periods of not less that three months.

(25) Regulation of motor vehicles and traffic.

In so far as not prohibited by general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through the town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and

generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare and safety.

(26) Ordinances generally.

To make and enforce ordinances, not inconsistent with the laws of this State.

(27) Implementation of powers; penalties for violation of ordinances.

To put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the council given by this charter, or any State law, or any amendments thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this charter, the penalty not to exceed fire hundred dollars ($500.00) fine or twelve months' imprisonment in jail, or both.

(28) Enumeration of powers not exclusive.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town council shall have and may exercise all powers which, under the constitution and laws of this State, it would be competent for this charter specifically to enumerate. (1950, c. 397; 2015, c. 279)

Article X. Actions against Town.

§ 1. Restrictions.

(1) No actions shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement of the claimant, his agent, or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the town manager or any attorney appointed by the council for the purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days such statement may be filed within one hundred and twenty days. And no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1950, c. 397; 2015, c. 279)

Article XI. Miscellaneous.

§ 1. (1) If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the

remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered.

(2) That nothing contained in this act, shall be construed to invalidate or to, in any manner, affect the present existing indebtedness, and liabilities of the town of Amherst, whether evidenced by bonded obligations or otherwise.

(3) All ordinances in force in the town of Amherst, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the council.

(4) This act may for all purposes be referred to or cited as the Town of Amherst Charter of 1950. (1950, c. 397)

Appalachia, Town of

County of Wise

History of incorporation

Incorporated March 1, 1906
Charter, 1906, c. 67; repealed 1938, c. 41.
Charter, 1938, c. 41; repealed 1988, c. 168, except § 1.

Current charter

Charter, 1988, c. 168.

Editor's note: The following § 1 is retained from the Charter of 1938 as referenced in § 1.2 of the current charter.

§ 1. The town and its boundaries.

The inhabitants of the territory comprised within the present limits of the Town of Appalachia, as hereinafter described, or as the same may be hereafter altered and established by law, shall continue to be a body politic and corporate, to be known and designated as the Town of Appalachia, and as such shall have and may exercise all powers which are now, or hereafter may be, conferred upon or delegated to, towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive; and the said town of Appalachia, as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure, the present boundaries of the said town being as follows, to-wit:

> Beginning as a chestnut and spruce pine and beech, on a spur of Stone Mountain, corner to Virginia Coal and Iron Company and Interstate Coal and Iron Company; thence North twelve degrees and forty-five minutes West, two thousand five hundred and sixty feet to a black oak and small white oak on a line between the Interstate Coal and Iron Company and Keystone Coal and Iron

Company, thence with said line, continuing the same course, North, twelve degrees and forty-five minutes West, four hundred and two feet to a small chestnut; North thirteen degrees and fifteen minutes East, two hundred and ninety-two feet to a small spotted oak; North eleven degrees forty-five minutes, West three hundred and four feet to two spotted oaks; North one degree and forty-five minutes West three hundred and three feet to a stake and chestnut pointer; North eleven degrees and forty-five minutes West, one hundred and eighty-seven feet to a spotted oak; North two degrees and forty-five minutes East, two hundred and ninety feet to a stake and small chestnut pointer; North nine degrees forty-five minutes West, three hundred and forty-five feet to a beech stump, on top of Ison Rock Ridge, a corner to Keystone Coal and Iron Company and Interstate Coal and Iron Company's lands; North fifty-seven degrees and fifteen minutes East, two thousand and one-hundred feet, crossing Callahan Creek and the Interstate Railroad to a stake, a corner to the Martin Kilbourn fifty acre patent; South seventy-two degrees and fifteen minutes East, twelve hundred feet to a stake, a corner to the Johnson Wells survey; thence with a line thereof South eighty-six degrees and thirty minutes East, eighteen hundred and thirty feet to a stake in the Hagan line; South twenty-four degrees and thirty minutes East, eighteen hundred feet to a stake on the South bank of Powell's river at the upper end of an island; South forty-five degrees and West one thousand and fifty feet to a stake, beech and two dogwoods, pointers, a corner to the Martin Kilbourn twenty-five acre patent; South fifty-three degrees and fifteen minutes West, eight hundred and sixty feet to two pines and a white oak, a corner to Rosie Blondell tract; thence with lines thereof South eight degrees and thirty minutes West, two hundred and sixty feet to a pine stump; South sixty-four degrees and fifteen minutes West, one hundred and twenty-four feet to a stake; South eighty-four degrees West, three hundred and thirty-two feet to a stake; South sixty-four degrees West, three hundred and fifty-two feet to a stake; South seventy-six degrees and thirty minutes West, six hundred and thirty-four feet to a white oak and dogwood; thence leaving the said Blondell's line South forty-six degrees and forty-five minutes West, two thousand six hundred and forty feet to the beginning. (1938, c. 41)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Appalachia, Virginia, as such boundaries are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Appalachia, and such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1988, c. 168)

§ 1.2. Boundaries.

The territory embraced within the Town of Appalachia is that territory described in § 1 of Chapter 41 of the Acts of Assembly of 1938 and as modified by an order of the Circuit Court of Wise County, Virginia, Case No. 20451 dated December 13, 1976. (1988, c. 168)

Chapter 2. Powers.

§ 2.1. Powers of town.

The Town of Appalachia shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as now exist and as hereafter amended, and all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia are hereby conferred upon the Town of Appalachia, Virginia. (1988, c. 168)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office.

A. The Town of Appalachia shall be governed by a town council composed of five members, all of whom shall be qualified voters of the town.

B. The council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified. The term of the three council members who were elected at the regular municipal election in May of 1984 shall expire on June 30, 1988. At the regular town election to be held on the first Tuesday in May, 1988, and every four years thereafter, three members of council shall be elected for a term of four years each. The terms of the two council members who were elected at the regular municipal election in May of 1986 shall expire on June 30, 1990. At the regular municipal election to be held on the first Tuesday in May, 1990, and every four years thereafter, two members of council shall be elected for a term of four years each.

C. At the first meeting in July, 1988, and biennially thereafter following the regular municipal election the council shall choose one of its members as presiding officer who shall have the title of mayor. The mayor shall preside at meetings of the council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for the purposes of military law. He shall have the same powers and duties as other members of the council with a vote, but no veto powers. (1988, c. 168)

§ 3.2. Vacancies.

Vacancies on the council and in the office of mayor shall be filled for the unexpired term by a majority vote of the members of council. (1988, c. 168)

§ 3.3. Qualifications of members.

Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. (1988, c. 168)

§ 3.4. Powers of council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of the Commonwealth of Virginia, and shall have the power in their discretion to appoint a vice-mayor from among the members of the council, town manager, town attorney, town clerk, treasurer and a chief of police, who shall have such duties and shall serve for such terms and at such compensation as the council may determine. (1988, c. 168)

Chapter 4. Miscellaneous.

4.1. Eminent domain.

The power of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the Town of Appalachia, including the power to issue certificates pursuant to §§ 33.1 through 33.1-132 of the Code of Virginia. (1988, c. 168)

§ 4.2. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1988, c. 168)

§ 4.3. Ordinance continuing.

All ordinances now in force in the Town of Appalachia, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council. (1988, c. 168)

§ 4.4. Legislative procedure.

Except in dealing with parliamentary procedure the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1988, c. 168)

Appomattox, Town of

County of Appomattox

Current charter

Incorporation and charter, 2 June 1925, granted by the Circuit Court of Appomattox County.

Editor's note: The sections in the Acts of Assembly indicated below amend the Circuit Court charter; the original is not in the Acts. The sections listed here are from the printed volume of the ordinances of the Town of Appomattox, it is not from the original court order.

Amendments to current charter

1958, c. 93 (§ 16)
1978, c. 100 (§ 22)

1980, c. 43 (§§ 1, 2 [repealed], 3 [repealed], 4, 12)
1983, c. 315 (§§ 15, 18 [repealed])
2008, c. 286 (§§ 5, 7, 8 [repealed], 11)
2021 Special Session I, cc. 134, 135 (§§ 1, 4)
2022, cc. 321, 637 (§§ 1, 4)

§ 1. Election and appointment of officers, etc.

There shall be elected by the qualified voters of said town one elector thereof who shall be denominated the mayor, and six electors, who shall be denominated the councilmen of said town. The mayor and six councilmen shall constitute the council of said town. The town council shall have the authority to appoint or employ a town clerk, a treasurer, a commissioner of revenue, a town manager, a health or sanitary officer, and such other officers as it may deem appropriate for the proper conduct of government of the town. The same person may serve in one or more of such capacities. The town council shall have the power to fix the salaries and compensation of said employees and appointees as necessary, but such compensation shall be fixed by said council before the individual chosen shall assume the duties of office. The town council may also appoint committees and boards and prescribe and fix their duties. (1925; 1980, c. 43; 2021 Special Session I, cc. 134, 135; 2022, cc. 321, 637)

§ 2. (1925; repealed 1980, c. 43)

§ 3. (1925; repealed 1980, c. 43)

§ 4. Terms of office - vacancy and how filled.

The mayor and members of council in office on July 1, 2021, shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. At the next election of members to the town council held on the Tuesday following the first Monday in November 2022, the three council candidates receiving the greatest number of votes shall be elected for four-year terms, and the three council candidates receiving the next greatest number of votes and the mayor shall be elected for two-year terms. Thereafter, the council members shall be elected for terms of four years, and the mayor shall be elected for a term of two years, or until their successors are elected and qualified. An election shall be held on the Tuesday following the first Monday in November 2024 for the three council seats first expiring and for the mayor, and on the Tuesday following the first Monday in November 2026 for the three council seats next expiring and for the mayor. Elections thereafter shall be held every two years on the Tuesday following the first Monday in November. The term of each person elected under this section at a November election shall begin on January 1 next following the election. In case of a vacancy in the office of mayor, or councilmen, elected by the electors of said town, caused by death, resignation or otherwise, such vacancy shall be filled by a majority vote of the town council from the electors of the town for the unexpired term. (1925; 1980, c. 43; 2021 Special Session I, cc. 134, 135; 2022, cc. 321, 637)

§ 5. Mayor's authority, duties and right to vote.

The mayor shall preside over the meetings of the town council and shall have the same right to speak therein as the councilmen. However, he shall not have the right to vote except in the case of a tie, in which event he shall be entitled to cast one vote. He shall be recognized as the head of the town for all ceremonial purposes, the purposes of military law, and the service of civil process. (1925; 2008, c. 286)

§ 6. Enactment of ordinances and veto power of mayor.

Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approves, he shall sign it, but if not, he shall return it to the clerk of the council; and the council shall enter the objection at length on its journal and proceed to reconsider it. If after such reconsideration two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative, notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted), and after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council shall expire within the said five days. (1925)

§ 7. Appointment of town manager; powers and duties of town manager.

There shall be a town manager who shall be the chief operating officer of the town and shall be responsible to the town council for the proper administration of the town government. He shall be appointed by the town council for an indefinite period and shall hold office during the pleasure of the town council. The town manager shall also have the following duties and powers, subject to the approval of council:

1. To see that all laws and ordinances are enforced.

2. To exercise supervision and control over all administrative departments and divisions.

3. To attend all regular meetings of the town council, with the right to take part in the discussion, but having no vote.

4. To recommend to the town council for adoption such measures as he may deem necessary or desirable.

5. To keep the town council advised as to the present and future needs of the town and as to all operations of its government.

6. To perform all such duties as may be prescribed by the charter, or be required of him by the town council. (1925; 2008, c. 286)

§ 8. (1925; repealed 2008, c. 286)

§ 9. Mayor's annual report to council.

The mayor shall communicate to the town council annually, at the beginning of each fiscal year, or oftener, if he be required, a general statement of the condition of the town in relation to its government,

finances and improvements, with such recommendations as he may deem proper; and may from time to time communicate to the council such suggestions and recommendations as he shall deem proper. (1925)

§ 10. President pro tempore.

In case of the absence or inability of the mayor, the president pro tempore of the council, to be chosen by a majority of the council present at a legal meeting, or in his absence or inability some other member of the council chosen in the same manner, shall possess the same power and discharge the municipal duties of the mayor during such absence or inability. (1925)

§ 11. Oath of office; bonds.

Every person elected a councilman of said town shall take an oath faithfully to execute the duties of his office, to the best of his judgment; the person elected mayor shall take the oath prescribed by law for state officers, and the person appointed treasurer shall likewise take the same form of oath as the mayor, and shall give bond, with corporate surety, in a penalty to be fixed by the town council, payable to the town by its corporate name, and with condition for the faithful discharge of his duties, and it shall be his especial duty to collect all taxes and levies of the town, receive all fines, for the violation of the town ordinances, receive all license fees and tax imposed by the town council, issue all licenses and keep accurate account of the same, and publish a statement of all collections and disbursements of said town, and not in conflict with the general law of the State of Virginia. (1925; 2008, c. 286)

§ 12. General powers of council.

The council of said town, shall have power to lay off streets, walks, and alleys, construct, alter, improve and light the same and keep the same in good order, and assess the adjacent owner or owners with such amount as it may deem best for local improvements to the extent permitted by the Constitution of Virginia and the general laws of this state, to lay off public grounds and provide all buildings proper for the town; to provide a prison house; to prescribe the time for holding markets and regulate the same; to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and cause any nuisance to be abated; to regulate the keeping of gun powder and other combustibles, and provide magazines for the same; to provide in or without the town, water works and places for the interment of the dead; to prevent the pollution of water and injury to water works, to make regulations for the protection of the public health to make regulations for the purpose of guarding against danger from accidents by fire, to provide for the weighing or measuring of hay, coal and other articles for sale, and regulate the transportation thereof through the streets; protect the property of the town and its inhabitants, and preserve peace and good order therein. For carrying into effect these and other powers, they may make ordinances and bylaws, and prescribe fines or other punishments for violation thereof as permitted by general law.

The town shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia. (1925; 1980, c. 43)

§ 13. Public streets, alleys and walkways.

All streets, cross streets, roads and walkways, which have already been laid off and opened to the public, by the proper authorities, and now used by the public as such, and all streets, cross streets, alleys, roads and walkways, which may have heretofore been opened and used as such according to law, or which may, at any time be located, surveyed and opened in said town, or any extension of the same, within the corporate limits of the town, shall be and they are hereby established as public streets, alleys, roads and walkways of the town. (1925)

§ 14. Dedication of streets, alleys and walkways.

Any street, alley, or walkway heretofore or hereafter reserved or laid out in the division or sub-division into lots of any portion of the territory within the corporate limits of the town, by a plan or plat of record, shall be deemed and held to be dedicated to public use as and for public streets, alleys or walkways, as the case may be, of the town, unless it appears by said record that the street, alley or walkway so reserved is designated for private use, and whenever any street, sidewalk, alley, walkway, or lane in the town shall have been opened and used as such by the public for the period of five years the same shall thereby become a street, alley, walkway or lane for public purposes, unless notice of the contrary intention on the part of the land owner be given in writing to the mayor of the town, who shall report the receipt of such notice to the council that it may be spread on the journal; and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, and walkways and lanes laid out by them. (1925)

§ 15. Quorum and procedure; tax and debt.

The council of the said town, four members whereof shall constitute a quorum for the transaction of business, may adopt rules for the regulation of their proceedings, but no tax shall be levied or corporate debt contracted unless by a vote of two-thirds of the council, which vote shall be taken by the yeas and nays, and recorded on the journal, and such debt shall be subject to such limitation as to amount as provided in the Constitution and general laws of the Commonwealth of Virginia. The mayor shall preside over the council, and when he is absent they may appoint one of their number president pro tempore. A journal shall be kept of their proceedings, and at the request of any member present, the yeas and nays shall be recorded on any question. At the next meeting, the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not present, by the person presiding when they were read. (1925; 1983, c. 315)

§ 16. In addition to the state tax on any license, the council of said town may, except when prohibited by general law, on anything for which a license is so required in said town, or deemed necessary by the council, impose a tax for the privilege of doing the same, and require a license to be obtained, and

said council may, in any case in which they see fit, require from the person or corporation or firm so licensed bond, with sureties in such penalty, and with such condition as they may deem proper, or make other regulations concerning the same. They may also impose a tax and require a license to be obtained on all automobiles operated in said town, owned by persons, firms or corporations living within said town, and for the privilege of keeping in the town for hire any automobiles, auto-bus, truck or other wheeled carriage. (1925; 1958, c. 93)

§ 17. Powers of council generally.

The council of said town shall have power and authority to organize and maintain one or more fire companies; to restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality, obscenity, and profanity; to preserve peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses, to prevent lewd, indecent, and disorderly conduct or exhibitions in said town, and to expel therefrom persons guilty of such conduct; to prevent, forbid and punish the storing, transporting, selling1 making and giving away of intoxicating liquors and beverages; to control and regulate the sale of, and control the firing of guns, pistols and other firearms and fireworks in the said town; to regulate the use, speed and parking of cars and vehicles on the streets of said town, and running of horses; and the running at large in the limits of said town of hogs, cows, horses, mules and other animals, and other disorders, and may make such rules and regulations, and fix such punishment for the violation thereof, and prohibit and punish the doing of all other things prohibited by state law, as may be deemed proper and not in conflict with the statute laws of the State of Virginia. (1925)

§ 18. (1925; repealed 1983, c. 315)

§ 19. Road district and road tax.

In consideration that the said town shall work and keep in order all streets, alleys and roads within its corporate limits, except state highways, the residents and property therein shall be exempt from the payment of all county and district road taxes heretofore or hereafter charged and levied against the same, and for this purpose the council of said town may impose a tax on all property mentioned under § 20 hereof, not to exceed thirty-five cents on the one hundred dollar value thereof, which shall be in addition to the tax levy authorized in §§ 17 and 20 hereof, and the Town of Appomattox shall constitute a separate road district in the County of Appomattox. (1925)

§ 20. Special license tax on shows, etc.

The said council shall also have power to impose a special license tax on all shows, performances and exhibitions which may be given in said town (except for schools, religious and literary entertainments) and jurisdiction of the corporation authorities of said town for the purpose of imposing and collecting said license tax on shows, performances and exhibitions shall extend one mile beyond the corporate limits thereof. (1925)

Editor's note: The language in § 21 is from the copy of the charter sent from the Clerk of the Court; it is not from a copy of the court order. There was no repeal of this section in the Acts of Assembly.

§ 21. Powers and jurisdiction of members of council.
"The provisions of § 21, concerning the judicial powers of the mayor and town council, have been deleted since they were superseded by state law reorganizing the judicial system of the state." (1925)

§ 22. How to create bonded indebtedness.
The council of the town shall have authority to create bonded debts in the name of the town as provided in the Constitution and general laws of the Commonwealth of Virginia, for such purpose. (1925; 1978, c. 100)

§ 23. Enactment of ordinances.
For carrying into effect the powers granted by this Charter and general laws of this state, the town council may make ordinances and by-laws, and prescribe the fines and other punishment for violation thereof, but no general ordinance or by-laws or regulation having the effect of an ordinance shall become operative until published in some newspaper published in the town, or until publicly posted in the town at such place or places as the council may direct, but any ordinance establishing a town code shall be taken as duly published when copies thereof have been printed and made available for the public. (1925)

§ 24. Use of county jail.
The Town of Appomattox shall have the use of the jail of the County of Appomattox to aid the constituted authorities of said town in maintaining peace and good order, and generally for the enforcement of its ordinances and by-laws, unless for good cause the judge of said county shall prohibit such use. (1925)

Ashland, Town of

County of Hanover

History of incorporation
Incorporated 1858.
Charter, 1858, c. 304; repealed 1893-94, c. 278.
Charter, 1893-94, c. 278; repealed 1952, c. 556.
Charter, 1952, c. 556; repealed, 1980, c. 579.

Current charter
Charter, 1980, c. 579

Amendments to current charter
1996, c. 565 (§§ 1.2, 4.5 [repealed])

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory embraced within the present limits of the town of Ashland, Hanover County, Virginia, as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Ashland, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure. (1980, c. 579)

§ 1.2. Boundaries.

The boundaries of the town shall be as established by the General Assembly, Acts of Assembly, 1893-1894, and by order of the Circuit Court of Hanover County, Virginia, entered at the May 1932 term in Chancery Order Book No. 20, page 8 and described in such court order and as enlarged by an annexation order entered July 26, 1976, and filed in Chancery Order Book No. 47, page 462 in the clerk's office of the Circuit Court of Hanover County, Virginia, and further shown in Plat Book 31, page 40 in such clerk's office, and as enlarged by an annexation order entered November 30, 1995, and filed in Deed Book 1157, page 191 in the clerk's office of the Circuit Court of Hanover County, Virginia, which are made a part hereof and are incorporated herein by reference. (1980, c. 579; 1996, c. 565)

Chapter 2. Powers.

§ 2.1. The town of Ashland shall have all powers that are conferred upon towns under the Constitution of Virginia and other laws of the Commonwealth. All powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia (§ 15.1-837 et seq.), as may be amended from time to time, are hereby specifically conferred upon the town of Ashland. (1980, c. 579)

Chapter 3. Governing Body.

§ 3.1. Council.

A. The town of Ashland shall be governed by a town council, composed of five members, elected at large.

B. The members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. In each even-numbered year, on the date specified by general law for municipal elections, a number of councilmen equal to the number of terms expiring during that year—that is, three in years divisible by four and two in other even-numbered years—shall be elected for terms of four years each. Persons so elected shall qualify and take office on the first day of July following their election. They shall continue to serve until their successors are duly elected, qualify and assume office.

D. Any person qualified to vote in the town shall be eligible for the office of councilman.

E. Vacancies on the council shall be filled for the unexpired term by a majority vote of the remaining members of the council from the electors of the town. (1980, c. 579)

§ 3.2. Mayor and vice-mayor.

A. At its first meeting in July, the council shall elect from among its membership a mayor and a vice-mayor, each for terms of two years.

B. The mayor shall preside at the meeting of the council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall have a vote as a member of council but shall have no veto power. He shall perform such other duties as may be given him by council not inconsistent with the Constitution of Virginia, general laws of the Commonwealth, or this charter.

C. The vice-mayor shall perform the duties of the mayor whenever the mayor is absent or unable to perform such duties.

D. The positions of mayor and vice-mayor shall be treated as additional duties of members of council and shall not be considered a separate office for purposes of Section 6 of Article VII of the Constitution of Virginia or for any other purpose. (1980, c. 579)

§ 3.3. Powers of council.

In addition to exercising the powers of the town specified in Chapter 2 of this charter, the council shall have the power to make such rules as are necessary for the orderly conduct of its business and for the administration of the town government not inconsistent with the laws of Virginia. (1980, c. 579)

Chapter 4. Miscellaneous.

§ 4.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the following year. (1980, c. 579)

§ 4.2. Ordinances continuing.

All ordinances now in force in the town of Ashland, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council. (1980, c. 579)

§ 4.3. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1980, c. 579)

§ 4.4. Town officers.

A. At its organizational meetings held in each even-numbered year, as referred to in § 3.2 A. of this charter, the council shall appoint a town manager who shall serve as the chief administrative officer of the town.

B. The council may, in its discretion, provide for a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. It shall specify which officers shall be appointed by the council and which ones shall be appointed by the town manager. The council shall further provide the terms of each office or whether the officers shall serve at the pleasure of the appointing authority.

C. Each officer shall have such duties not inconsistent with the Constitution, general laws of the Commonwealth or this charter, and shall be paid such compensation as the council may determine.

D. Except for the members of the council, the same person may be appointed to more than one office.

E. In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1980, c. 579)

§ 4.5. (1980, c. 579; repealed 1996, c. 565)

Bedford, Town of

County of Bedford

History of incorporation

Formerly City of Bedford.
Formerly Town of Liberty.
Charter, Town of Liberty, 1889-90, c. 440; repealed 1969, c. 6.
Charter, City of Bedford, City of Second Class, by court order August 31, 1968; 1969 Extra Session, c. 6; repealed 2013, cc. 565, 628

Current charter

Charter, Town of Bedford, 2013, cc. 565, 628

Incorporation, Boundaries, and Powers Generally.

§ 1. Incorporation.

The inhabitants of the territory included within the limits of the former City of Bedford, as hereinafter defined, shall continue to be a body politic and corporate under the name of the Town of Bedford, on and after July 1, 2013, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal that it may alter at its pleasure. (2013, cc. 565, 628)

§ 2. Corporate boundaries.

The boundaries of the Town of Bedford shall be as set forth (i) by decree of a certain annexation court sitting at Bedford, Virginia, said decree having been entered on the 14th day of October, 1959, recorded in the Bedford County clerk's office in Deed Book 288 beginning at page 545 in a certain annexation proceeding involving the Town of Bedford and the County of Bedford, said boundary encompassing a total area of 6.7675 square miles; (ii) by order of a voluntary settlement court entered on June 22, 1993, recorded in the Bedford County clerk's office in Deed Book 911 beginning at page 846 in a certain voluntary settlement proceeding involving the City of Bedford and the County of Bedford; and (iii) by order of a voluntary settlement court entered on December 18, 2012, recorded in the Bedford County clerk's office as instrument number 120013834, which provided that the City of Bedford would become a town within the County of Bedford as of July 1, 2013, and that additional territory would be incorporated into the Town of Bedford as of that date. (2013, cc. 565, 628)

§ 3. Powers.

The powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia as in force on the date that this act takes effect, and all acts amendatory thereof, and all other powers that are now or may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a town government the exercise of which is not expressly prohibited by said Constitution and laws and which, in the opinion of the town council are necessary and desirable to promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants, are fully and completely conferred upon the Town of Bedford as though such powers specifically were enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. In addition to other powers conferred by law, the Town of Bedford shall have the power to supply electric public utility service, and to construct, enlarge, or acquire, by lease or otherwise, any electric utility services, outside its political boundaries within the territory now served by the present municipal electric system as determined by § 56-265.4:1 of the Code of Virginia or as hereafter determined by the general laws; and the power to provide cable antennae television service to customers within and without the town as feasible or grant franchises therefor.

In addition to the powers granted by other sections of this Charter, the town shall have the power to raise annually by taxes and assessments, as permitted by general law, in the town, such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the town, in such manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general grant of power the town shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge;

to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, local general retail sales and use tax as provided by law, and capitation taxes; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation, or calling without such a license, and require taxes to be paid on such licenses in respect to all businesses, professions, vocations, and callings that cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets and other public places of the town, require taxes to be paid on such licenses, and prohibit the use of streets, alleys, and other public places in the town without such license, said town to have the power to require as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all personal property taxes then due and payable to the town by the license applicant.

In addition to the other powers conferred by law, the Town of Bedford shall have the power to impose, levy, and collect, in such manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, gas, electricity, telephone, and any other public utility service within the town or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. (2013, cc. 565, 628)

Administration and Government.

The Mayor and Council.

§ 4. Qualifications of council members.

Each member of council, including the mayor, shall be a qualified voter and a bona fide resident of the town. (2013, cc. 565, 628)

§ 5. Duties of mayor generally.

The mayor shall preside over the meetings of the council, shall have the same right to speak therein as other members of council, and shall have a vote as other members of council, but shall have no power to veto. He shall have authority to appoint such committees of the council as deemed necessary and expedient in the proper administration of the town government.

The mayor shall be recognized as the head of town government for all ceremonial purposes, the purpose of military law, and the service of civil process. He shall authenticate, by his signature, such instruments as the council, this Charter, or the laws of the Commonwealth may require. (2013, cc. 565, 628)

§ 6. Selection of mayor and vice mayor.

The council of the Town of Bedford, at its first meeting after its election, shall elect from its membership one of its members as mayor of the town. The council at said meeting also shall elect from its membership one of its members as vice mayor, who shall, in the absence or inability of the mayor to act, have all of the powers and duties of the mayor and shall perform all of his functions.

At the first meeting of each new and succeeding council elected hereunder, such mayor and vice mayor shall be elected. (2013, cc. 565, 628)

§ 7. Council - Generally; devolution of powers in absence, etc., of mayor and vice mayor; compensation of mayor, vice mayor, and council.

The Town of Bedford shall be governed by a town council that shall be composed of seven members elected at large.

Vacancies on the council shall be filled as provided by general law. In case of the absence or disability of both the mayor and vice mayor, one of the other council members selected by a majority vote of the council shall have all of the powers conferred by this Charter and by general law upon the mayor and vice mayor.

The salary of each member of council, including the salary of the mayor and the salary of the vice mayor, shall be as the same may be fixed by council. The salary of the members of council shall be payable out of the treasury of the Town of Bedford in monthly installments. The council may, from time to time, by five-sevenths vote of all members elected to council change the salaries of the members of council, including the salary of the mayor and the salary of the vice mayor. (2013, cc. 565, 628)

§ 8. Same - Election, term, and filling of vacancies.

As provided by order of a special court entered on December 18, 2012, pursuant to §§ 15.2-3400 and 15.2-4115 of the Code of Virginia, seven members shall be elected for the town council at a special municipal election to be held in May 2013. The four members receiving the highest number of votes shall serve a term that runs from July 1, 2013, through December 31, 2016. The three members receiving the next highest number of votes shall serve a term that run from July 1, 2013, through December 31, 2014. At the general election held in November 2014 and every four years thereafter, three members shall be elected for a term of four years. At the general election held in November 2016, and every four years thereafter, four members shall be elected for a term of four years. The persons so elected shall take office on the first day of January following such election. (2013, cc. 565, 628)

§ 9. Same - Powers enumerated.

All powers of the Town of Bedford as a body politic and corporate shall be vested in the town council.

The council shall be the policy-determining body of the town and shall be vested with all of the rights and powers conferred on councils in towns, not inconsistent with this Charter. In addition to the foregoing, the council shall have the following powers:

(1) To have full power to inquire into the official conduct of any office or officer under its control and to investigate the accounts, receipts, disbursements, and expenses of such town employees; for these purposes it may subpoena witnesses, administer oaths, and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

(2) To provide for the performance of all the governmental functions of the town and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this Charter what office or employee of the town shall exercise any power or perform any duty conferred upon or required of the town or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the town so designated by ordinance or resolution of council. Any activity that is not assigned by the provisions of this Charter to specific departments or agencies of the town government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer, or combine any town functions, activities, or departments. The council, in its discretion, may appoint the same person to more than one appointive office.

(3) To fix a schedule of compensation for all town officers and employees. The council may by ordinance define certain classes of town employees whose salaries shall be set by the town manager.

(4) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the town as the council may designate.

(5) The town manager, the clerk of the council, the town attorney, and all employees who report directly to the town manager as department heads shall serve at the pleasure and will of their appointing authority. Where the selection and tenure in office of officers and employees are otherwise specified in this Charter, the Constitution of Virginia, or state statute, those provisions shall govern. (2013, cc. 565, 628)

§ 10. Oath of office.

The mayor and other municipal officers of the town, before entering upon the duties of their respective offices, shall be sworn in according to the laws of the Commonwealth by any one authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

The failure of any person elected or appointed to an office under this Charter to qualify within thirty days after the commencement of the term for which he was elected or appointed, or if elected or appointed to fill a vacancy, for thirty days after such election or appointment, shall vacate his office. (2013, cc. 565, 628)

Council Procedures.

§ 11. Meetings generally.

The council shall, by ordinance, fix the time and place of its meeting. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings and may compel the attendance of its members, punish its members for disorderly behavior, and by a vote of two-thirds of its members expel a member for malfeasance or misfeasance in office. All elections and appropriations of money shall be by roll call vote and the vote shall be recorded in the minutes of the council. (2013, cc. 565, 628)

§ 12. Quorum.

Four members of the council shall constitute a quorum for the transaction of business, but no ordinance or resolution having for its object the levying of taxes or the appropriating of money shall be adopted except by an affirmative vote of five of the members of council. (2013, cc. 565, 628)

§ 13. Forfeiture of office upon conviction of felony.

Any member of the council or other officer of the town who shall have been convicted of a felony while in office shall thereby forfeit his office. (2013, cc. 565, 628)

§ 14. Organization meeting.

On the first business day of January following each regular municipal councilmanic election, the council shall meet for its organization meeting, at which time the newly elected council members shall be sworn in and shall assume the duties of their office. At the same meeting, council shall elect a mayor and vice mayor. Thereafter the council shall meet regularly at such time as may be prescribed by ordinance or resolution, such regular meetings to be held not less than once each month. (2013, cc. 565, 628)

§ 15. Special meetings.

The mayor or any three members of the council may call special meetings of the council, at any time, after a written notice of at least six hours, with the purpose of the meeting stated therein, served personally on each member of the council and the mayor, or left at his usual place of business or residence if he be not found with due diligence, or such meeting may be held at any time, without any service of notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting unless all members of council are present. (2013, cc. 565, 628)

§ 16. Clerk to the council.

The council shall appoint a clerk to the council to serve at the pleasure of the council. He shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall receive such compensation as clerk to the council as may be determined by the council. (2013, cc. 565, 628)

Enactments.

§ 17. Ordinances and resolutions.

Except as otherwise provided in this Charter, an affirmative vote of a majority of the members of council present shall be necessary to adopt any ordinance or resolution. An ordinance or resolution may be presented and enacted at the same meeting. (2013, cc. 565, 628)

§ 18. Recordation and authentication of ordinances.

Every ordinance or resolution having the effect of an ordinance when enacted by the council shall be recorded and indexed by the clerk of the council in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the clerk of the council. (2013, cc. 565, 628)

§ 19. Publication of ordinances.

Every ordinance involving a penalty for its violation shall be published one time, immediately following its passage, in some newspaper having general distribution in the town, or posted at three or more public places in the town for one week, and no such ordinance shall be effective until the same has been so published.

This section shall not be construed to require the publication or posting of any revision or codification of the ordinances of the town. It shall be sufficient, in the case of any such revision or codification of the town ordinances and any new material or ordinances included therein, to publish or post the adopting ordinance as required herein. (2013, cc. 565, 628)

§ 20. Final passage of ordinance on day of presentation and first reading.

When it is proposed to place an ordinance on its final passage on the same day on which it was first presented and read, and objection is made to so doing, the ayes and noes shall be ordered on the question of so doing. In such case the ordinance shall not be placed upon its final passage at that meeting except by the concurrence of two-thirds of the members present. (2013, cc. 565, 628)

Town Manager.

§ 21. Appointment, qualifications, and term of office.

There shall be a town manager who shall be responsible to the council for the proper administration of the town government. He shall be chosen by the council without regard to his political beliefs and solely upon the basis of his executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office at the pleasure of the council. At the time of his appointment he need not be a resident of the town or the Commonwealth, but during his tenure of office he shall reside within the town. (2013, cc. 565, 628)

§ 22. Duties enumerated.

(1) To see that all laws and ordinances of the town are enforced.

(2) To exercise supervision and control over all administrative departments and divisions, unless otherwise provided by resolution or ordinance of the council.

(3) To attend all regular meetings of council with the right to take part in the discussion but having no vote.

(4) To recommend to the council for adoption such measures as he may deem necessary or desirable.

(5) To execute all contracts on behalf of the town.

(6) To prepare and submit to the council the annual budget.

(7) To keep the council advised as to the present and future needs of the town and as to all operations of its government.

(8) To perform all such duties as may be prescribed by the Charter or be required of him by the council. (2013, cc. 565, 628)

§ 23. Absence or disability.
During the absence or disability of the town manager or in case of a vacancy, the council shall designate some properly qualified person to perform the duties of the office during such absence, disability or vacancy. (2013, cc. 565, 628)

§ 24. Council-manager relationship.
Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. (2013, cc. 565, 628)

§ 25. Council members not to succeed to office of town manager.
No council member shall be appointed as town manager during the term for which he has been elected nor within one year after the expiration of his term. (2013, cc. 565, 628)

Financial Administration.

§ 26. Fiscal year.
The fiscal year of the town shall be from July 1 through June 30 inclusive. (2013, cc. 565, 628)

§ 27. Submission and adoption of budget; hearings and tax levy.
No later than the first day of May annually the town manager shall prepare and submit to the council a budget presenting the financial plan for conducting the affairs of the town for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as council, by ordinance or resolution, may require.

Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with general laws of the Commonwealth.

The tax levy for each fiscal year shall be made and a budget for the fiscal year shall be adopted prior to the first day of the fiscal year for which they were made or adopted. (2013, cc. 565, 628)

§ 28. Borrowing powers.

The council may, in the name of and for the use of the town, incur indebtedness by issuing its bonds or notes for the purposes, in the manner, and to the extent provided for in this Charter and by the general law of Virginia. (2013, cc. 565, 628)

§ 29. Purpose for which bonds or notes may be issued; manner of issuance.

Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided may be issued for any purpose for which towns are authorized to issue bonds by the Constitution or general laws of the Commonwealth.

Notes in anticipation of collection of revenue may be issued when authorized by the council at any time during the fiscal year. Bonds and notes of the town may be issued in any manner provided by general law. (2013, cc. 565, 628)

§ 30. Audits generally.

At the close of each fiscal year the council may cause to be made an independent audit of the accounts, books, records, and financial transactions of the town by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify, and one copy thereof shall be available for public inspection in the office of the clerk of the council at any time during regular business hours. Upon the death, resignation, or termination of employment of any town officer or employee, council may order an audit of the accounts, books, records, and financial transactions of that office. (2013, cc. 565, 628)

§ 31. Town attorney.

There shall be a town attorney appointed by council, and he shall hold office at the pleasure of the council and shall receive such compensation as council may determine. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. The town attorney shall be the chief legal adviser of the council, the town manager, and all departments, boards, commissions, and agencies of the town in all matters affecting the interest of the town. He shall represent the town in all civil proceedings. It shall be his duty to perform all services as may be required by the laws of the Commonwealth, this Charter, or by ordinance. (2013, cc. 565, 628)

General Provisions.

§ 32. Contractual relationships.

The Town of Bedford may, at the option of the town council, enter into contractual relationships with the Commonwealth; the Commonwealth's departments, bureaus, boards, and agencies; neighboring

political subdivisions; or private agencies for the performance of all or any part of the functions or purposes of the town, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. (2013, cc. 565, 628)

§ 33. Residence of officers and employees.

Except as otherwise provided in this Charter, the council shall have the power to provide by resolution or ordinance the length of prior residence in the town, if any, which shall be required as a qualification for employment of officers and employees of the town, or any of them, and whether such officers and employees, or any of them, shall be required to reside within the town during their tenure in such office or employment. (2013, cc. 565, 628)

§ 34. Present ordinances and rules and regulations continued in effect.

All ordinances and resolutions of the former city and all rules, regulations, and orders legally made by any department, board, commission, or officer of the former city, in force at the effective date of this Charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed. (2013, cc. 565, 628)

§ 35. Continuance of officials and officers.

Except as to council members of the former city or where this Charter may otherwise provide, all officers of the former city holding office immediately prior to the effective date of this Charter, whether such office be elective or appointive, may continue in such office until the expiration of their respective current term of office or until their successors shall have been elected or appointed and qualified or until such office may be lawfully terminated. (2013, cc. 565, 628)

§ 36. Continuance of internal organization of town.

Except where this Charter may otherwise provide, the several departments, commissions, boards, and other administrative units of the town functioning at the effective date of this Charter are hereby continued until otherwise provided by ordinance. (2013, cc. 565, 628)

§ 37. Continuance of contracts.

All contracts entered into by the former city or for its benefit prior to the taking effect of this Charter shall continue in full force and effect, except such contracts as are terminated or modified pursuant to the order of a voluntary settlement court entered on December 18, 2012, which affirmed and validated a Voluntary Settlement of Transition to Town Status and Other Related Issues between the City of Bedford and the County of Bedford. All public works begun prior to the taking effect of this Charter may be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws. (2013, cc. 565, 628)

§ 38. Applicability of state law; conflicts with jurisdiction of State Corporation Commission.

If there is omitted from this Charter any provision essential to the valid sale or granting, renewing, extending, or amending of any franchise, privilege, lease, or right of any kind to use any public property in the town, the provisions of the general law with reference to this subject shall supply such omissions, provided that nothing contained in this Charter shall affect any franchise heretofore granted or any contract heretofore made with a public utility corporation, nor shall anything contained in this Charter be construed to conflict with the jurisdiction of the State Corporation Commission. (2013, cc. 565, 628)

§ 39. Severability; short title.

If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said Charter, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

This act may for all purposes be referred to or cited as the Town of Bedford Charter of 2013 and shall be effective on July 1, 2013. (2013, cc. 565, 628)

Belle Haven, Town of

County of Accomack

Current charter

Incorporated 1895-6, c. 9.

Amendments to current charter

1901-2, c. 685 (§§ 3, 8, 9, 16 [repealed])
1926, c. 364 (§ 13)

§ 1. Be it enacted by the general assembly of Virginia, That the settlement of Belle Haven, in Accomac county, as the same is now, and shall hereafter be, laid off into lots, squares, streets, and alleys, be, and the same is hereby, made a town corporate by the name of Belle Haven, and by that name shall have and exercise all the powers conferred on towns of less than five thousand inhabitants by the code of Virginia, and to all laws now in force, or which may hereafter be enacted, in reference to towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1895, c. 9)

§ 2. The limits of said town shall be as follows: Beginning at Occohannock creek and running east along the line dividing the farm of H. F. Killman and the farm known as Whitehaven to the main county road; continuing in same direction along the line dividing the lands of William E. Brickhouse and S. S. Kellam to a large pine tree, turning thence at right angles and running south in a direct line to and continuing along a ditch, on the east edge of the lands known as the King field, to a hickory tree on the corner of the lands belonging to N. A. Smith; from thence continuing in a southeastwardly direction to

and crossing the boundary between Accomac and Northampton counties to a large pine on the south edge of the farm of James A. Smith, then turning in a westwardly direction and following the dividing line between the lands of the above-named James A. Smith and William J. Mapp to the main county road, turning northwardly and continuing along above-named road to and following in a westwardly and northwestwardly direction, respectively, the lands belonging to John H. Ashby to the branch forming the boundary line between Accomac and Northampton counties, following said branch to Occohannock creek, continuing along north and east edge of said creek to the point of beginning. (1895, c. 9)

§ 3. The government of said town shall be vested in a mayor, recorder, five councilmen, and such other officers as may be provided for by the mayor and council. The mayor, recorder, and councilmen shall have and exercise all the powers hereinafter granted to said officers, and shall continue in office until the first day of July, 1895, and thereafter until their successors shall be elected and qualified according to law, a majority of whom shall constitute a quorum for the transaction of business. The mayor, recorder, and councilmen shall compose the town council. (1895, c. 9; 1901-2, c. 685)

§ 4. The election for mayor, recorder and councilmen shall be held on the fourth Thursday in May, 1896, and on the fourth Thursday in May in every second year thereafter. Such election shall be held at a designated place in the said town, and conducted under the supervision of three commissioners appointed by the council for the purpose. Within two days after any election has been held under this act, the commissioners who conducted the same shall certify the names of the persons elected to the clerk of the county court of Accomac county, and to the officers elected, which certificate shall be entered among the records of said county and corporation. (1895, c. 9)

§ 5. In all elections for the officers of this corporation, all persons who are by the laws of this state entitled to vote for members of the general assembly, and who shall have resided in the said town for three months next preceding the day of election then to be held, shall be entitled to vote. (1895, c. 9)

§ 6. The persons to be elected under the provisions of this act shall be inhabitants of said town; and it shall be their duty, on or before the first day of July next after their election, to take and subscribe the oaths required by law to be taken by county and district officers before a justice of the peace or a notary public of Accomac or Northampton counties, and they shall enter upon the discharge of their duties as such officers on the first day of July next after their election, and hold office for a term of two years and until their successors are elected or appointed and qualified. The oaths taken and subscribed under this section shall be filed with the records of said town. (1895, c. 9)

§ 7. When from any cause a vacancy may occur in the office of mayor, recorder or councilmen, the town council shall, by a vote of a majority of such as remain, fill such vacancies from the citizens of the town eligible to the office under this act. (1895, c. 9)

§ 8. The mayor of said town shall take care that the ordinances, resolutions, and by-laws of the town council are faithfully executed. He shall be ex-officio a conservator of the peace within the said town, and shall within the same exercise all the powers and duties vested by law in justices of the peace. He shall have power to render judgment and issue executions in all matters wherein he has jurisdiction by reason of the authority vested in him under this act, and in all matters where it may be necessary to carry into effect the purposes of this act, said town authorities shall have the right to use the jail of Accomac county for that purpose. (1895, c. 9; 1901-2, c. 685)

§ 9. The mayor, recorder, and any two councilmen, or the mayor or recorder and any three councilmen, or in the absence of both the mayor and recorder, any four councilmen shall constitute a quorum to do business. The mayor shall preside at the meetings of the council. In his absence the council shall select one of their number to preside, and the proceedings shall be signed by the person presiding. If at any meeting the recorder be absent, the person presiding shall appoint some other person to discharge the duties of the recorder for that meeting. (1895, c. 9; 1901-2, c. 685)

§ 10. The town council shall cause to be kept in a journal an accurate record of all its proceedings, which shall be open to the inspection of any person residing in said town. The mayor and recorder shall have votes as members of said council, and the person presiding at the time of any tie vote shall have the casting vote.

The recorder shall attend all meetings of the council, keep a journal of its proceedings, have charge of and preserve the records of the town, and perform such other duties as the council may prescribe. (1895, c. 9)

§ 11. It shall be the duty of the town council, at their first meeting after their appointment or election, or as soon thereafter as practicable, to appoint a sergeant, who shall hold his office during the term of the council which elected him and until his successor is duly elected and qualified, and who shall, within the limits of said town and two miles beyond said limits, have the powers and be subject to all the laws applicable to constables by the laws of this state and not inconsistent with the provisions of this act.

The town council shall require of said sergeant a bond in such penalty and with such conditions and such sureties as it may prescribe, which bond shall be filed with the records of said town and a copy thereof, certified by the mayor, recorded in the bond-books of the county court of Accomac county; and said sergeant shall take and subscribe the oaths required by law of county and district officers, and execute the bond required by the town council before entering upon the duties of his office. (1895, c. 9)

§ 12. It shall be lawful for said council to make and pass orders, by-laws, ordinances, and resolutions for the government of said town, so the same be not contrary to the laws and constitution of this state

and of the United States; and for the violation of the same to prescribe reasonable fines, but in no case to exceed fifty dollars. (1895, c. 9)

§ 13. To meet any expenditures that may be necessary and chargeable to said town for any purpose, the town council may, at such times as it may seem proper, levy a town levy of so much as in its opinion may be necessary upon all persons and property in said town not exempt from taxation by the laws of this state; provided, that a capitation tax not greater than one dollar per head on all male and female inhabitants of said town over the age of twenty-one years shall be levied in any one year; and provided, further, that the tax levies on all property shall not exceed one dollar on every hundred dollars of the assessed value of the property in the town in any one year; provided, however, that said council, by a two-thirds vote of the entire council, may exempt any real or personal estate used for manufacturing purposes, or other enterprises, from all municipal taxes for a period of not exceeding five years at a time, if it shall deem it expedient to do so, in order to encourage the establishment of any enterprise in said town. (1895, c. 9; 1926, c. 364)

§ 14. The town sergeant shall have power to collect the town taxes, fines, and levies, and one month after the time he shall have received the book of the assessor of said town to distrain and sell therefor in like manner, as now provided by law for the collection of state taxes, and shall have the same powers as constables and county treasurers to enforce the collection and payment of such taxes, fines, and levies and executions issued by the mayor in civil causes; and such sergeant may at any time be removed by said council for any neglect or default in duty or for failure to properly account for any money in his hands, as the council may direct. (1895, c. 9)

§ 15. There shall be a lien on all real estate for town taxes and levies assessed thereon from the commencement of the year from which they are assessed, and the town council may order and require real estate within said corporate limits, delinquent for the nonpayment of town taxes thereon, to be rented or sold by the sergeant at public auction, and at some public place in said town, for the arrears, with interest, with such a per centum as said council may prescribe for all costs and charges, and the surplus, if any, shall be paid to the person entitled thereto; but before offering such delinquent real estate for sale or rent, the time, terms, and place of sale, the amount due thereon, and person in whose name the same is charged, shall be advertised by posting notices at the front door of the courthouse of Accomac county and at three or more public places in said town for at least thirty days. Said council shall fix a time within which such property may be redeemed by any person who has an interest in such property, or as creditor for such person; and if there be a failure to redeem within the time prescribed by said council, the recorder of said town shall make conveyance of the real estate so sold in the manner as now provided by law for conveyance by clerks of courts of lands sold for taxes, and such conveyance shall operate to pass whatever title the party charged had in such property. The lien for town taxes and levies and any conveyance under this section shall be subject to the lien of any state and county taxes and all prior liens of every kind belonging to any individual, firm, or

corporation, due on the real estate upon which such lien is, or which may have been, so conveyed. (1895, c. 9)

§ 16. (1895, c. 9; repealed, 1901-2, c. 685)

§ 17. The county courts of Accomac or Northampton, or the circuit court of the eighth district, shall in no case grant license to any person for the sale of liquors, wines, beer or other alcoholic stimulants within the corporate limits of said town, or within one mile of same, unless such person shall present a certificate from said town council certifying that such person is a suitable person for the business, and that the place where such business is proposed to be conducted is suitable, convenient and appropriate. (1895, c. 9)

§ 18. The persons named in § 3 of this act shall, immediately after their appointment hereunder, take the oath of office required by § 6 of this act; and if any fail to so qualify, those who do so qualify shall appoint other inhabitants from said town in their room and stead. (1895, c. 9)

§ 19. The town council may levy a tax on or license to agents of insurance companies; to theatrical or other performances or shows; to keepers of billiards or pool tables of ten-pin alleys; to other persons engaging in any other business for which a license may be required by the laws of the state. (1895, c. 9)

§ 20. This act shall be in force from its passage. (1895, c. 9)

Berryville, Town of

County of Clarke

History of incorporation

Established 1798.
Moved from County of Frederick to County of Clarke, 1841.
Incorporation and Charter, 1870, c. 366; repealed, 1898, c. 819.
Charter, 1898, c. 819; repealed, 1971, c. 112.

Current charter

Charter, 1971, c. 112.

Amendments to current charter

1972, c. 29 (§ 3.2)
1994, c. 324 (§§ 2.3, 4.2, 7.1, 7.3)
2019, c. 308 (§§ 1.2, 2.2, 2.3, 3.1, 3.1:1 [added], 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.12, 3.15, 4.1, 4.2, 4.3, 4.5, 4.6, 4.7, 5.1, 5.2, 5.3 [repealed], 5.4 [repealed], 6.1 [repealed], 6.2 [repealed], 6.3 [repealed], 7.2, 7.3, 8.2 [repealed], 8.3 [repealed], 8.4, 8.5 [repealed], 8.6, 8.7, 8.10, 8.11)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Berryville, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate to be known and designated as the town of Berryville, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, review or amend at its pleasure by proper ordinance. (1971, c. 112)

§ 1.2. Boundaries.

The corporate boundaries of the town of Berryville shall be as follows:

Beginning at a pipe in the west side of North Buckmarsh Street (U.S. Route No. 340), such point being at the intersection of the west right-of-way line of North Buckmarsh Street and an extension of the north lot line of the Episcopal parsonage; thence along the west right-of-way line of North Buckmarsh Street, N 27° 43' E. a distance of 634.47 feet to a pipe; thence N. 45° 42' W. 2241.36 feet along the rear lot lines on the north side of Walnut Street to a pipe; thence S. 56° 34' 30" W. a distance of 160.38 feet to a pipe; thence S. 45° 45' 30" W. a distance of 4490.77 feet to a pipe in the orchard of H. F. Byrd, such line crossing West Main Street (Va. Route 7); thence, still through the orchards of H. F. Byrd and other properties, S. 57° 25' E. a distance of 3754.92 feet to a spike in the center line of South Church Street; thence S. 53° 42' E. a distance of 1736.86 feet to a pipe, such line crossing the Norfolk and Western Railway right-of-way; thence along a 13° 13' curve, parallel to the Norfolk and Western Railway, such curve having a tangent bearing of N. 62° 10' E. and a tangent distance of 250.80 feet to a pipe and point of intersection; thence still parallel to the Norfolk and Western Railway N. 49° 03' E. a distance of 2484.97 feet to a point of intersection of a 15° 38' curve, the corporate limits following the curve; thence N. 64° 44' E. a distance of 585.77 feet to a pipe; thence N. 49° 41' W. a distance of 3315.36 feet to a pipe and the place of beginning. In addition: Annexation Area A, 350 acres, Deed Book 193, Page 226; Annexation Area B1, 7.691 acres, Deed Book 227, Page 779; Annexation Area B2, 8.965 acres, Deed Book 237, Page 794; Annexation Area B3, 63.0898 acres, Deed Book 258, Page 156; Annexation Area B4, 10.5316 acres, Deed Book 279, Page 257; Annexation Area B5, 196.5 acres, Deed Book 308, Page 685; Annexation Area B6, 114.38 acres, Deed Book 364, Page 501; Annexation Area B7, 42.2588 acres, Deed Book 421, Page 722; Annexation Area B8, 41.81 acres, Deed Book 472, Page 284. (1971, c. 112; 2019, c. 308)

§ 1.3. Wards.

The town of Berryville shall be divided into four wards. The boundaries of such wards shall be established by the town council by ordinance. (1971, c. 112)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Berryville shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (1971, c. 112)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in §§ 15.2-1100 through 15.2-1133, both inclusive, of Chapter 11 of Title 15.2 of the Code of Virginia, as in force on January 1, 2019, are hereby conferred on and vested in the town of Berryville. (1971, c. 112; 2019, c. 308)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Chapter 19 (§ 15.2-1901 et seq.) of Title 15.2, Title 25.1, and Chapter 10 (§ 33.2-1000 et seq.) of Title 33.2 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town of Berryville subject to the provisions of § 25.1-200 of the Code of Virginia.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the town. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.2-1019 through 33.2-1029, inclusive, of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town treasurer. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property or interest therein by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the condemnation authority shall be subject to the provisions of § 25.1-200 of the Code of Virginia.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or canceled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such

certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1971, c. 112; 1994, c. 324; 2019, c. 308)

Chapter 3. Mayor, Vice Mayor, and Town Council.

§ 3.1. Composition of council; qualifications of mayor, vice mayor, and council members.

The town of Berryville shall be governed by a town council composed of the mayor, the vice mayor, and four council members. The mayor, vice mayor, and council members shall be residents and qualified voters of the town. The mayor and vice mayor shall be elected from the town at large. The four council members shall reside one in each ward of the town, but shall be elected by all of the qualified voters of the town. (1971, c. 112; 2019, c. 308)

§ 3.1:1. Office of recorder continued as office of vice mayor.

The office of vice mayor shall become effective on July 1, 2022, and the previously established office of recorder shall remain effective until July 1, 2022. (2019, c. 308)

§ 3.2. Election and term of office of mayor, vice mayor, and council members.

Elections for mayor, vice mayor, and council members shall be held on the first Tuesday in May of each even-numbered year. On the first Tuesday in May, 2020, a mayor and council members from Wards 1 and 3 shall be elected for a term of four years. On the first Tuesday in May, 2022, a vice mayor and council members from Wards 2 and 4 shall be elected for terms of four years. (1971, c. 112; 1972, c. 29; 2019, c. 308)

§ 3.3. When terms of office to begin.

The terms of office for the mayor, vice mayor, and council members shall begin on the first day of July next following their election. (1971, c. 112; 2019, c. 308)

§ 3.4. Oath of office.

The mayor, vice mayor, and council members shall each, before entering upon the duties of their office, make oath or affirmation that they will truly, faithfully, and impartially discharge the duties of their offices to the best of their abilities, so long as they shall continue therein. (1971, c.112; 2019, c. 308)

§ 3.5. Vacancies in office.

Vacancies in the office of mayor, vice mayor, or council member shall be filled within forty-five days for the unexpired terms by a majority vote of the remaining members of the town council. (1971, c. 112; 2019, c. 308)

§ 3.6. When new election for mayor, vice mayor, or council member required.

If any person who shall have been duly elected mayor, vice mayor, or council member shall not be eligible, as herein prescribed, or shall refuse to take the oath or affirmation required under this Charter within two weeks from the day of the beginning of the term of office, the town council shall declare the office vacant and shall order a new election for mayor, vice mayor, or council member, as the case may be. (1971, c. 112; 2019, c. 308)

§ 3.7. Powers and duties of mayor.

The mayor shall be a member of the town council, shall preside over the meetings of the town council, and shall have the same right to speak and vote therein as other members of the town council. The mayor shall be recognized as the head of the town government for all ceremonial purposes, for the purposes of military law, and for the service of civil processes. The mayor shall have no power of veto over the ordinances and resolutions of the town council. (1971, c. 112; 2019, c. 308)

§ 3.8. Powers and duties of vice mayor; vice mayor to act as mayor during absence, disability, etc., of mayor.

The vice mayor shall be a member of the town council and shall have the same right to speak and vote therein as other members of the town council. In the absence from the town, or disqualification, inability, or sickness of the mayor, or during any vacancy in the office of mayor, the vice mayor shall perform the duties of the mayor and be vested with all powers of the mayor. The recorder shall have the powers and duties of the vice mayor as set forth in this section until July 1, 2022. (1971, c. 112; 2019, c. 308)

§ 3.9. Absence or disability of mayor and vice mayor.

If both the mayor and vice mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. (1971, c. 112; 2019, c. 308)

§ 3.10. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred by it, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1971, c. 112)

§ 3.11. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1971, c. 112)

§ 3.12. Meetings of council.

The town council shall fix the time of its regular meetings. Special meetings may be called at any time by the mayor or by three members of the town council, provided that all members shall be duly notified a reasonable period of time prior to any special meeting. (1971, c. 112; 2019, c. 308)

§ 3.13. Quorum; reconsideration of action.

Three members of the town council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the town council present as were present when such vote was taken. (1971, c. 112)

§ 3.14. Rules of order and procedure.

The town council shall establish its own rules of order and procedure, and may punish its own members and other persons for violations thereof. (1971, c. 112)

§ 3.15. Council to fix salaries.

The town council is hereby authorized to fix the salaries of each of the members of the town council, members of boards or commissions, and all appointed officers. The salaries of the mayor, vice mayor, and council members shall not be changed during the term for which they were elected. (1971, c. 112; 2019, c. 308)

Chapter 4. Town Manager.

§ 4.1. Appointment and qualifications.

There shall be a town manager, who shall be the executive officer of the town and shall be responsible to the town council for the proper administration of the town government. The town manager shall be appointed by the town council for an indefinite term and shall serve at the pleasure of the town council. The town manager shall be chosen solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office. At the time of the appointment, the town manager need not be a resident of the town or the Commonwealth, but during the tenure of office shall reside within Clarke County. (1971, c. 112; 2019 c. 308)

§ 4.2. Duties.

It shall be the duty of the town manager to:

(a) Attend all meetings of the town council, with the right to speak but not to vote.

(b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.

(c) Prepare and submit the annual budget to the town council and be responsible for its administration after its adoption.

(d) Present adequate financial and activity reports as required by the town council.

(e) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

(f) Be responsible for the supervision of all town employees.

(g) Perform such other duties as may be prescribed by this charter or required of the town manager in accordance therewith by the town council or which may be required of the chief executive officer of a town by the general laws of the Commonwealth, other than the duties conferred on the mayor by this charter. (1971, c. 112; 1994, c. 324; 2019, c. 308)

§ 4.3. Powers as to town officers and employees.

All officers and employees of the town, except those appointed by the town council pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. (1971, c. 112; 2019, c. 308)

§ 4.4. Temporary transfer of personnel between departments.

The town manager shall have power, whenever the interests of the town require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency to the temporary performance of duties in another department, bureau, office or agency. (1971, c. 112)

§ 4.5. Council not to interfere in appointments or removals; relationship with council.

Neither the town council nor any of its members, including the mayor and vice mayor, shall direct or request the appointment of any person to or removal from any office or employment by the town manager or by any subordinates or in any way take part in the appointment or for removal of officers and employees of the town, except as specifically provided in this charter. Except for the purpose of inquiry, the town council and its members shall deal with the administrative services solely through the town manager, and neither the town council nor any member thereof shall give orders, either publicly or privately, to any subordinate of the town manager. (1971, c. 112; 2019, c. 308)

§ 4.6. Relations with boards, commissions and agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not vote in, the meetings of all boards, commissions, or agencies created by this charter or by ordinance and any other board or commission the town council may designate. (1971, c. 112; 2019, c. 308)

§ 4.7. Acting town manager.

The town council shall designate by resolution a person to act as town manager in case of the extended absence, incapacity, death, or resignation of the town manager, until the town manager's return to duty or the appointment of a successor. (1971, c. 112; 2019, c. 308)

Chapter 5. Appointive Officers.

§ 5.1. Appointment.

The town council may appoint the following officers of the town as the town council may deem necessary: town manager, assistant town manager for administration/treasurer, assistant town manager for community development/operations, and town attorney. Such officers shall be appointed for an indefinite term and shall serve at the pleasure of the town council. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified by the town council. (1971, c. 112; 2019, c. 308)

§ 5.2. Deputies and assistants.

The town council may establish a deputy or assistant position for the appointive offices as the town council may deem necessary. The town manager shall appoint and supervise such deputies and assistants. (1971, c. 112; 2019, c. 308)

§ 5.3. (1971, c. 112; repealed 2019, c. 308)

§ 5.4. (1971, c. 112; repealed 2019, c. 308)

§ 5.5. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, at the discretion of the town council. (1971, c. 112)

Chapter 6. Courts. (Repealed)

§ 6.1. (1971, c. 112; repealed 2019, c. 308)

§ 6.2. (1971, c. 112; repealed 2019, c. 308)

§ 6.3. (1971, c. 112; repealed 2019, c. 308)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1971, c. 112; 1994, c. 324)

§ 7.2. Actions against town for damages, etc.

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent, or employee thereof, unless written notice is given to the town in accordance with § 15.2-209 of the Code of Virginia.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs, or water mains,

water treatment plant, wastewater treatment plant, stormwater system, or other town facilities, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it is ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, when not primarily liable, shall pay such judgment in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce such judgment or an action at law, or scire facias to revive such judgment.

(e) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(f) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1971, c. 112; 2019, c. 308)

§ 7.3 Creation of debt; issuance of bonds.

The town council by a majority vote is authorized to cause the town to incur debt and to issue bonds, notes, and other evidences of indebtedness for the purposes and in the manner set forth for towns in the Constitution of the Commonwealth of Virginia and the Public Finance Act (§ 15.2-2600 et seq. of Title 15.2 of the Code of Virginia), or any acts amendatory thereof or supplemental thereto. (1971, c. 112; 1994, c. 324; 2019, c. 308)

Chapter 8. Miscellaneous.

§ 8.1. Elections governed by State law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1971, c. 112)

§ 8.2. (1971, c. 112; repealed 2019, c. 308)

§ 8.3. (1971, c. 112; repealed 2019, c. 308)

§ 8.4. Bonds of officers and employees.

The town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of their duties. As used herein, the words "officers and employees" shall include officers and employees paid solely or partly by the town. The town shall pay the premium on such bonds from the town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town as its interest may appear in event of breach of the conditions thereof. (1971, c. 112; 2019, c. 308)

§ 8.5. (1971, c. 112; repealed 2019, c. 308)

§ 8.6. United States government employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust, or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission. (1971, c. 112; 2019, c. 308)

§ 8.7. Acceptance of federal aid, contributions, etc.

The town shall have the power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. (1971, c. 112; 2019, c. 308)

§ 8.8. Conflicts of interest; disclosures of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with general law. (1971, c. 112)

§ 8.9. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1971, c. 112)

§ 8.10. Ordinances continued in force.

All ordinances now in force in the town of Berryville, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council. (1971, c. 112; 2019, c. 308)

§ 8.11. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph, or

part thereof directly involved in the controversy in which such judgment shall have been rendered. (1971, c. 112; 2019, c. 308)

Big Stone Gap, Town of

County of Wise

History of incorporation

Formerly Mineral City (incorporated 1882, c. 28).
Name changed in 1888 to Big Stone Gap (incorporated 1888, c. 180).
Charter, 1890, c. 398; repealed 1932, c. 130.
Charter, 1932, c.130; repealed, 1966, 99.
Charter, 1966, c. 99; repealed, 1988, 135 (except § 1-2).

Current charter

Charter, 1988. c. 135.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Big Stone Gap, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Big Stone Gap (the "Town"), and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1988, c. 135)

§ 1.2. Boundaries.

The boundaries of the Town until altered, are those established in § 1-2 of Chapter 99 of the 1966 Acts of the General Assembly of Virginia and the Circuit Court of Wise County, Virginia, by the following orders: dated July 15, 1977, Case No. L6057; dated April 11, 1978, Case No. L78-91; and dated December 7, 1983, Case No. C83-433. (1988, c. 135)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the Town shall have, exercise and enjoy all rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the Town as a municipal corporation. (1988, c. 135)

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of this chapter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.1-837 through 15.1-907, including subsequent amendments thereof. (1988, c. 135)

§ 2.3. Water system.

The foregoing provision shall not be construed to give to the Town Council the power to sell or convey the Town's water system, or other public works, or the lands, or any part thereof, constituting the watershed, now owned or used in connection with the Town's water system, without first being authorized to do so by a majority vote of the qualified voters in said town in an election held for the purpose of determining whether such sale or conveyance should be made; however, this provision shall not restrict the right of the town to sell treated surplus water to users outside of its corporation boundaries. (1988, c. 135)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for council.

The Town shall be governed by a town council composed of seven council members, all of whom shall be qualified voters in the Town and shall be elected by the qualified voters of the Town in the manner provided by law from the Town at large. The council in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. An election for three council members shall be held on the first Tuesday in May, 1988, and an election for four council members shall be held on the first Tuesday in May, 1990. Elections shall be held on the first Tuesday in May every two years thereafter. The council members shall serve for a term of four years, or until their successors are elected and qualified. The term of each person elected under this section shall begin on July 1 next following their election. (1988, c. 135)

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the Town by a majority vote of the remaining members of the council. (1988, c. 135)

§ 3.3. Council.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council member. (1988, c. 135)

§ 3.4. Mayor.

At its first meeting in July, 1988, and biennially thereafter following the regular municipal election, the council shall choose one of its members as mayor. Vacancies hereunder shall be filled for the unexpired term by council from its membership. (1988, c. 135)

§ 3.5. Mayor.

The mayor shall be the chief executive officer of the Town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with the charter. He shall preside over the meetings of the town council and shall have the right to speak therein as a member of the council. He shall have a vote as a member of council but shall have no veto power. He shall be the head of the town government for all its ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1988, c. 135)

§ 3.6. Vice-mayor.

The town council shall, by a majority of all its members, elect a vice-mayor from its membership at its first meeting to serve for a term of two years. In the absence of or during the disability of the mayor the vice-mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. Vacancies hereunder shall be filled for the unexpired term by council from its membership. (1988, c. 135)

§ 3.7. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduct of its business except where inconsistent with the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor or any four members of the council, provided that the members of council are given reasonable notice of such meetings. No business shall be transacted at the special meeting except that for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived. (1988, c. 135)

§ 3.8. Compensation.

Compensation for the mayor and council members shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and the council members shall not be effective until July 1 following the next local election after the council approves such increases. (1988, c. 135)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The town council shall appoint the following officers:

A. Town manager. A town manager who shall be responsible to the council for the proper administration of all affairs of the Town, for the control and supervision of all town departments, employees, and property, for the preparation and implementation of an annual budget, and for any other duties as prescribed by council. The town manager shall appoint for indefinite terms the heads of all departments and all other officers and employees of the town except as provided in B, c. D and E below, and shall have authority to remove any officer or employee appointed by him.

The town manager shall appoint for an indefinite term the chief of police and all other police officers.

Not later than May 1, annually, the town manager shall prepare and submit to the council a budget presenting a financial plan for the ensuing fiscal year, or earlier at the request of the council.

B. Town treasurer. A town treasurer, whose duties shall be to receive all money belonging to the Town, to keep correct accounts of all receipts from all sources and of all expenditures, to be responsible for the collection of all license fees, taxes, levies, and charges due to the Town, to disburse the funds of the Town as the council may direct, and other such duties as prescribed by the council.

C. Town attorney. A town attorney who shall be an attorney at law licensed under the laws of the Commonwealth. The town attorney shall receive such compensation as provided by the council and shall have such duties as prescribed by council.

D. Town clerk. A town clerk whose duties shall be to record the minutes of the town council meetings and such other duties as council may designate.

E. Other officers. The council may appoint any other officers that the council deems necessary and proper. serve at the pleasure of the council except those appointees provided for in A above excluding the town manager. The council may fill any vacancy in any office appointed by it. (1988, c. 135)

Chapter 5. Financial Provisions.

§ 5.1. Fiscal year.

The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the year following. (1988, c. 135)

Chapter 6. Miscellaneous.

§ 6.1. Ordinance continued in force.

All ordinances now in force in the Town, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by council. (1988, c. 135)

§ 6.2. Severability of provision.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1988, c. 135)

Blacksburg, Town of

County of Montgomery

History of incorporation

Incorporation and charter, 1871, c. 167.
Charter, 1912, c. 156 (amends and reenacts 1871 charter); repealed, 1942, c. 473.
Charter, 1942, c. 473; repealed, 1950, c. 372.
Charter, 1950, c. 372; repealed, 1964, c. 127.
Charter, 1964, c. 127; repealed 1975, c. 619.

Current charter

Charter, 1975, c. 619.

Amendments to current charter

1981, c. 79 (§§ 3.15, 6.04, 6.11, 6.13)
1982, c. 58 (§ 3.15)
2000, c. 222 (§ 1.02)
2003, cc. 56, 76 (§ 3.04)
2009, cc. 147, 658 (§§ 3.04, 3.06, 3.07, 3.10, 3.15)
2018, c. 317 (§ 3.15)
2020, cc. 128, 825 (§ 3.15)

Article I. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the town of Blacksburg, as the same are now or may hereafter be established by law, shall constitute and continue to be a body politic and corporate under the name of the town of Blacksburg, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (1975, c. 619)

§ 1.02. Boundaries.

The present boundaries of the town are as recorded in the Clerk's office of the Circuit Court of Montgomery County, Chancery Order Book 25, page 320; Chancery Book 34, page 380; Common Law

Order Book 57, page 259 (effective midnight July 1, 1998); or as the same may be hereafter altered as provided by law. (1975, c. 619; 2000, c. 222)

Article II. Powers.

§ 2.01. General grant of powers.

The town of Blacksburg shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers which, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but in addition to this general grant. (1975, c. 619)

§ 2.02. Construction.

The powers which are now or may hereafter be conferred upon or delegated to the town under the Constitution and general laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by the town. (1975, c. 619)

§ 2.03. Adoption of certain sections of the Code of Virginia.

The powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1975, and any acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the town of Blacksburg. (1975, c. 619)

§ 2.04. Eminent domain.

The town of Blacksburg is hereby empowered to acquire by condemnation, gift, lease, purchase or bequest, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as the council deems expedient. Such power without its corporate limits shall be limited to acquisition for water and sewer pipes, or lines or related facilities.

The powers of eminent domain set forth in Title 15.1, Title 25, Chapter 1.1, and Title 33.1, Chapter 1 of the Code of Virginia as in force on January 1, 1975, as amended, and all acts amendatory thereof and supplemental thereto, are hereby conferred upon the town of Blacksburg except that the powers of eminent domain specified in Chapter 1 Title 33.1 of such code shall be limited to acquisition for streets and for water and sewage facilities. Certificates issued pursuant to § 33.1-119 et seq., of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town manager. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of § 33.1-119 et seq. of the Code of Virginia, as

amended, shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities. (1975, c. 619)

Article III. The Council.

§ 3.01. Definitions.

As used in this charter, the term "officer" refers to council members and persons appointed by and responsible to the council, such as the town clerk, the town manager, and the town attorney; "officials" refers to administrative department heads; all other persons employed by the town are designated "employees." (1975, c. 619)

§ 3.02. Powers and duties of the council.

The government of the Town of Blacksburg shall be vested in the council which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the town of Blacksburg and for ensuring the implementation thereof by the town administration. (1975, c. 619)

§ 3.03. Composition and qualifications.

The council shall be composed of seven council members, one of whom shall be the mayor, to be elected from the town at large. The council members shall be qualified voters of the town. (1975, c. 619)

§ 3.04. Election and term of office.

The council shall be elected in the manner provided by Virginia election laws, except insofar as they are amended by this section. Three council members shall be elected on the November 2011 general election date and every four years thereafter. A mayor and three other council members shall be elected on the November 2009 general election date and every four years thereafter.

The term of office for all council members shall begin on the first day of January next following their election, and each shall serve for a term of four years or until his or her successor shall have been elected and qualified. The council members may succeed themselves as often as the voters may choose.

Candidates for council shall be nominated only by petition in the manner prescribed by general law. Candidates for town council shall not be identified on the ballot by political affiliation. (1975, c. 619; 2003, cc. 56, 76; 2009, cc. 147, 658)

§ 3.05. Voters of the town.

The voters of the town of Blacksburg shall be the actual residents of the town who are qualified to vote for members of the General Assembly. (1975, c. 619)

§ 3.06. Compensation; expenses.

The council may determine the annual salary of its members by ordinance or resolution in accordance with the requirement of state law. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. (1975, c. 619; 2009, cc. 147, 658)

§ 3.07. Mayor and vice-mayor.

The mayor as a member of the council shall have the same powers and duties as other members of the council, with a vote, but no veto. In addition, he shall preside at meetings of the council, shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes, but shall have no administrative duties.

At the first meeting of the council in January next following the date of each November council election, the council shall elect from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as mayor during the absence or disability of the mayor, and, if a vacancy occurs, shall become mayor until the next regular council member election. At that election a mayor shall be elected to fill the unexpired term. (1975, c. 619; 2009, cc. 147, 658)

§ 3.08. Absence or disability of mayor and vice-mayor.

If both the mayor and vice-mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1975, c. 619)

§ 3.09. Prohibitions.

(a) Holding other office. Except as otherwise authorized by law, a member of council shall not be eligible during his tenure of office as such member, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, he may be compensated as a member.

(b) Appointments and removals. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officials or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

(c) Interference with administration. Except for the purpose of discussions, informal reviews, inquiries and/or official investigations, the council or its members shall communicate with town officials and employees who are subject to the direction and supervision of the manager solely through the

manager, and neither the council nor its members shall give orders to any such official or employee, either publicly or privately. (1975, c. 619)

§ 3.10. Vacancies; forfeiture of office; suspension and removal; filling of vacancies.

(a) Vacancies. The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this charter or forfeiture of his office.

(b) Forfeiture of office. A council member shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime involving moral turpitude, or (4) fails to attend three consecutive regular meetings of the council without being excused by the council.

(c) Suspension and removal. The council shall suspend or remove elected town officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense. Removal shall require a unanimous vote of the remaining members of the council.

(d) Filling of vacancies. (1) A vacancy on the council shall be filled within sixty days, for the unexpired term, by a majority vote of the remaining members, if the vacancy occurs two years or less before the date of expiration of such term.

(2) If the vacancy occurs more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of council only until the next council member election, at which election the voters of the town shall elect a person to serve as council member for the remaining two years of the term. Any such election shall be subject to the requirements of § 24.2-226 of the Code of Virginia. When such an election is conducted, the candidates receiving the highest number of votes will be entitled to full terms and the candidate receiving the next highest number shall be entitled to the unexpired term caused by the vacancy.

Notwithstanding the requirement in § 3.15 (c) hereof that a quorum of the council consists of four members, if at any time the membership of the council is reduced to less than four, the remaining members shall call for a special election to fill the vacancies for the unexpired terms. (1975, c. 619; 2009, cc. 147, 658)

§ 3.11. Judge of forfeiture.

A council member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers with general circulation in the town at least two weeks in advance of the hearing. After such hearing council by a unanimous vote of the other members may declare the office of a council member forfeited and vacant. (1975, c. 619)

§ 3.12. Town clerk.

The council shall appoint a town clerk who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, keep all papers, documents and records pertaining to the town, keep and attest the official town seal, and perform such other duties as are assigned to him by this charter or by the council. (1975, c. 619)

§ 3.13. Independent audit.

The council shall provide for an independent annual audit of all town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually. If the State makes such an audit, the council may accept it as satisfying the requirements of this section. (1975, c. 619)

§ 3.14. Procedure.

(a) Meetings. The council shall meet regularly at least once in every month at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor or of any two members upon no less than twenty-four hours' notice to each member, except in case of extreme emergency when the time limit may be waived. No business shall be transacted by the council in such special meeting which has not been stated in the notice unless all members of the council are present and give their unanimous consent to the consideration of such business, and such business is an emergency or of an unusual nature.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

(b) Rules and journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) Voting and quorum. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the council, except as otherwise provided in the preceding sentence, in § 3.10(c) and § 3.11, shall be valid or binding unless adopted by the affirmative vote of four or more members of the council.

An affirmative recorded vote of five of the members is required for the adoption of any ordinance or resolution having for its object the levying of taxes or contracting a debt. (1975, c. 619)

§ 3.15. Ordinances.

(a) Action requiring an ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the town council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Article VI with respect to the property tax levied by adoption of the budget;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for its services by the town; provided, however, that the council may by resolution authorize the rates or fees charged by the Department of Parks and Recreation for use of its facilities or participation in its programs and authorize the rates and fees charged by other departments of the town for sale of maps, reports or other publications or making of copies of printed or recorded matter;

(6) Authorize the borrowing of money;

(7) Convey or lease or authorize the conveyance or lease of any lands of the town.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution if not in conflict with law.

(b) Form. Every proposed ordinance shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "Be it ordained by the Council of the Town of Blacksburg . . . ."

(c) Procedure. An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the town clerk shall distribute a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the town clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least five days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. If the council plans to conduct the public hearing but to delay action on the ordinance, the date for the delayed vote shall be stated on the agenda. After the hearing the council may adopt the ordinance with or without amendment or reject it but, if it is amended so as to materially change the purpose and character of the proposed ordinance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required for a newly introduced ordinance. After conducting and closing the public hearing, the council may vote to delay action until its next regular meeting.

To pass an ordinance, the council shall vote on the proposed ordinance two times. If at any stage in this procedure the proposed ordinance fails to receive the affirmative vote of a majority of the members of the council, the ordinance shall be declared defeated and removed from the calendar of ordinances.

(d) Effective date. Except as otherwise provided in this charter, every adopted ordinance shall become effective from its passage or at any later date specified therein.

(e) "Publish" defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

(f) Penalties. The town council may prescribe either civil or criminal penalties for violations of ordinances. Any civil penalty shall be paid into the general fund of the town. No civil penalty prescribed for an ordinance violation shall be inconsistent with the penalty established for a violation of a substantially similar state law. No such civil penalty shall exceed $1,000 for any individual violation. (1975, c. 619; 1981, c. 79; 1982, c. 58; 2009, cc. 147, 658; 2018, c. 317; 2020, cc. 128, 825)

§ 3.16. Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in subsection 6.09 (b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to subsection 6.09 (b) shall automatically stand repealed as of the ninety-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. (1975, c. 619)

§ 3.17. Codes of technical regulations.

The council may adopt any standard code of technical regulations, such as building, electrical and sanitary codes, by reference thereto in an adopting ordinance, if such codes are not in conflict with State law. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally. (1975, c. 619)

§ 3.18. Authentication and recording; codification; printing.

(a) Authentication and recording. Every ordinance or resolution upon its final passage shall be recorded by the town clerk in a properly indexed book designated for the purpose and shall be authenticated by the signature of the presiding officer and the town clerk.

(b) Codification. Within three years after adoption of this charter and at least every ten years thereafter, the council shall provide for the preparation of a general codification of all town ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the Commonwealth of Virginia, and such codes of technical regulations and other rules and regulations as the council may specify. The compilation shall be known and cited officially as the Blacksburg Town Code. Copies of the Code shall be furnished to town officers and officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

(c) Printing of ordinances and resolutions. The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed or otherwise reproduced promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Blacksburg Town Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the Commonwealth of Virginia, or the codes of technical regulations and other rules and regulations included in the town code. (1975, c. 619)

§ 3.19. Town attorney.

An attorney shall be appointed by and serve at the pleasure of the council. He shall be qualified to practice law in the Commonwealth of Virginia. He shall serve as chief legal advisor to the council, and may also serve as legal advisor to the town administration. (1975, c. 619)

§ 3.20. Committees, boards and commissions.

(a) Creation and appointment. The council may create committees, boards and commissions to be composed of such numbers of citizens as the council may deem expedient as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and the powers and duties of such committees, boards and commissions consistent with the general law.

(b) Removal. All members of committees, boards and commissions appointed by the town council may be removed by the council unless otherwise provided by general law. (1975, c. 619)

Article IV. The Town Manager.

§ 4.01. Appointment; qualifications; compensation.

A town manager shall be appointed by and serve at the pleasure of the council which shall fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the town or the Commonwealth at the time of his appointment but may reside outside the town while in office only with the approval of the council. (1975, c. 619)

§ 4.02. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town. He shall be responsible to the council for the administration of all town affairs placed in his charge by or under this charter. He shall have the following powers and duties:

(1) He shall appoint and, when he deems it necessary for the good of the service, suspend or remove all town employees and appointive administrative officials provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative official who is subject to his direction and supervision to exercise these powers with respect to subordinates in that official's department, office or agency.

(2) He shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law.

(3) He shall attend all council meetings and shall have the right to take part in discussion but may not vote.

(4) He shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by him or by officials subject to his direction and supervision, are faithfully executed.

(5) He shall prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget.

(6) He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.

(7) He shall make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to his direction and supervision.

(8) He shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as he deems desirable.

(9) He shall ensure that adequate and accurate personnel records are maintained on all employees of the town.

(10) He shall provide a system for handling complaints from citizens.

(11) He shall perform such other duties as are specified in this charter or may be required by the council. (1975, c. 619)

§ 4.03. Acting town manager.

By letter filed with the town clerk within thirty days after assuming duties, the manager shall designate, subject to approval of the council, a qualified town administrative official to exercise the powers and perform the duties of manager during his absence, disability or suspension. During such absence, disability or suspension, the council may revoke such designation at any time or appoint another official of the town to serve until the manager shall resume his duties. (1975, c. 619)

§ 4.04. Removal.

The council may remove the manager from office in accordance with the following procedures:

(1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five days. A copy of the resolution shall be delivered promptly to the manager.

(2) Within five days after a copy of the resolution is delivered to the manager, he may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than fifteen days nor later than thirty days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.

(3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The manager shall continue to receive his salary until the effective date of a final resolution of removal. (1975, c. 619)

Article V. Administrative Departments.

§ 5.01. Creation of departments.

The council may establish all departments, offices and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth.

Administrative departments shall include but shall not be limited to departments concerned with public safety, finance, public works, planning, and parks and recreation. (1975, c. 619)

§ 5.02. Direction by manager.

All departments, offices and agencies except as otherwise provided by this charter or by general law shall be under the direction of the town manager and shall be administered by an official appointed by and subject to the direction and supervision of the manager. (1975, c. 619)

Article VI. Financial Procedures.

§ 6.01. Fiscal year.

The fiscal year of the town shall begin on the first day of July and end on the last day of June. (1975, c. 619)

§ 6.02. Submission of budget and budget message.

On or before the fifteenth day of April of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. (1975, c. 619)

§ 6.03. Budget message.

The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable. (1975, c. 619)

§ 6.04. Budget.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(3) Anticipated net income or net loss for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated available funds. (1975, c. 619; 1981, c. 79)

§ 6.05. Capital program.

(a) Submission to council. The manager shall prepare and submit to the council a five-year capital program at least three months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. (1975, c. 619)

§ 6.06. Council action on budget.

(a) Notice and hearing. The council shall publish in one or more local newspapers the general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and

(2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

(b) Amendment before adoption. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated available funds.

(c) Adoption. The council shall adopt the budget before the first day of the fiscal year for which adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as

expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. (1975, c. 619)

§ 6.07. Council action on capital program.

(a) Notice and hearing. The council shall publish in one or more local newspapers the general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public, and

(2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

(b) Adoption. The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the fifteenth day of April of the current fiscal year. (1975, c. 619)

§ 6.08. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town. (1975, c. 619)

§ 6.09. Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year the manager certifies that there are available for appropriation funds in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 3.16. To the extent that there are no available unappropriated funds to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the manager that the funds available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of appropriations. At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance or resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another. (1975, c. 619)

§ 6.10. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if five years pass without any disbursement from or encumbrance of the appropriation. (1975, c. 619)

§ 6.11. Temporary loans.

The council may negotiate and secure short term loans for the purpose of paying current expenses or debts of the town. Such loans shall be evidenced by bonds or notes bearing interest, payable in not more than one year from the date of issue. The aggregate of such short term bonds and notes outstanding at any one time shall not exceed an amount equal to fifteen percent of the previous year's revenues. (1975, c. 619; 1981, c. 79)

§ 6.12. Municipal assessment.

The assessment of real and personal property in the town for the purpose of municipal taxation may be set by the town council in such manner as the council may provide in accordance with the Constitution and the general laws of the Commonwealth. (1975, c. 619)

§ 6.13. Assessments for local improvements.

The council may impose special assessments for local improvements and force payment thereof, subject to such limitations prescribed by the laws of the Commonwealth as may be in force at the time of the imposition of such special assessments.

The council may provide that the persons, firms, and corporations against whom the special assessments have been made may pay such assessments in equal installments over a period not exceeding ten years, together with interest on the unpaid balances as allowed by the Constitution and the general laws of the Commonwealth. (1975, c. 619; 1981, c. 79)

Article VII. General Provisions.

§ 7.01. Charter amendment.

Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth of Virginia. (1975, c. 619)

§ 7.02. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (1975, c. 619)

§ 7.03. Oaths of office and official bonds.

All elected or appointed officers and officials of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the town clerk and the clerk of the circuit court of Montgomery County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer or official within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant unless general law otherwise provides in which event general law shall prevail. (1975, c. 619)

§ 7.04. Books, records, et cetera.

All books, records and documents used by any elected or appointed town officer, official or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this charter, the general laws of the Commonwealth or the Blacksburg Town Code as responsible for the keeping of such books, records and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, deliver to the town clerk all such books, records, and documents and town property. Any person failing to deliver such books, records and documents and property shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined no less than one hundred dollars and not more than five hundred dollars, or imprisoned not exceeding six months, or both, at the direction of the court or jury before whom the case is tried. (1975, c. 619)

§ 7.05. Town sergeant.

There shall not be a town sergeant in the town of Blacksburg. (1975, c. 619)

Article VIII. Transitional Provisions.

§ 8.01. Ordinances

All ordinances, resolutions, orders and regulations of the town of Blacksburg not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. Ordinances, resolutions, orders and regulations which are in force when this charter becomes effective and which are inconsistent with this charter are repealed. (1975, c. 619)

§ 8.02. Continuity of terms of officers.

The officers of the town of Blacksburg who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified. (1975, c. 619)

§ 8.03. Citation of act.

This act may for all purposes be referred to or cited as the charter for the town of Blacksburg, Virginia, of 1975. (1975, c. 619)

Blackstone, Town of

County of Nottoway

History of incorporation

Incorporation and charter, 1888, c. 198; repealed 1914, c. 328.
Charter, 1914, c. 328; repealed, except § 2, 1241989, c. 128.

Current charter

Charter, 1989, c. 128.

Amendments to current charter

1994, c. 94 (§§ 1.2, 2 [repealed])
2020, cc. 151, 536 (§§ 4.5 [added], 4.6 [added])
2022, cc. 123, 124 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Blackstone as such limits are now, or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Blackstone, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1989, c. 128)

§ 1.2. Boundaries.

The territory embraced within the Town of Blackstone is that territory in the County of Nottoway, Virginia, as set forth in a joint resolution and ordinance of the Town Council of the Town of Blackstone, Virginia, and the Board of Supervisors of Nottoway County, Virginia, adjusting the corporate boundaries between the Town of Blackstone and the County of Nottoway; said resolution and ordinance being recorded in the Clerk's Office of the Circuit Court of Nottoway County, Virginia, in Deed Book 274, page 197. (1989, c. 128; 1994, c. 94)

§ 2. (1914, c. 328; repealed 1994, c. 94)

Chapter 2. Powers.

§ 2.1. Powers.

The Town of Blackstone shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as amended. (1989, c. 128)

Chapter 3. Mayor and Council Administration and Government.

§ 3.1. Election, qualification and term of office.

A. The Town of Blackstone shall be governed by a town council of seven members, and a mayor, all of whom shall be qualified voters of the town.

B. The council and mayor in office at the time of the passage of this act, shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. The mayor and council shall each be elected for a term of four years and each shall serve until his successor shall have qualified. They shall be elected on the first Tuesday following the first Monday in November immediately preceding the expiration of the terms of their predecessors and shall enter upon their duties on January 1 succeeding their election. (1989, c. 128; 2022, cc. 123, 124)

§ 3.2. Powers of council.

A. The council shall make such rules as are necessary for the orderly conduct of their business, not inconsistent with the laws of Virginia, and shall have the powers in their discretion to appoint a Town Manager, Town Attorney, Clerk, Treasurer, Commissioner of Revenue, and Chief of Police, and such other officers as may be necessary to conduct the lawful duties of the council.

B. The council may appoint such committees of council and create such boards and departments, consistent with the terms of this charter and the laws of Virginia.

C. The mayor and four councilmen, or in the absence of the mayor, four councilmen shall constitute a quorum for the transaction of business, except as herein or by the general statutes of this Commonwealth otherwise provided. But no vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of members of the council present as were present when such vote was taken.

D. The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council member. (1989, c. 128)

§ 3.3. Powers of mayor, general.

A. The mayor shall be the chief executive officer of the town and it shall be his duty to see that the laws and ordinances thereof are fully executed, and he shall preside over the meetings of the town council, voting only in case of a tie.

B. Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approves, he shall sign it, but if not, he may return it to the clerk of the council; and the council shall enter the objection at length on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative, notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within said five days.

The mayor shall have the power to veto any particular item or items of an appropriation, ordinance or resolution; but such veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor.

C. The mayor shall have power to remove any officer appointed by him, and to suspend any municipal officer or employee, other than the councilmen, whether elected by the people or appointed by the council or any appointing power designated by the council, for misconduct in office or neglect of duty to be specified in the order of suspension. On the suspension of any officer not appointed by the mayor, the mayor shall report the same to the town council at their next stated meeting for their consideration, but in no case shall the suspension or removal by the mayor of an officer not appointed by him be final unless ratified by the council, and after such reasonable notice to the officer complained of and an opportunity to be heard in his defense, as may be accorded by law.

D. In case of the absence or inability of the mayor, the president pro tempore of the council, to be chosen by a majority of the council present at a legal meeting, or in his absence or inability some other member of the council chosen in the same manner, shall possess the same power and discharge the municipal duties of the mayor during such absence or inability. (1989, c. 128)

§ 3.4. Council generally.

A. Presiding officer. The mayor, or in his absence or inability to act, the president pro tempore of the council, shall preside over the meetings of the council.

B. Meetings of the council. The council shall fix the time of its regular meetings, which shall be at least once each month. Its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor or any three members of council provided that other members of council and the mayor are given reasonable notice. No business may be transacted at a special meeting except that for which it is called.

C. Appropriation ordinances. No ordinance or resolution appropriating money exceeding the sum of $500, imposing taxes or authorizing the borrowing of money shall be passed, except by a recorded affirmative vote of two-thirds of the council.

D. Journal of council. A journal shall be kept of the proceedings of the town council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be approved and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they were approved.

E. Effect of absence. If any member of said council be voluntarily absent from its meetings for three months consecutively, his seat may be declared vacant by the council, and the unexpired term filled according to the law.

F. Police powers. The town council is hereby empowered to exercise any powers or enact any ordinances, not expressly prohibited by the Constitution or General Laws of Virginia, which are necessary or desirable to secure and promote the general welfare of the municipality and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the municipality and inhabitants thereof, and the enumeration of specific powers shall not be construed, or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. (1989, c. 128)

Chapter 4. Miscellaneous.

§ 4.1. fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1989, c. 128)

§ 4.2. Ordinances in force.

All ordinances now in force in the Town of Blackstone, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council. (1989, c. 128)

§ 4.3. Severability of provision.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the charter, but shall be confined in its operation to the clause, sentence or part thereof directly involved in the controversy in which judgment shall have been rendered. (1989, c. 128)

§ 4.4. Eminent domain.

The power of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, is hereby conferred upon the Town of Blackstone, including the power to issue certificates pursuant to §§ 33.1-1 through 33.1-132 of the Code of Virginia, as amended. (1989, c. 128)

§ 4.5. Advisory referendum for the Harris Memorial Armory.

The Town of Blackstone shall have authority, by resolution directed to the Circuit Court of Nottoway County or the judge thereof in vacation, to order the submission of an advisory referendum to the qualified voters of the Town thereon regarding the use by the Town of Blackstone of town funds to

construct, repair, remodel, or improve the Harris Memorial Armory. Upon the receipt of such resolution, the Circuit Court of Nottoway County or the judge thereof in vacation shall order an election to be held thereon at a time that is in conformity with § 24.2-682 of the Code of Virginia. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of Nottoway County or the Town of Blackstone. (2020, cc. 151, 536)

§ 4.6. Advisory referendum for a community center.

The Town of Blackstone shall have authority, by resolution directed to the Circuit Court of Nottoway County or the judge thereof in vacation, to order the submission of an advisory referendum to the qualified voters of the Town thereon regarding the use by the Town of Blackstone of town funds to construct, repair, remodel, or improve a community center. Upon the receipt of such resolution, the Circuit Court of Nottoway County or the judge thereof in vacation shall order an election to be held thereon at a time that is in conformity with § 24.2-682 of the Code of Virginia. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of Nottoway County or the Town of Blackstone. (2020, cc. 151, 536)

Bloxom, Town of

County of Accomack

History of incorporation

Incorporated by order of the Circuit Court of Accomack County April 20, 1953 (Common Law Order Book 1950-54, p. 343).

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF ACCOMACK.
In the matter of petition for
Incorporation of the Town of Bloxom

To The Honorable Jeff F. Walter, Judge of the said Court:
Your petitioners respectfully state:

(1) That they are inhabitants of the Town of Bloxom, residing within the proposed incorporated limits of said Town, and that more than twenty (20) of your petitioners are qualified voters.

(2) That the Town of Bloxom is an unincorporated town, situate in the County of Accomack, Virginia.

(3) That it will be to the best interest of the inhabitants of said Town, that the same be incorporated, and the general good of the community will be promoted thereby.

(4) That the number of inhabitants of said Town exceeds Three Hundred and does not exceed five thousand.

(5) That the metes and bounds of the proposed corporate limits of the said Town are as follows: to-wit:

Beginning on the southeastern aide of what is known as Pannell's a Railroad crossing on the public road leading from Gargatha to Guilford and running North 35 degrees 30 minutes E parallel with the eastern side of the Pennsylvania railroad right of way for a distance of 664.3 feet to the center of a certain branch; thence running S 5 degrees 37 minutes W in the center of the said branch for a distance of 149.3 feet to a certain survey point; thence continuing in center of said branch S 50 degrees 15 minutes E for a distance of 246.6 feet to a certain survey point; thence continuing along center of said branch S 73 degrees 54 minutes E for a distance of 317.9 feet to a certain survey point; and continuing along center of said branch S 49 degrees 3 minutes E for a distance of 286.2 feet; thence turning on the survey point in the center of said branch running N 32 degrees 54 minutes E for a distance of 143 feet to a certain concrete marker; thence running along the center of a certain ditch N 30 degrees 40 minutes E for a distance of 817.5 feet to a certain concrete marker and continuing N 28 degrees 38 minutes E for a distance of 336.5 feet to a certain large pine and continuing N 32 degrees 10 minutes E for a distance of 98.7 feet from said line to a certain iron pipe; thence turning S 59 degrees 54 minutes E and running for a distance of 131.4 feet to a certain concrete marker, (said marker designating the approximate southeast corner of the line between the land of Nona T. Silverthorne end John R. Brown; thence turning and running through the land of John R. Brown and wife N 88 degrees 21 minutes E for a distance of 674.5 feet to a certain steel corner post; thence running N 55 degrees 17 minutes E for a distance of 918.5 feet over the cleared land of John R. Brown and wife to a certain survey point, not marked, thence turning and running S 59 degrees 00 minutes E for a distance of 531.1 feet to another survey point, not marked, in the field of the said John R. Brown and wife's land; thence turning and running in a northeasterly direction for a distance of 200 feet to a certain concrete marker on the south side of the public road leading from Bloxom to Nelsonia; thence crossing said public road and beginning at a certain iron stob on the north side of the aforesaid public road and running N 31 degrees 00 minutes E for a distance of 688.8 feet to a certain concrete marker; thence turning and running along the center of a certain branch N 31 degrees 37 minutes W for a distance of 309.7 feet to a certain concrete marker located six feet N of the center of the said branch; thence turning and running N 33 degrees 45 minutes E for a distance of 498.2 feet to a certain survey point, not marked, in the field of Alma Hinman; thence turning and running N 48 degrees 34 minutes W for a distance of 275 feet to a certain concrete marker on the eastern side of the public road leading from Bloxom to Mears; thence crossing said road and beginning at a certain concrete marker on the western side of the said road and running N 48 degrees 34

minutes W for a distance of 255 feet to a certain concrete marker buried one foot below the surface of the land; thence turning and running S 39 degrees 53 minutes W for a distance of 717.5 feet to the center of a certain branch or ditch; thence turning and running along the center of said branch or ditch N 28 degrees 22 minutes W for a distance of 440.4 feet to a certain survey point and thence continuing N 5 degrees 27 minutes W for a distance of 348.9 feet to the intersection of another ditch running in a northeasterly direction; thence turning and running along the center of the ditch S 33 degrees 00 minutes W for a distance of 544.2 feet to a certain concrete marker; thence turning and running N 46 degrees 7 minutes W across the land of R. L. Somers and over the Pennsylvania Railroad right of way and across the public road on the western side of the said Pennsylvania Railroad right of way for a distance of 793.7 feet to a certain concrete marker; thence turning and running S 35 degrees 30 minutes W, parallel with said road for a distance of 191.5 feet to the center of a certain ditch located on the north side of the Bayside public road; thence turning and running along said ditch N 42 degrees 30 minutes W for a distance of 214.7 feet to a certain survey point and continuing along center of said ditch N 43 degrees 29 minutes W for a distance of 200 feet to a certain concrete marker located three feet from the center of the aforesaid ditch; thence turning and running S 36 degrees 48 minutes W for a distance of' 1574.7 feet along the eastern line of the Bunting & Littleton land to a certain concrete marker located in a certain ditch north of the Gladding property; thence turning and running N 55 degrees 23 minutes W for a distance of 61.1 feet to a certain concrete marker located in said ditch, thence leaving said ditch and running N 75 degrees 23 minutes W for a distance of 137.1 feet to a certain concrete marker located in the northeast corner of the Bloxom Methodist Church property; thence running N 57 degrees 54 minutes W for a distance of 427.7 feet to a certain concrete marker; thence turning and running along the line between the land of Minnie Bloxom and Alvin Martin, through the land of Lee W. Young and across the Guilford public road, S 33 degrees 34 minutes W for a distance of 1040.3 feet to a certain concrete marker located in the south side of the aforesaid Guilford road and continuing for a distance of 120.5 feet to the center of a certain ditch; thence turning and running along the center of the said ditch S 64 degrees 27 minutes E for a distance of 464.6 feet to a survey point on the south side of the public road leading from Gargatha to Guilford; thence turning and continuing along the said ditch located on the south side of the aforesaid road, S 6 degrees 48 minutes W for a distance of 240.1 feet to a survey point and thence continuing along said ditch and road and crossing the public road leading from Bloxom to Hopeton and the aforesaid Pannell's Railroad crossing located on the eastern side of the Pennsylvania Railroad right of way, S 20 degrees 15 minutes E for a distance of 627.6 feet to the point of beginning.

(6) That the entire area embraced in said proposed corporate limits is 193.36 acres.

(7) That there is herewith filed a survey of the proposed incorporated limits, showing, the metes and bounds as above described, said survey having been duly made by J. B. Gibb, County Surveyor on March 14th, 1953 which said survey is marked "Exhibit A," and prayed to be taken as a part of this said petition.

Wherefore, your petitioners pray that an order may be entered by the Court incorporating the unincorporated Town of Bloxon as an incorporated Town, under the name of "The Town of Bloxom" with the metes and bounds set forth in this petition and the survey herewith attached and that the said plat of survey be recorded in the Clerk's Office of this County.
And they will ever pray, etc.
Filed April 20, 1953.
1953, April 20 - Order incorporating Town of Bloxom

Bluefield, Town of

County of Tazewell

History of incorporation
Formerly Town of Graham
Incorporating Graham 1883-84, c. 40; repealed 1930, c. 150.
Graham charter, 1891-92, c. 416; repealed 1930, c. 150.
Name changed to Bluefield, 1924, c. 215.
Charter, 1930, c. 150; repealed 1999, cc. 406, 521.

Current charter
Charter, 1999, cc. 406, 521.

Amendments to current charter
2003, c. 880 (§ 14)
2011, c. 474 (§§ 2, 8, 9)
2012, c. 315 (§§ 5, 8, 9)
2020, cc. 120, 889 (§§ 5, 8, 9, 10)

§ 1. Incorporation; body politic and corporate; name.
The inhabitants of the Town of Bluefield, Virginia, as its limits are or hereafter may be established, shall continue to be a body, politic and corporate, to be known and designated as the Town of Bluefield, and as such shall have and may exercise all powers which are now or hereinafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1999, cc. 406, 521)

§ 2. Boundaries.

The territory contained within the limits of the town shall be the same as heretofore and hereafter established by the Acts of the General Assembly of Virginia, and as enlarged by an order of the Circuit Court of Tazewell County, entered on February 13, 1926, and is more particularly described in § 2 of Chapter 150 of the Acts of Assembly of 1930; Chapter 32 of the Acts of Assembly of 1962; in a decree of the Circuit Court of Tazewell County, Virginia, dated December 24, 1968, and recorded in the clerk's office of the Circuit Court of Tazewell County, Virginia, in Law Order Book 26 at page 592 et seq.; in a decree of the Circuit Court of Tazewell County, Virginia, dated June 14, 1985, of record in said clerk's office in Law Order Book 43 at page 51 et seq.; in a decree of the Circuit Court of Tazewell County, Virginia, dated January 30, 2003, of record in said clerk's office in Chancery Order Book 74 at page 144 et seq.; and in a decree of the Circuit Court of Tazewell County, Virginia, dated October 11, 2005, of record in said clerk's office in Chancery Order Book 79 at page 507 et seq. (1999, cc. 406, 521; 2011, c. 474)

§ 3. Powers of town generally.

The Town of Bluefield shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as full and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1999, cc. 406, 521)

§ 4. Council created; powers generally.

There is hereby created a council which shall have full power and authority, except as herein otherwise provided, to exercise all the powers conferred upon the town, and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the Commonwealth and of this Charter. (1999, cc. 406, 521)

§ 5. Composition of council and vacancies.

The council shall consist of six members and a mayor. The six council members, who shall be voted for at large, shall have terms of office of four years. At the November election, 2020, and every four years thereafter, three council members shall be elected, being the three candidates who receive the largest number of votes, individually, at such election, who will serve for terms of four years from January 1, 2021, and thereafter until their successors have been elected and qualified. At the November election, 2022, and every four years thereafter, three council members shall be elected, being the three candidates who receive the largest number of votes, individually, at such election, who shall serve for terms of four years from January 1, 2023, and thereafter until their successors have been elected and qualified.

All elections for members of the council shall be held at the time and in the manner provided for by general law.

Vacancies on the council shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining mayor and the council members. (1999, cc. 406, 521; 2012, c. 315; 2020, cc. 120, 889)

§ 6. Council; qualification of members.

Any person qualified to vote in the town in the election in which he offers shall be eligible to the office of council member. (1999, cc. 406, 521)

§ 7. Council; limitations on powers; disqualifications.

A. Any member of the council who shall have been convicted of a felony while in office shall thereby forfeit his office.

B. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the town manager, either publicly or privately. Any such orders or other interferences on the part of the council or any of its members with subordinates or appointees of the town manager, instead of dealing with or communicating directly with the town manager, is prohibited. (1999, cc. 406, 521)

§ 8. Council; organization.

A. At a time designated by the council on the first day of January, or at some other times as designated by the council, following a regular municipal election, or if such a day be a Sunday, then on the day following, the council shall meet at the usual place for holding the meetings of the legislative board of the town, at which time the newly elected council members and the mayor, after first having taken the oaths prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution except that they shall regularly meet not less than once each month. The mayor, any council member, or the town manager may call special meetings of the council, at any time at least twelve hours after written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence, or such meeting may be held at any time without notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. Notice of any meeting of the council shall be in accordance with the provisions of the Freedom of Information Act as contained in the Code of Virginia.

B. All meetings of the council shall be public, and any citizens may have access to the minutes and records thereof at all reasonable times; however, by majority vote of the council, it may convene an executive session to consider such matters as may be the appropriate subject of an executive session as provided by the Code of Virginia.

C. The council shall appoint a town manager and a town clerk. During the organizational meeting, the council shall appoint one of the members of the council as vice-mayor to act in the absence or disability of the mayor. The vice-mayor shall be appointed by a majority vote of all the council members and shall serve for a period of two years until the next organizational meeting of the council.

D. The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules or procedures, may punish its own members for misconduct and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees. All elections and appointments by the council shall be recorded in the journal of the council.

E. The council shall fix the compensation for its members, the mayor, and all other officers the compensation of whom is not otherwise provided for herein. (1999, cc. 406, 521; 2011, c. 474; 2012, c. 315; 2020, cc. 120, 889)

§ 9. Council; mayor generally.

A. At the November election, 2020, and every four years thereafter, the candidate for mayor who receives the largest number of votes at such election shall be elected and shall serve for a term of four years from January 1, 2021, and thereafter until a successor has been elected and qualified.

B. The mayor shall preside at meetings of the council, shall perform such other duties consistent with the office as may be imposed by the council, shall have a voice in the proceedings, shall vote only in the case of tie, and shall have no veto power. The mayor shall be the official head of the town; however, he shall have no jurisdiction or authority to hear, determine or try any civil or criminal matters. In times of public danger or emergency, the mayor, or during the mayor's absence or disability, the town manager, may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. During the mayor's absence or disability, except as above provided, the mayor's duties shall be performed by the vice-mayor. The mayor shall authenticate by his signature such instruments as the council, this charter, or the laws of the Commonwealth shall require.

C. A vacancy in the office of mayor or vice-mayor shall be filled, within thirty days for the unexpired term, by a majority vote of the remaining council members. (1999, cc. 406, 521; 2011, c. 474; 2012, cc. 315; 2020, cc. 120, 889)

§ 10. Ordinances and resolutions.

A. In addition to the ability to act by motion, the council may act by ordinance or resolution and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one subject.

B. Each proposed ordinance or resolution shall be introduced in a written or printed form, and the enacting clause of all ordinances passed by the council shall be, substantially: "Be it ordained by the council of the Town of Bluefield, Virginia."

C. No ordinance, resolution having the effect of an ordinance, or resolution suspending an ordinance, unless it is an emergency measure, shall be passed until it has been read at two meetings not less than one week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting; however, the requirement of a second reading by the affirmative vote of a majority of the members of the council may be confined to the reading of the title only. Any ordinance or resolution read at one such meeting may be amended and passed as amended at the next such meeting, provided that the amendment does not materially change the ordinance. No ordinance shall be amended unless such section or sections as are intended to be amended shall be reenacted. The ayes and nays shall be taken and recorded upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council. Except as otherwise provided by this charter, the Constitution of Virginia, or the Code of Virginia, a majority vote of the council members shall be necessary to adopt any ordinance or resolution.

D. An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety, or providing for the daily operation of a municipal department. The emergency shall be stated in every such measure. Ordinances appropriating money may be passed as emergency measures; however, no measure selling or conveying any real estate; making a grant, renewal, or extension of a franchise or other special privilege; or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

E. Every ordinance or resolution having the effect of an ordinance when passed shall be recorded and indexed by the town clerk in a book kept for that purpose, and shall be authenticated by the signatures of the presiding officer and the town clerk.

F. All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified by the town clerk, or from any volume of ordinances printed by authority of the council. (1999, cc. 406, 521; 2020, cc. 120, 889)

§ 11. Town manager.

The administrative and executive powers of the town, including the power of appointment of officers and employees, are vested in an official to be known as the town manager, who shall be appointed by the council at its first meeting or as soon thereafter as practicable, shall serve at the will and pleasure of council, and may be dismissed at any time by council. He shall receive such compensation as shall be fixed by the council by ordinance, shall devote his entire time to the business of the town, and need

not be a resident or citizen of Virginia. He shall be bonded as the council may deem necessary, which bond shall be with corporate surety approved by the council. (1999, cc. 406, 521)

§ 12. Powers and duties of the town manager.

The town manager shall be responsible to the council for the proper administration of all affairs of the town coming within his jurisdiction under this charter, the general law or the ordinances or resolutions of the council. He shall have power and it shall be his duty to:

1. See that all laws and ordinances are enforced.

2. See that such town officers and employees as the council shall determine are necessary for the proper administration of the town be appointed, and they may be removed by the town manager; however, the appointment and removal of the police chief shall be subject to the approval of the council. The town manager shall report each appointment and removal to the council at the next meeting thereof following any such appointment or removal.

3. See that all terms and conditions imposed in favor of the town or its inhabitants in any public utility franchise or any contract are faithfully kept and performed; upon knowledge of any violation thereof to call the attention of the same to the council, whose duty it shall be forthwith to direct such steps as are necessary to protect and enforce the same.

4. Exercise supervision and control over all departments and divisions created herein, or that may be hereafter created by the council, and have general supervision over all public improvements, works and undertakings, except as otherwise provided in this charter.

5. Attend all meetings of the town council with the right to take part in the discussion but having no vote.

6. Recommend to the council for adoption such measures as he may deem necessary or expedient.

7. Prepare the annual budget and keep the town council fully advised as to financial conditions and needs of the town.

8. Make all such contracts in behalf of the town as may be authorized by this charter, or in accordance with the provisions of the appropriation made by the council or under continuing contracts or loans authorized under the provisions of this charter, or pursuant to a resolution or ordinance of the council.

9. Perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the town council.

10. Perform such other duties as may be prescribed by the council not in conflict with the foregoing. (1999, cc. 406, 521)

§ 13. Town clerk.

A. The town clerk shall be elected by the council for a term of two years, subject to removal at the pleasure of the council. He shall be the clerk of the council, and shall keep a permanent record of its proceedings. He shall keep all papers, documents and records pertaining to the Town of Bluefield, Virginia, the custody of which is not otherwise provided for.

B. He shall be custodian of the town seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contract or agreement.

C. He shall, upon final passage, transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials. He shall perform such other duties as are required by this charter or by the council by ordinance or resolution. (1999, cc. 406, 521)

§ 14. Town treasurer.

A. A town treasurer shall be appointed by the town manager, and shall serve until his successor has been appointed, and shall be bonded, by corporate bond, as the council may deem necessary.

B. The town treasurer shall be the disbursing agent of the town and have the custody of all moneys, and all evidence of value belonging to the town or held in trust by the town.

C. He shall receive all moneys belonging to and received by the town and keep a correct account of all receipts from all sources and expenditures of all departments. He shall collect all taxes and assessments, water rents, and other charges belonging to and payable to the town, and for that purpose he is hereby vested with any and all powers which are now or may hereafter be vested in county and city treasurers for the collection of county, city and state taxes under the general law.

D. He shall pay no money out of the treasury except in the manner prescribed in this charter.

E. He shall make all such reports and perform such other duties as may be required by the council or by this charter.

F. The treasurer shall not be entitled to any commission whatsoever for handling the funds of the town; he shall be paid for his services such salary as may be provided by the town manager.

G. The treasurer shall, as soon as the Tazewell County commissioner of the revenue completes the land and personal property books, take such books and carefully audit them, and compare them with the books of the previous year. The land book shall be compared with the assessor's book lodged in the clerk's office of Tazewell County, and the personal property book shall be compared with the books of the previous year, and the treasurer shall ascertain which of the citizens, if any, have not been assessed by the Tazewell County commissioner of the revenue, and the list of those not assessed shall be laid before the town council at its next meeting. The treasurer shall examine the books and shall see that the amount of tax is correctly extended in accordance with the rate of taxation

at that time in force, and the columns of such book shall be carefully audited and the errors therein, if any, shall be corrected. The treasurer shall take the delinquent lists and lay them before the town council, and it shall be the duty of the council to carefully examine the delinquent report of both real and personal tax. If the treasurer has returned any tax, either real or personal, delinquent that should not under the provisions of the ordinances of the town have been returned delinquent, the council shall refuse to allow him credit therefore and shall strike from the delinquent report any and all such taxes. After such report has been corrected as herein provided, the treasurer will be credited accordingly.

H. The treasurer shall serve as the town's director of finance and perform such other duties as may be required of him by this charter, the council, or the town manager. (1999, cc. 406, 521; 2003, c. 880)

§ 15. License taxes.

A. License taxes may be imposed by ordinance on businesses, trades, professions and callings and upon the persons, firms, associations and corporations engaged therein, and the agents thereof, except in cases where taxation by the localities shall be prohibited by the general law of the state. Nothing herein shall be construed to repeal or amend any general law with respect to taxation.

B. The council may subject any person, who, without having obtained a license therefor, shall do any act or follow any business, occupation, vocation, pursuit, or calling in the town for which a license may be required by ordinance, to such fine or penalty as it is authorized to impose for any violation of its laws. (1999, cc. 406, 521)

§ 16. General taxes.

A. The council of the Town of Bluefield is authorized to, and shall annually, order a town levy for so much as, in their opinion, is necessary to be raised in that way, in addition to what may be received for licenses and from other sources, to meet the appropriations made, or to be made, and all sums required by law to be raised for the purposes of the town. The levy so ordered may be upon any property therein subject to local taxation and not expressly segregated to the Commonwealth for purposes of state taxation only.

B. It is hereby expressly provided that the council shall, in its discretion, be authorized to fix such annual levy on property subject to taxation in the Town of Bluefield, for town purposes, without any limit as to the rate thereof, any provisions of the general laws of the Commonwealth to the contrary notwithstanding; however, the council shall not fix such levy on property partially segregated to the Commonwealth for purposes of state taxation at a rate higher than is or may be permitted by the general laws relating thereto.

C. If the treasurer ascertains that any real or personal property, subject to local taxation, has not been assessed for town taxation for any year or that the same has been assessed at less than the law requires for any year or that the taxes thereon for any cause have not been realized, it shall be the

duty of the treasurer to list the same, and assess town taxes thereon at the rate prescribed for that year, adding thereto interest at a maximum rate as provided in the Code of Virginia. Where the same was omitted by no fault of the person charged with the taxes, no interest shall be charged.

D. The provisions of this charter, insofar as applicable, with respect to the collection of taxes, shall apply to the assessment and collection, and the administration of the assessment and collection, of taxes on personal property and all classes thereof. (1999, cc. 406, 521)

§ 17. Audit of accounts.

Upon the death, resignation, removal or expiration of the term of any officer of the town, the town manager may order an audit and investigation to be made of the accounts of such officer and report to the council. (1999, cc. 406, 521)

§ 18. Oath of office and qualifications of officers.

Except as otherwise provided by general law or this charter, all officers elected or appointed under the provisions of this charter shall, before entering upon the discharge of their duties, take the oath of office and shall execute such bond as may be required by general law, this charter, or ordinance or resolution of the council, and file the bond with the town clerk. If the requirements of this section have not been complied with by any officer within ten days after the term of office shall have begun or after his appointment to fill a vacancy, the office shall be considered vacant. (1999, cc. 406, 521)

§ 19. Books and papers to be delivered to successor or town clerk.

Any person holding a municipal office and vacating the same on account of removal or otherwise shall deliver over to his successor in office, or to the town clerk, all property and books and papers belonging to the town, or appertaining to such office which may be in his possession or under his control. (1999, cc. 406, 521)

§ 20. Powers of town police.

For the purpose of enabling the town to execute its duties and powers, each member of the police force and each policeman is hereby made and constituted a conservator of the peace and endowed with all the powers of a constable in criminal cases and all other powers which under the ordinances of the town may be necessary to enable him to discharge the duties of his office. (1999, cc. 406, 521)

§ 21. Ordinances to continue in force.

All ordinances now in force in the Town of Bluefield, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the council of said town. (1999, cc. 406, 521)

§ 22. Council to settle controversies between officers.

If the town manager, or other officers appointed by the council, in the administration of their respective duties, disagree or have any controversy with any of the officers of the town elected by the voters, such matter in dispute or controversy shall be referred to the council for review and decision. (1999, cc. 406, 521)

§ 23. Severability of provisions.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which the judgment has been rendered. (1999, cc. 406, 521)

§ 24. General laws to apply.

The enumeration of particular powers and authority in this charter shall not be deemed or held to be exclusive. In addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the said town shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by towns under the Constitution and general laws of this Commonwealth. (1999, cc. 406, 521)

Boones Mill, Town of

County of Franklin

History of incorporation

Incorporation and charter 1927, c. 29; repealed 1973, c. 363.
Charter, 1973, c. 363; repealed 1999, c. 181.

Current charter

Charter, 1999, c. 181.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Boones Mill, as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Boones Mill (the "Town"), and as such shall have perpetual succession and may sue and be sued, plead and be impleaded, contract and be contracted with, and have a corporate seal which it may alter, renew or amend at its pleasure. (1999, c. 181)

§ 1.2. Boundaries.

The boundaries of the town, until altered, are those established in Chapter 29 of the Acts of Assembly of 1927, as amended in Chapter 363 of the Acts of Assembly of 1973, Chapter 100 of the Acts of Assembly of 1976, and Chapter 349 of the Acts of Assembly of 1984, and as recorded in the Franklin County Circuit Court Clerk's office. (1999, c. 181)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1999, c. 181)

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of the Charter include specifically, but are not limited to, all powers set forth in §§ 15.2-1100 through 15.2-1131 of the Code of Virginia, including subsequent amendments thereof. (1999, c. 181)

Chapter 3. Governing Body.

§ 3.1. Council.

A. The town shall be governed by a council composed of a mayor and six council members elected at large.

B. The mayor and members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. The six members of council shall be elected by the qualified voters of the town in 2000. Members of the council shall be elected for a term of four years; but upon the first assembling of the council qualifying for office in 2000, the members thereof shall be divided into two equal classes of three members each, to be determined by lot, and the terms of the members of the first class shall be two years, and that of the second class four years. Thereafter, in each even-numbered year, beginning in 2002, on the dates specified by general law for municipal elections, three members of council shall be elected for terms of four years each. The persons so elected shall qualify and take office on the first day of July following their election. They shall continue to serve until their successors are duly elected, qualified and assume office. The present mayor and members of council shall continue in office until the expiration of the terms for which they were respectively elected.

D. Any person qualified to vote in town elections shall be eligible for the office of council member. (1999, c. 181)

§ 3.2. Mayor.

In 2000 and every four years thereafter, on the dates specified by general law for municipal elections, the mayor shall be elected for a term of four years. The person so elected as mayor shall qualify and take office on the first day of July following his or her election and shall continue to serve until his or

her successor is duly elected, qualifies and assumes office. Any person qualified to vote in town elections shall be eligible for the office of mayor. The mayor shall preside at meetings of council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for the purposes of military law. The mayor shall have the same powers and duties as other members of the council but shall have a vote on matters before the council only in instances of a tie vote among council members present and voting. (1999, c. 181)

§ 3.3. Vice mayor.

At its first meeting in July of every even-numbered year, the council, by majority vote, shall select from its membership one member to serve as vice mayor. The vice mayor shall preside over meetings of the council in the absence of the mayor. (1999, c. 181)

§ 3.4. Vacancies.

Vacancies on the council and in the office of mayor and vice mayor shall be filled by a majority vote of the members of council until the vacancy is filled in accordance with the provisions of Title 24.2 of the Code of Virginia. (1999, c. 181)

§ 3.5. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month; however, the council may, by majority vote, dispense with any two such regular meetings per year. Except as herein provided, the council shall follow the latest edition of Robert's Rules of Order for the rules of procedure necessary for the orderly conduct of its business except where it is inconsistent with the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor or any four members of the council, provided that the members of council are given reasonable notice of such meetings. No business shall be transacted at the special meeting except that for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived. (1999, c. 181)

§ 3.6. Compensation.

Compensation for the mayor and council members shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and the council members shall not be effective until the July 1 following the first local election after the council approves such increases. (1999, c. 181)

Chapter 4. Miscellaneous.

§ 4.1. Ordinances continuing.

All ordinances now in force in the town not inconsistent with this charter shall remain in force until altered, amended, or repealed by the council. All ordinances of the town, so far as they are applicable,

shall apply on, in, and to all land, buildings, and structures owned by or leased or rented to the town and located outside the town. (1999, c. 181)

§ 4.2. Legislative procedure, etc.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, each ordinance or resolution shall be confined to one general subject. Four members of council shall constitute a quorum. (1999, c. 181)

§ 4.3. Town officers.

A. At its organizational meeting held following the qualification of the members of council, the council may, in its discretion, appoint a town manager who shall serve as the chief administrative officer of the town.

B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. The council shall further provide the term of each officer or, if there is no term, shall indicate that the officer serves at the pleasure of the appointing authority.

C. Each officer shall have such duties and shall receive such compensation as specified by the appointing authority not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth or this charter.

D. The same person may be appointed to more than one office. (1999, c. 181)

§ 4.4. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (1999, c. 181)

Bowling Green, Town of

County of Caroline

History of incorporation

Incorporated 1837, c. 303; repealed 1870, c. 337.
Incorporated 1870, c. 337; all amended 1902, c. 537; repealed 1903, c. 142.
Incorporated 1903, c. 144; repealed 1948, c. 177.

Current charter

Charter, 1948, c. 177.

Amendments to current charter

1956, c. 410 (Art. III)

1973, c. 445 (Art. III)

1990, c. 232 (Art. IV and IX)

2008, c. 344 (Art. I, § 1; Art. II, § 1; Art. III, § 1, §§ 2 and 3 [added]; Art. IV, § 1; Art. V, § 1; Art. VI, § 1; Art. VII, § 1; Art. VIII, § 1; Art. IX, § 1; Art. X, § 1; Art. XI, § 1)

Article I. The Town Corporate.

§ 1. The inhabitants of the territory comprised within the present limits of the town of Bowling Green, as such limits are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Bowling Green, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1948, c. 177; 2008, c. 344)

Article II. Corporate Limits.

§ 1. The corporate limits of the town of Bowling Green are hereby established as follows: beginning at the graveyard on top of Mill Hill, owned by S. W. Broaddus, and running to the northeast corner of the Baptist parsonage lot; thence westwardly along the line of said lot and G. R. Collins' land to the county road; thence west across said road in a straight line to an ice house owned by E. C. Moncure; thence southwest to E. C. Moncure's barn; thence south in a straight line to a dam across E. J. Anderson's ice pond; thence south in a straight line to E. J. Anderson's spring; thence south along the line between E. J. Anderson's and C. W. Collins' to Milford Road; thence east up said road to Anderson's avenue; thence across said road and along the line between the lands of J. M. Hudgin and A. L. Jones to the line of John W. Maury; thence east in a straight line to a cherry tree in rear of A. A. Anderson's lot; thence east in a straight line to L. T. Wright's barn; thence east to the brick yard in A. B. Chandler's field, formerly owned by J. T. White; thence north in a straight line to the beginning.

By virtue of an order entered on December 22, 1997, in the Circuit Court of Caroline County, certain territory was annexed to the Town of Bowling Green. Consequently, this section does not describe the corporate limits as they presently exist. This order, containing a description of the territory annexed,

effective December 31, 1997, is recorded in Law Order Book 039 beginning on Page 056, in the office of the Clerk of the Circuit Court of Caroline County. (1948, c. 177; 2008, c. 344)

Article III. Administration and Government.

§ 1. Town council.

A. Mayor and councilmen as of March 15, 1956. The present mayor and councilmen of the town of Bowling Green shall continue in office and exercise all the powers conferred by this charter and the general laws of this State until the expiration of the term for which they were elected, or until their successors are duly elected and qualified.

B. In whom powers of town are vested. Except as otherwise provided in this charter, all powers of the town and the administration and government thereof shall be vested in the council and such boards or officers as are hereafter mentioned, or may be by law otherwise provided. The power and authority of the councilmen shall, in addition to those mentioned and authorized by this act, be such as are mentioned and prescribed by law. The council of the town shall have general power over all officers and employees of the town as provided in this charter.

C. Terms of office. An election shall be held on the first Tuesday of May, 2008, and every two years thereafter. At the election to be held in May, 2008, the candidate for the office of mayor receiving the highest number of votes shall be elected for a term of four years; the four candidates for councilmen receiving the highest number of votes, respectively, at such election shall be elected for a term of four years, and the three candidates receiving the next highest number of votes, respectively, at such election shall be elected for a term of two years; in the event that the three councilmen receiving the next highest number of votes cannot be determined because of a tie in the vote, the candidates who have tied in the votes shall draw lots to determine who shall serve the two-year term. Thereafter as the terms of the mayor and the members of the council, respectively, expire, their successors shall be elected for terms of four years. The mayor and councilmen elected at such elections shall enter upon their duties the first day of July next succeeding. Any vacancies on the council occurring other than by expiration of terms shall be filled, from the electors of the town, for the unexpired term, by a majority vote of the remaining members of the council.

D. Election officials; electorate. There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

E. Council as judge of qualifications and returns of members; power to expel councilmen and to fill vacancies in council. The council shall judge of the election, qualification, and returns of its members; and, with the concurrence of two-thirds, expel a member, for cause. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as

the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

F. Quorum of council. A majority of the members of the council shall constitute a quorum for the transaction of business.

G. Salaries of councilmen and mayor.

1. Each member of the council shall receive a salary in an amount established by council, payable as the council may direct, provided that no increase in salary of a council member shall take effect during the incumbent council member's term in office, but this restriction shall not apply when the council members are elected for staggered terms.

2. The mayor shall receive a salary in an amount established by council, payable as the council may direct, but no increase in the mayor's salary shall take effect during the incumbent mayor's term in office.

H. Powers and duties of mayor generally.

1. The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his office. He shall be recognized as the official head of the town for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. In time of public danger or emergency, he may take command of the police, maintain order, and enforce the law. Such course of action shall be subject to review by the council.

2. The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall be entitled to vote and his vote in case of a tie vote shall have the same weight and effect as the vote of a councilman.

3. The mayor shall have no power to suspend, remove, or discharge any officer, agent, or employee of the town nor shall he have any power or authority to appoint or employ any officer, agent, or employee of the town nor to fix the term of office or employment, or the compensation, or to increase or decrease the power and authority of any officer, agent, or employee of the town, but the mayor shall have such powers with respect to the chief of police, the policemen, and employees of the police force when and if the mayor is given the control and supervision of the chief of police, the policemen, and employees of the police force.

I. Vice mayor. The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers,

authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

J. Regular and special meetings of council. The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except where in the judgment of the council the public welfare shall require executive meetings.

K. Council minute book. The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceeding at large on the minute book and keep the same properly indexed.

L. Council rules of procedure; certain matters may be adopted by vote of majority of all members elected to council. The council may adopt rules for regulating its proceedings but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

M. Effective date of ordinances, bylaws, and resolutions. All ordinances, resolutions, and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions, or bylaws, but in the event no effective date shall be set forth in any such ordinance, resolution, or bylaw passed by the council, the same shall become effective 30 days from its passage.

N. Publication of penal ordinances, ordinances in evidences; codification of ordinances. All ordinances hereafter passed by the council for the violation of which any penalty is imposed shall be published once, at least, in one of the newspapers of said town, to be designated by the council. A record or entry made by the clerk of said council, or a copy of said record or entry, duly certified to by him, shall be prima facie evidence of the publication of any such ordinance; and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, from a copy thereof, certified by the clerk of said council; however, whenever the council of the town of Bowling Green shall codify, in whole or in part, and print at one time, or from time to time, in book or pamphlet form, the general ordinances of the town of Bowling Green, or any part thereof, it shall be unnecessary to publish any new or changed ordinances therein contained, or such codification or codifications, in a newspaper or otherwise, and all new or changed ordinances therein contained, and such codification

or codifications, shall take effect at such time, but not less than 30 days after such codification or codifications shall have been printed in book or pamphlet form, as may be prescribed by the council by ordinance; provided, notice of such publication and the availability of such book or pamphlet at the town hall is published in a newspaper as hereinabove required. (1948, c. 177; 1956, c. 410; 1973, c. 445; 2008, c. 344)

§ 2. Town Officers and Staff.

A. The town council may combine offices when not expressly prohibited, except that the assessing and collecting officers shall not be the same person.

B. Salaries and compensation. The town council shall grant and pay to all town officers and employees such salaries or compensation, if any, as the said council may from time to time deem just and proper, or which shall be fixed by this act, except as such salaries or compensation may be fixed by general law.

C. Town manager. The council may employ a town manager to serve at the will and pleasure of the council. The town manager shall be the chief administrative officer of the town. The town manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not be a resident of the town. No member of the council shall, during the time for which elected, be chosen as town manager. Council shall perform annual reviews of the performance of the town manager. Council may suspend or remove the town manager and the action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the town manager, the council may designate some qualified person to perform the duties of the office during such absence or disability.

D. Duties of the town manager.

1. It shall be the duty of the town manager to supervise the administration of the affairs of the town; to make such recommendations to the council concerning the affairs of the town as may seem desirable; to keep the council advised of the financial condition and future needs of the town; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this charter or required of him by order of resolution of the council, not inconsistent with this charter.

2. Except as otherwise provided in this charter, the town manager, subject to the consent of the town council, may appoint or employ and he may remove or discharge such officers, employees, and assistants as may be necessary to carry on the work in those departments of the town committed to him by ordinance, in all of their respective details, in an economical and satisfactory manner. The salaries and terms of office or employment of such officers, employees, and assistants shall be fixed by the town manager subject to the approval of the town council. His action in all

respects shall be subject to review by the council and he shall be accountable to the town council only.

E. Town clerk. The council may employ a clerk to serve at the will and pleasure of the council. The clerk shall serve as the record keeper of the council and shall be responsible for all clerical responsibilities.

F. Duties of the clerk. The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have the custody of the seal of the said town. He shall keep all papers, documents, and public records that by the provisions of this charter or the direction of the council are required to be filed with or kept by him. Immediately after the close of each session of the town council, he shall make and present to the mayor and town manager a transcript of every ordinance, resolution, or order concerning any public improvement or for the payment of money and every ordinance, resolution, order, and act of legislative character passed by the town council at such session. He shall, in like manner, give notice to all persons presenting communications or petitions to the town council of the final action of the council on such communications or petitions. He shall publish such reports and ordinances as the town council may direct, and shall in general perform such other acts and duties as the council may from time to time require of him. The clerk shall perform such other duties and obligations as required by the town council for the efficient and orderly operation of the town.

G. Town treasurer. The council may employ a town treasurer to serve at the will and pleasure of the council. The town treasurer shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in a penalty of such amount as may be fixed by the council from time to time, payable to the town of Bowling Green, conditioned for the true and faithful performance of the duties of his office.

H. Duties of the town treasurer.

1. The treasurer shall be responsible for the collection of all taxes, licenses, and levies except charges for services furnished by the public utilities of the town. The council shall have the authority to place in the hands of a town collector to be employed by it the collection of any taxes, licenses, and other levies at any time before they become delinquent, if in the discretion of the council it shall be proper so to do.

2. The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as the ordinances of the town may prescribe; to keep such moneys safely and account therefor, and to pay all drafts or orders made on him in conformity with the ordinances of the town. The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the Commonwealth.

3. The town treasurer shall, on the first day of each month, render an account to the council showing the state of the treasury on the day previous and the balance of money on hand. He shall also, if required so to do by the council, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts, and statements as the town council may direct.

4. The town treasurer shall annually submit to the town council, within 30 days after the close of the fiscal year, a full and detailed account of all receipts and disbursements made during the fiscal year just closed.

I. Police department.

1. The council may exercise full police powers and it may establish and maintain a police force for the town of Bowling Green with such number of policemen and employees as the council may deem necessary and with the head of such force to be known as the chief of police. The chief of police and the policemen and employees of the police force shall be under the control and supervision of the town manager. The compensation and terms of office or employment of the chief of police and such policemen and employees of the police force as the council shall deem proper shall be fixed and determined by the council.

2. Each member of the police force and the chief of police are hereby endowed with all the powers of a constable in criminal cases and all other powers which under the laws of the Commonwealth of Virginia and the ordinances and resolutions of the town may be necessary to enable them to discharge the duties of their office.

J. Town attorney and other officers. The council may appoint a duly licensed attorney as town attorney, whose compensation shall be fixed by the council and who shall serve at the will and pleasure of the council, and in addition to those herein provided for, the council may appoint such officers and clerks as they may deem necessary, and define their powers, prescribe their duties, and fix their compensation. The council may take from any officer, whether elected or appointed by them, a bond with surety, to be approved by the council, in such penalty as it may deem proper, payable to the town, with condition for the faithful discharge by the said officer of the duties of his office. (2008, c. 344)

§ 3. Depositories of town funds, accounts; prohibited uses of town money.

A. The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks shall give bond in such sum or sums as the council shall fix. He shall keep books showing accurately the state of his accounts and the money of the town shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly or indirectly the town's money, checks, or warrants in his custody and keeping for his own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

B. The books and accounts of the town treasurer and all papers relating to the accounts and transactions of the town shall be at all times subject to the inspection of the mayor, the town council, and such other persons as the council may appoint, to examine the same, and all such books and accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment or delivered up as the council may at any time require.

C. All taxes, levies, or other sums of money of whatever nature received by the town treasurer belonging to the town shall be credited by the treasurer on his books to the town and shall be paid out by him only on a warrant of the clerk of the council, countersigned by the mayor.

D. The treasurer shall keep a separate account of each fund and appropriation and the debits and credits belonging thereto; however, the council shall have the right to require all town funds to be deposited to the credit of the town and may prescribe by resolution or ordinance such other method of disbursement as it shall from time to time deem proper.

E. All moneys received on all special assessments shall be held by the treasurer as a special fund to be applied to the payment of the matter for which the assessment was made, and said moneys shall be used for no other purpose. (2008, c. 344)

Article IV. Taxation and Finances.

§ 1. Council to have control of taxation and finances.

The town council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

A. Annual budget: to prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by state law, and to publish the same.

B. Annual levy: to raise annually by levy and collection of taxes and assessments in the said town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the said town in such manner as the said council shall deem expedient in accordance with this charter, the Constitution and laws of this Commonwealth and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

C. Special or local assessments: to impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this Commonwealth, as may be in force at the time of the imposition of such special or local assessments.

D. Power to contract debts and issue bonds, give notes, etc.: to contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution and the laws of this Commonwealth concerning bonds issued by towns, upon credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

E. Temporary borrowing: to borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

F. Expenditure of money: to expend the money of the town for all lawful purposes.

G. Licensing and taxation of slot machines: to levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the Commonwealth or not, and may, if permitted by general law, exceed the state license, if any be required, and may provide penalties for any violation thereof.

H. Licensing of circuses, carnivals, shows, etc.: to license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection.

I. Licensing of businesses, trades, professions, and callings: to impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in said town, except when prohibited by general law, whether or not a license may be required therefor by the Commonwealth. The fee for such license may exceed the state license fee if any be required.

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

K. Fees for issuance or transfer of licenses. For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

L. Liens and other remedies to enforce collection of taxes, levies, penalties, and assessments. A lien shall exist on all real estate within the corporate limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth. The council shall have the benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general law of the Commonwealth, including the power to distrain goods and chattels for failure to pay taxes levied thereon.

M. To have all taxing powers authorized by the Commonwealth of Virginia for towns including specifically those powers provided for in § 15.1-841 of the Code of Virginia. (1948, c. 177; 1990, c. 232; 2008, c. 344)

Article V. Property.

§ 1. The town council shall have the following powers:

A. Generally: to acquire by purchase, gift, devise, condemnation, or otherwise, property, real or personal, or any estate therein within or without the town, for any purpose of the town, and to hold, improve, sell, lease, mortgage, or pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

B. Road construction materials and machinery: to acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State, lands, or any interest or estate in lands, rock quarries, gravelpits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

C. Parks, playgrounds, etc.: to acquire and operate parks, playgrounds, and public grounds within or without the corporate limits of the town, and to place on the same either within or without the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character, and charge admission thereto, and to rent out or lease the privileges of the same.

D. Airports and landing fields: to acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

E. Lands for industrial or commercial purposes: to acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any

part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

F. Miscellaneous public improvements: to construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of various departments of the town and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them, and, either within or without the town to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise. (1948, c. 177; 2008, c. 344)

Article VI. Utilities.

§ 1. The town council shall have the following powers:

A. Electricity and gas: to own, operate and maintain electric light and gas works, either within or without the corporate limits of the town and to supply electricity and gas, whether the same be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract for and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient.

B. Water supply protection thereof; waterworks; water mains and sewer lines and authority to require properties to be connected thereto: to own, operate and maintain water works and to acquire any lawful manner in any county of the State, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers

herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

C. Sanitary sewers and authority to require properties to connect therewith; sewage disposal plants: to establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise within or without the town limits, all land, rights-of-way, riparian and other rights and easements necessary for said purposes, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

D. Service charges and fees; permits for use of facilities: to charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

E. Collection and disposal of garbage, etc.: to collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

F. Assessment and collection of water and sewage rates and charges; security deposit before rendition of service: to establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charge directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

G. Franchises: to grant franchise for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services thereof any existing franchises to the contrary notwithstanding.

H. Poles and wires; gas pipes: to regulate, permit or prohibit poles and wires for electric, telephone, and telegraph purposes erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the owner or lessee of an electric light, telephone, or telegraph pole, or poles, or

wires, now in use or hereafter erected, to change the location of or move the same. (1948, c. 177; 2008, c. 344)

Article VII. Streets.

§ 1. The town council shall have the following powers:

A. To acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, streets, sidewalks, boulevards, parkways, alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, to regulate the operation and speed of cars and vehicles within said streets and highways within the town; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

B. To give names to or alter the names of the streets. (1948, c. 177; 2008, c. 344)

Article VIII. Building Regulations.

§ 1. The town council shall have the following powers:

A. Regulation of size, height, materials, etc.; dangerous structures: to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may become dangerous to life or property, or which may be erected contrary to law.

B. Regulation of construction; building code; setback lines; standard for dwelling and business houses: to provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide set-back lines on the streets beyond which no buildings may be constructed if permitted by general law; to require the standard of all dwelling houses be maintained in residential sections in keeping with the majority of residences therein, and if permitted by general law to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

C. Comprehensive plan for town; plats; recording of plats: to make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, or within one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to

and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Caroline County, Virginia.

D. Permits may be required; misdemeanor to build without required permit: to issue or refuse (in case of noncompliance with the building requirements of the town) to issue permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation, failing to secure such permit prior to the beginning of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1948, c. 177; 2008, c. 344)

Article IX. Additional Powers.

§ 1. In addition to the powers elsewhere mentioned in this charter and the powers conferred by general laws and the Constitution, the town shall have the following powers:

A. Nuisance; maintenance of premises; things detrimental to health, morals, aesthetics, safety, convenience, and welfare generally: to compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent noisome or offensive business within said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of said town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of bill boards and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow, and any obstruction.

B. Fire protection generally: to extinguish and prevent fires, and to establish, regulate, and control a fire department or division; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fire-proof materials to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblages, entertainments or amusements.

C. Explosives; fireworks; firearms; bonfires: to direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline, and other like materials, to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town.

D. Health and sanitation; department of health: to provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in said town of any articles or thing intended for human consumption which is adulterated, impure, or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for said town, with authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the Commonwealth and the United States.

E. Care of children and persons sick, aged, insane or paupers: to provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.

F. Maintenance of various institutions: to provide and maintain, either within or without the town, charitable, recreative, curative, corrective, detention or penal institutions.

G. Animals and fowls: to regulate poultry or other fowls, hogs, dogs or other animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

H. Acts of annoyance on streets; abuse of animals: to prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, the setting off of fireworks or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

I. Markets and keeping of foodstuffs; hucksters; junk dealers: to establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers as may be deemed advisable.

J. Police powers; police department: to exercise full police powers and establish and maintain a department or division of police.

K. Drunkards, beggars, etc.; gambling; houses of ill-fame; disorderly conduct: to restrain and punish drunkards, vagrants, and street beggars; to prevent and quell riots, disturbances, assemblages and disorderly assemblages; to suppress houses of ill-fame and gambling houses and punish operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the said town; to prevent and punish lewd, indecent, and disorderly exhibitions in said town. To prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct, and public swearing and cursing, within the said town.

L. Malicious mischief: to prohibit and punish mischievous, wanton, or malicious damage to school, church, and public property, as well as to private property.

M. Labor of prisoners; town use of county jail: to compel persons sentenced to confinement in the jail of the town for any violation of the laws or ordinances of the town to work on the public streets, parks, or other public works of the town; and on the requisition of the mayor it shall be the duty of the sergeant of the town to deliver such persons to the duly authorized agent of the town for such purposes from day to day as they may be required. For the purpose of carrying into effect the police regulations of the town, the town shall have the use of the county jail of Caroline County for the safe keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town.

N. Enjoining of ordinance violations: to enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

O. Bylaws, rules, regulations, and ordinances for the good order of the town, etc.: to pass and enforce all bylaws, rules, regulations, and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of the citizens and their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court or officers, thereof, or which may be necessary incident to a municipal corporation.

P. Maintenance of general welfare, etc.: to do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, government, peace, health, trade, commerce, or industries of the town, or its inhabitants.

Q. Rewards: to offer and pay rewards for the apprehension of criminals.

R. Public schools and libraries: to establish, organize, administer, or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the Commonwealth.

S. Alcoholic beverages: to make and enforce ordinances, in so far as not prohibited by the general laws of this Commonwealth, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

T. Licensing of motor vehicles: to require every owner or operator of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council; to issue said license, and to require the said owner to pay the annual license fee therefor to be fixed by the council, provided that the said license fee shall not exceed the amount charged by the Commonwealth on such machines. The council shall have the right to require the operator of said motor vehicle to attach a proper license plate on a conspicuous part of the said motor vehicle and to keep same thereon in plain view for common observation. The council may prorate such license fee over periods of not less than three months.

U. Regulation of motor vehicles and traffic: insofar as not prohibited by general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through said town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare and safety.

V. Ordinances generally: to make and enforce ordinances, not inconsistent with the laws of this Commonwealth.

W. Implementation of powers; penalties for violation of ordinances: to put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the said council given by this charter, or any state law, or any amendments thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this charter, said penalty not to exceed a fine of $2,500 or twelve months' imprisonment in jail, or both.

X. Enumeration of powers not exclusive. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town council shall have and

may exercise all powers which, under the Constitution and laws of this Commonwealth, it would be competent for this charter specifically to enumerate.

Y. To exercise all powers now or hereafter conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia. (1948, c. 177; 1990, c. 232; 2008, c. 344)

Article X. Actions against Town.

§ 1. No actions shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any attorney appointed by the council for this purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days such statement may be filed within one hundred and twenty days. And no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1948, c. 177; 2008, c. 344)

Article XI. Miscellaneous.

§ 1. Severability; title.

A. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the part of the act directly involved in the controversy in which said judgment shall have been rendered.

B. This act may be referred to or cited as the Bowling Green Charter. (1948, c. 177; 2008, c. 344)

Boyce, Town of

County of Clarke

History of incorporation

Incorporation and charter, November 28, 1910, by Circuit Court of Clarke County; repealed 1973, c. 493.

Current charter

Charter, 1973, c. 493.

Amendments to current charter

1979, c. 161 (§ 3)

2012, c. 462 (§ 3)

Incorporation.

§ 1A. The inhabitants of the territory comprised within the limits of the town of Boyce, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Boyce, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1973, c. 493)

§ 1B. The corporate limits of the town shall be the boundaries of the town of Boyce, its predecessor, as described in a plat thereof, made by Charles E. S. Harris, which was recorded in the Circuit Court of Clarke County in Deed Book 6, page 20. (1973, c. 493)

Rights and Powers.

§ 2. (1) All of the rights, powers and privileges of the town of Boyce, heretofore acquired, possessed, and enjoyed not in conflict with this charter shall continue and remain vested in the said town under this charter and all laws, resolutions, and ordinances of the Council now in force and not inconsistent with this charter, shall be and continue in full force and effect until regularly repealed by a duly elected council of the said town.

(2) Any of the persons holding office provided for in this charter which have existed under the charter heretofore granted, shall continue to hold the same until July one, 1974, and all laws in force prior to this charter and consistent herewith, and all liabilities, rights, actions, and contracts arising thereunder shall remain in full force and effect as if this amendment had not been granted. (1973, c. 493)

Election for Town Officers.

§ 3. Elections by the qualified voters of the Town of Boyce will be held as set forth in the Town's ordinances governing elections.

Elections shall be held in odd-numbered years. Beginning in 2013, a Recorder and two Councilmen shall be elected for a term of four years, and beginning in 2015, a Mayor and two Councilmen shall be

elected for a term of four years. The Mayor, Recorder, and Councilmen shall constitute the Common Council of the said town. They shall enter upon the duties of their respective offices on the first day of the second month next succeeding their election and shall continue in office until their successors are elected and qualified. (1973, c. 493; 1979, c. 161; 2012, c. 462)

Qualification of Officers.

§ 4. (1) The Mayor, Recorder and Councilmen shall each before assuming the duties of their office take oath that they will truly and faithfully discharge the duties of their said office to the best of their abilities. The Mayor after having taken said oath before any officer authorized by law to administer oaths shall be qualified to administer the oath of the Recorder and Councilmen.

(2) There may be a Town Sergeant and Treasurer appointed by the Council for a term concurrent with that of the Common Council. (1973, c. 493)

Elections.

§ 5. (1) The town election shall be conducted by the Judges of Election, appointed by the Electoral Board of Clarke County; the voting shall be done at such place within the town as the Council may prescribe. The Council shall also prescribe the manner of filling vacancies in the said town offices.

(2) The Council in existence at the time of the election shall be judge of the election, qualification and returns of its members, may fine them for misbehavior, and with the concurrence of two thirds expel a member. It shall be the duty of the Mayor within ten days after any election to call a meeting of the Council to examine the returns and to notify the persons of their election.

(3) Should any member of the Council duly elected thereto, be declared ineligible to hold said office for any reason, or be expelled, or refuse to take the oath of office, the Common Council of said town shall declare such office vacant and order a new election to fill said vacancy, or vacancies, at the same place and at such time as it may prescribe, except that here there shall be vacancies in the majority of the Council, the Circuit Court, or the Judge thereof, in vacation, shall fill such vacancies from the qualified voters of said town.

(4) A vacancy in the office of Mayor may be filled by the Council from the qualified electors of said town.

(5) Whenever any vacancy shall otherwise occur during the term for which any of the said persons have been elected may be filled by the Council by appointment of any one eligible to such office. (1973, c. 493)

Bonds of City Officers.

§ 6. The Council shall have the power to require and take from the Treasurer, Recorder and other town officers such bonds, with sureties therefor, as the Council may deem necessary. These bonds shall be conditioned for the faithful performance of the duty of the respective officers, and such officer will faithfully account for all moneys that shall come into his hands as an official of the said town. (1973, c. 493)

Duties of Town Officials.

§ 7A. Mayor.

The jurisdiction of the Mayor's court in criminal matters shall extend one mile beyond the corporate limits of the said town.

The Mayor shall be the chief Executive Officer of the town. It shall be his duty to take the proper steps to enforce the laws, resolutions and ordinances of the Council. He shall be ex-officio a conservator and justice of the peace within the said town and one mile beyond the corporate limits thereof, but he shall have no jurisdiction in any capacity in civil cases beyond the corporate limits.

The Mayor shall have the power to remove or suspend any subordinate officer of the town for misconduct in office or neglect of duty, but no such removal shall be made without reasonable notice to such person specifying the grounds of removal and giving such person an opportunity to defend himself. His action hereunder shall be reported to the next meeting of the Council for consideration and action thereon.

The Mayor shall preside over the meetings of the Council, and shall have the right to vote on all matters before the Council, and, in case of a tie, shall have the deciding vote.

The Mayor shall have the power to commit any party to the jail of the county upon their failure to pay fines and costs imposed upon them by him, and the power to issue executions for all such costs and fines imposed by him. However he cannot commit such person to jail for a longer period than sixty days, for failure to pay any fine or cost.

The Mayor shall make an annual report to the Town Council at the beginning of each fiscal year, showing the general condition of the town as to its finances, and government, and make such recommendations as he may deem necessary. In case of the death, disqualification, absence, or inability of the Mayor to serve, the Recorder shall perform the duties of the Mayor and be vested with all of his powers.

The Mayor shall receive such compensation for his services as the Council may determine, which compensation shall not be diminished or increased during the term for which he shall have been elected. (1973, c. 493)

§ 7B. The recorder.

The Recorder shall keep a journal of the proceedings of the Council and keep and preserve the records of the town. If for any reason the Mayor shall be absent or unable to serve, the Recorder shall perform the duties of the Mayor and be vested with all his powers during such absence or inability of the Mayor.

In case both the Mayor and the Recorder are absent, or for any reason cannot serve, the Council shall, by a majority vote of the members present, appoint one of their number to fill the respective office until the Mayor, or Recorder may resume their duties, or the vacancy has been filled.

No money belonging to the said town shall be paid out by the Treasurer unless the same has been appropriated and ordered to be paid by the Council, and upon the certificate of the Recorder, or in his absence that of the Mayor, for such payment. (1973, c. 493)

§ 7C. The town treasurer.

It shall be the duty of the Treasurer of the town to collect all taxes and licenses and to account for all the money which comes into the Treasury during the period of his office, and to pay out all moneys belonging to the town upon the proper order of the Council so to do, and upon the proper certificate of the Recorder, or in his absence that of the Mayor.

The Treasurer shall make a regular report annually at the end of each fiscal year to the Town Council, showing his receipts and expenditures for the year and the condition of the town finances.

The books of the Treasurer shall be subject to the control of the Council, and he shall show them to the Council, or to such Committee as the Council may appoint to audit the books.

The Treasurer shall make no payment out of the town finances except by an order of the Common Council and upon the proper certificate from the Recorder, or in the absence of the Recorder, of that of the Mayor, in conformity with the said order of the Council.

The Treasurer shall not perform the duties of his office until he has given such bond, with penalty as the Council may require. (1973, c. 493)

§ 7D. Town sergeant.

It shall be the duty of the Town Sergeant to collect delinquent taxes and any levies, either by an ordinance or resolution of the Council, that any be placed in his hands for collection. He shall make a report and pay into the Treasury all sums collected from such delinquent taxes or levies, before the first day of each calendar month.

The sergeant shall perform all duties pertaining to the office of Sergeant of the town and of the Police Officer within the said town, and as such shall have the same powers and duties as are by law prescribed for a Sergeant or Constable. The Common Council shall fix the amount of compensation which he shall receive for his services.

He shall keep the public streets and sidewalks properly cleaned and see that the laws and ordinances of the town are properly enforced.

The Town Sergeant, or any other Police Officer of the town, shall have the power and authority to arrest without a warrant, any person or persons, seen at the time of arrest engaged in committing any breach of the peace, or in any way violating any of the laws or ordinances of the town, or disturbing the security of the persons or property of the citizens of the said town. (1973, c. 493)

§ 7E. Town council.

(1) The Mayor shall be Presiding Officer at the meetings of the Common Council, except that in his absence the meetings shall be presided over by the Recorder. In the absence of both the Mayor and the Recorder, such member of the Council as may be chosen by a majority of the Councilmen present shall preside.

(2) Three members of the Common Council shall constitute a quorum of the said Council for the transaction of business. The Mayor or the Recorder and at least two Councilmen shall constitute such a quorum.

(3) The Council shall keep an accurate record of all of its proceedings, which record shall be open to inspection of any citizen who is entitled to vote for members of the Council.

(4) At each meeting of the Common Council, the minutes of the last meeting shall be read, such corrections as may be necessary made, and signed by the Presiding Officer at that meeting. Any member of the Council many, upon request, have a recorded vote of the Council upon any question passed upon by the said Council.

(5) The Mayor and Recorder shall be members of the Council and be entitled to vote, and, in case of a tie vote, the Presiding Officer shall cast the deciding vote.

(6) The Common Council shall have power within the corporate limits of the said town to open streets, alleys, and sidewalks for the public use, and to change or improve the same, and to regulate the width of said streets, alleys and sidewalks; to lay off public grounds, to provide for and take care of public buildings of the town; prevent injury or annoyance to the public, or individuals from any dangerous or offensive things; to regulate the keeping of powder and other combustibles; to abate and remove anything which in the opinion of a majority of the Council shall be considered a nuisance; to make regulations for guarding against the danger from fire, to provide for the poor of the town, to appoint the place and regulate the holding of town elections; to formulate rules for the transaction of its business and the regulation of said Council; to require and take bonds from such officials of the town, together with such surety, as the Council may see fit, for the true and faithful performance of their duties; to regulate and control the establishment of burial grounds within the corporate limits; to erect or permit, or prohibit the erection of gas works, water works, or electric light works in or near the town, and to protect the property of persons therein and preserve the peace and good order and promote the general

welfare of the said town; and for all of which said purposes named herein, the Council shall have jurisdiction within and for one mile beyond the corporate limits of the said town.

(7) In order to carry into effect the enumerated powers, and all other powers conferred upon said town, either expressly or by implication in this charter, or the general laws of Virginia, the Council shall have the power to make bylaws and ordinances which are not contrary to the constitution and laws of the State of Virginia. The Council shall have the power to prescribe and enforce fines and penalties, or imprisonment in the County jail for a term not exceeding sixty days, for a failure to pay such fines, all of which fines, penalties and imprisonments shall be recovered or enforced under the judgment of the Mayor of the said town, or such person lawfully exercising his functions.

(8) The said Council may, with the consent and by an agreement with the County Court of said county, entered of record, have the right to use the jail of the said county of Clarke, for any purposes for which the jail may be needed by them, under the ordinances of the Council or of the laws of the State.

(9) The Council shall annually make an estimate (budget) of all sums which may be lawfully chargeable on the said town, and to be paid within one year, which estimate is to be paid from the taxes, licenses and other sources of revenue. The said estimate shall be entered upon the records of its journal.

(10) The said Council shall have the power and authority to require a license for doing business within the town, from any person, company, corporation, or firm, for which a State license is required of such person, company, or corporation, for doing such business.

(11) The said Council may also grant or refuse licenses to the owners and operators of automobiles, trucks or other vehicles employed and operated in or from the said town for hire.

(12) The revenue from all sources payable to the said town shall be collected and accounted for to such persons and at such times as the Council shall order.

(13) The jurisdiction of the Council, in criminal matters shall extend one mile beyond the corporate limits of the town.

(14) The Council shall have power to require and take from such officers of the town, as it may deem necessary, bonds with satisfactory sureties conditioned for the faithful performance of the duty of such officer.

(15) For the violation of duty by any officer of the said town and terms of his said bond, it shall be lawful for the Council to recover on his bond by motion, in the corporate name of the town, before any court of record of the said county of Clarke, against the said officer and the surety on his bond, or either of them, on giving ten days' notice of the same.

(16) The Council of the town may be convened at any time upon the call in writing of the Mayor or of any three members thereof.

(17) The Council shall not take or use any private property for public purposes without a just and fair compensation thereof to the owners of said property. But in all cases where it is impossible for the town to agree with the owner of such property upon a price for the same, it shall be lawful for the said town to apply to and obtain from the Circuit Court of Clarke County authority to condemn the said property, which application and proceeding of condemnation shall be according to law.

(18) The Council may take whatever steps may be deemed necessary, in accordance with the law applicable to the same, for the protection of persons and property within the limits of the said town and preserve the peace and welfare of the said town.

(19) The Council may appoint a Physician and an Attorney for the town and prescribe their term of office and compensation.

(20) No bonds shall be issued by the town of Boyce under the laws of the State of Virginia, made and provided, except after an election held for the purpose and a vote of the citizens of the said town shall have first authorized the same.

(21) All acts and ordinances inconsistent with this charter are hereby repealed. (1973, c. 493)

Boydton, Town of

County of Mecklenburg

History of incorporation

Town established in 1811-12 by an Act of Assembly.
Incorporated by an 1874 Act of Assembly.
Charter revived and amended 1833-34, c. 222.
Charter to incorporate 1874, c. 114; repealed 1958, c. 567.
Charter, 1874, all amended in 1914.

Current charter

Charter, 1958, c. 567.

Amendments to current charter

1991, c. 17 (§ 3)

§ 1. The inhabitants of the territory embraced within the present limits of the town of Boydton, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Boydton, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though all such powers were specifically enumerated herein. (1958, c. 567)

§ 2. The administration and government of the town shall be vested in one principal officer styled the mayor, and six councilmen, all of whom shall be residents and qualified voters of the town. Each councilman may receive a salary for his services as such, the amount thereof to be fixed by the council. (1958, c. 567)

§ 3. The mayor and three councilmen shall be elected by the qualified voters of the town on the first Tuesday in May 1994, and every two years thereafter, in the manner prescribed by law. The mayor shall be elected for a two-year term and the councilmen shall be elected for staggered four-year terms. Vacancies in the offices of mayor or councilmen shall be filled by the council for the unexpired terms. The present mayor and councilmen shall continue in office until the expiration of the terms for which they were respectively elected.

To provide for the staggered election of councilmen, at the general election held in May 1992, a mayor and six councilmen shall be elected. The mayor shall be elected for a two-year term and the three councilmen receiving the highest number of votes shall be elected to serve four-year terms. The remaining three councilmen shall be elected to serve two-year terms. Thereafter, all councilmen shall be elected for four-year terms. (1958, c. 567; 1991, c. 17)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' written notice shall be given to the other members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. (1958, c. 567)

§ 5. The council may appoint a clerk, a commissioner of the revenue, and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1958, c. 567)

§ 6. The council may appoint a sergeant who shall qualify as provided by law, and give bond in such amount as the council requires. The sergeant shall be a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to a distance of one mile beyond the same, as were formerly had and performed by constables. He shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1958, c. 567)

§ 7. The mayor shall be a conservator of the peace, and shall, unless and until a police justice is appointed as hereinafter provided, have power to issue warrants and summon witnesses, and exclusive original jurisdiction to try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other form of debts owing to the town, and shall have like powers in the matter of collecting fines and costs imposed by him, as are vested by law in trial justices. The fees and costs in connection with such cases shall be the same as are authorized by law to be charged, taxed and collected by trial justices for similar services, and such fees, and all fines collected by the mayor shall be promptly paid by him into the town treasury, unless the council by ordinance directs some other disposition thereof; provided that the council may, at any time it deems the same expedient, appoint a police justice for the town, who shall be a resident and qualified voter of the town, shall give such bond as the council requires, shall serve during the pleasure of the council, and shall receive such compensation as the council prescribes.

In the event of the appointment of such police justice, he shall have, during such time as he serves, and to the exclusion of the mayor, the same powers and jurisdiction as are hereinabove conferred upon and vested in the mayor, and shall exercise the same in like manner as they are above authorized and directed to be exercised by the mayor. (1958, c. 567)

§ 8. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the town of Boydton and its council shall have the powers set forth in the following sections of this charter. (1958, c. 567)

§ 9. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the council prescribes.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1958, c. 567)

§ 10. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the town, which fronts or abuts on any such sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer service, of the reasonableness of which, the council shall be the sole judge; and sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues.

The town is empowered to acquire by condemnation or otherwise, such properties or interests or estate therein, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining or operating any such sewer line or lines. (1958, c. 567)

§ 11. The town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, golf courses and other recreational facilities, and to make reasonable charges for the use of such facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights of way from the town to any property acquired by it under any of the provisions of this charter, which lies without its corporate limits, and to construct and maintain upon such rights of way, such roads or bridges as may reasonably necessary for the full enjoyment thereof; provided, however, that the provisions of § 25-233 of the Code of Virginia, 1950, shall apply to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this chapter; and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so. (1958, c. 567)

§ 12. In so far as not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation upon its streets and alleys, of motor vehicles carrying passengers or freight for hire, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town, for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as meets with the approval of the council; and (c) to prescribe rules and regulations with respect to motor traffic of all kinds, within the town, and the parking of motor vehicles on its streets and alleys. (1958, c. 567)

§ 13. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the town, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the town without such licenses. (1958, c. 567)

§ 14. The town is empowered to levy taxes upon all subjects of taxation in the town, the taxation of which by towns is not prohibited by general law; to collect the same in the same manner as State

taxes are collected; and to expend the revenues so raised for any lawful purpose. The fiscal year of the town shall begin on September one and close on August thirty-one. (1958, c. 567)

§ 15. The town is empowered (a) to provide a building code for the town; to provide for the orderly and safe construction of houses and other buildings; to prescribe setback lines on designated streets; to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections; and (b) to adopt a comprehensive plan concerning the subdivision of lands within the corporate limits of the town or within two miles thereof; to require that plats of all such subdivisions shall, after having been approved by the council as hereinafter provided, be recorded in the clerk's office of Mecklenburg County; and the term "subdivision," when and as used in this charter, means the division of a tract of land into five or more lots, with appropriate streets and alleys, and with the intention on the part of the owner of the land, of developing the same, or making it available for development by others, for residential and business purposes. (1958, c. 567)

§ 16. The town is empowered (a) to prohibit, and to punish for mischievous or wanton damage to school property or any other property, either public or private, within the town; (b) to prohibit minors from frequenting or loitering in public pool rooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same; (c) to compel persons sentenced to confinement in jail for violations of town ordinances, to work on the streets or other public places of the town. (1958, c. 567)

§ 17. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town by any fence, building, porch, or other projection, and to require the removal of any such encroachment heretofore or hereafter made, unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town, no statute of limitation shall run. (1958, c. 567)

§ 18. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed, to be placed in suitable conduits, underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1958, c. 567)

§ 19. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and by-laws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances, by-laws and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, by-laws or resolution, upon which the same shall become effective. (1958, c. 567)

§ 20. (a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering. He shall be appointed for such term as he and the council agree upon, not to exceed two years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no order of suspension or removal shall be made until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council, suspending or removing the town manager, shall be final. The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1958, c. 567)

§ 21. No plat of any subdivision within the corporate limits of the town or within two miles thereof shall be recorded in the clerk's office of Mecklenburg County unless and until it shall have been approved by the council, and the council shall not approve any plat of any such subdivision unless the streets, alleys or other roadways provided for therein are of such widths and grades and are so located as to, in the opinion of the council, meet the probable traffic needs in the reasonably near future. Before approving any such plat, the council may, in its discretion, require the owner of the land so subdivided to enter into an agreement in writing, and to give satisfactory security for the performance thereof, to

the effect that he will, when and as the same becomes necessary, grade and surface the streets, alleys or roadways shown thereon, in such manner as to meet with the approval of the council.

The approval of any such plat by the council shall not be construed or held to impose any obligation upon the town to grade or surface such streets, alleys, or roadways unless and until the same is, in the opinion of the council, for the best interest and general welfare of the town and its inhabitants. (1958, c. 567)

§ 22. All ordinances now in force in the town of Boydton, not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this act. (1958, c. 567)

Boykins, Town of

County of Southampton

History of incorporation
Incorporated by an 1884 Act of Assembly.
Charter, 1884, c. 103; repealed 2003, c. 718.

Current charter
Charter, 2003, c. 718.

Amendments to current charter
2007, c. 289 (§ C4.4)

Chapter 1. Incorporation and Boundaries.

§ C1.1. Incorporation.

A. The Town of Boykins, in the County of Southampton, as the same has heretofore been or may hereafter be laid off in lots, streets and alleys, has been made a town corporate by the name of the "Town of Boykins," and by that name has exercised the powers conferred upon towns by the General Assembly and the Code of Virginia, and is subject to all the provisions of the Code, and to all laws now in force, or which may hereafter be enacted in reference to the government of towns of less than 5,000 inhabitants, so far as such laws are not inconsistent with the provisions of this act.

B. The inhabitants of the territory comprised within the present limits of the Town of Boykins, hereinafter referred to as "Town," as such limits are now or may hereafter be altered and established by law, constitutes and continues a body politic and corporate, known and designated as the "Town of Boykins," and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and have a corporate seal that it may alter, renew, or amend at its pleasure by proper ordinance. (2003, c. 718)

§ C1.2. Boundaries.

The territory embraced within the Town is that territory in the County of Southampton, Virginia, established in the Acts of the General Assembly, and all Acts amendatory thereof, by annexation or by the order of the Circuit Court of Southampton County as shown on that certain plat titled "Plat showing present corporate limits and proposed property for annexation Town of Boykins, Virginia, corporate limits located in Southampton County, Virginia Scale: 1" = 300' July 11, 1966 Revised: November 26, 2002." Said plat being recorded in the clerk's office for the Circuit Court of Southampton County, Virginia, of Plat Book 26 at Pages 6 and 7. Said boundaries include parcels A, B, and C and all proposed corporate limits as shown on said plat. (2003, c. 718)

Chapter 2. Powers.

§ C2.1. General grant of powers.

The Town shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the Town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now pertaining to and incumbent on the Town as a municipal corporation. (2003, c. 718)

§ C2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § C2.1 of this charter include specifically, but are not limited to, all powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia. (2003, c. 718)

Chapter 3. Mayor and Town Council.

§ C3.1. Composition of Council; election, qualification and term of office of Mayor and council members.

The Town shall continue to be governed by a Mayor and a Town Council composed of five council members, all of whom shall be qualified electors of the Town and shall serve for terms of two years and until their successors are appointed or elected and qualified as provided by law. (2003, c. 718)

§ C3.2. When terms of office to begin.

Terms of office for Mayor and council members shall begin on the first day of July next following their election. (2003, c. 718)

§ C3.3. Oath of office.

The Mayor and council members shall each, before entering upon the duties of their office, make oath or affirmation that they will truly, faithfully and impartially discharge the duties of their office to the best of their abilities, so long as they shall continue therein. The Clerk of the Circuit Court of Southampton County, Virginia, shall administer such oath. (2003, c. 718)

§ C3.4. Election and term of Vice Mayor.

The Town Council, by a majority vote at the first meeting following each council election, shall elect from its members a Vice Mayor, who shall serve at the discretion of the Town Council. (2003, c. 718)

§ C3.5. Vacancies in office of Mayor and council members.

Vacancies in the office of the Mayor and council shall be filled for the unexpired portion of the term by a majority vote of the members of the council within 90 days after the vacancy occurs. Persons so elected to fill vacancies must be qualified voters and residents of the Town. (2003, c. 718)

§ C3.6. Council a continuing body.

The Town Council shall be a continuing body, and no measures pending before such body or any contract or obligation incurred shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (2003, c. 718)

§ C3.7. Powers and duties of Mayor and Vice Mayor.

The Mayor shall be the chief executive officer of the Town and shall have and exercise all power and authority conferred by general law not inconsistent with this charter. The Mayor shall be recognized as the head of the town government for all ceremonial purposes. The Mayor shall preside over the meetings of the Town Council and perform such other duties as may be prescribed by this charter, town ordinances, the general laws, and such as may be imposed by the council consistent with the office. The Mayor shall be entitled to vote upon measures pending before the council only in the event of a tie. The Mayor shall see that the duties of the various Town officers are faithfully performed. The police force of the Town shall be under the control of the Mayor for the purpose of enforcing peace and good order and executing the laws of the Commonwealth and the Town ordinances. The Mayor shall see that peace and order are preserved, and that persons and property are protected within the Town limits. The Mayor may issue all warrants charging violation of any ordinances of the Town. During the absence of the Mayor or the inability of the Mayor to act, the Vice Mayor shall possess the powers and discharge the duties of the Mayor. (2003, c. 718)

§ C3.8. Absence or inability of Mayor and Vice Mayor.

If both the Mayor and Vice Mayor are absent or unable to act, the Town Council shall, by a majority vote of the members present, elect from its members a person to serve as acting Mayor at that meeting or until either the Mayor or Vice Mayor is present and able to act. Whenever it is necessary to elect an acting Mayor pursuant to this section, the acting Mayor shall possess the powers and discharge the duties of the Mayor from the time of election until either the Mayor or Vice Mayor is present and able to act. The town clerk or acting town clerk shall call the meeting of the Town Council to order and shall preside until an acting Mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the Mayor, except as expressly stated in this section. (2003, c. 718)

§ C3.9. General powers and duties of the town council.

A. The council shall be responsible for the determination of all matters of policy for the Town and for ensuring the implementation.

B. The council shall have full powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter.

C. The council shall have the power to make motions, adopt ordinances and resolutions, enforce same, and exercise all powers granted by this charter and by the laws of the Commonwealth of Virginia.

D. The council may create and appoint such boards, bodies, departments, officers, or consultants, define their duties and set compensation as may be permitted or required by this charter, town ordinances or the general laws of the Commonwealth of Virginia.

E. The council shall have the power to establish rules for the collection of garbage and other debris, and disposal of offal, ashes, leaves, limbs, garbage, carcasses of unclaimed dead animals, and other refuse; to make reasonable charges therefore; to acquire and operate equipment for the disposal of such materials; to ensure that operators are legally licensed to operate such equipment and to contract and regulate the collection and disposal thereof.

F. The council shall have the power to acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein within or without the Town for any legal purposes of the Town; and to hold, improve, lease, sell, or otherwise dispose of the same or any part thereof, including any property now owned by the Town.

G. The council shall have the power to construct, maintain, regulate, and operate town property of all kinds, including municipal and other buildings.

H. The council shall have the power to grant franchises for public utilities in accordance with the provisions of the Constitution of Virginia, town ordinances and general laws, provided however the Town shall at all times have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the Town, any and all public utilities for the Town and to sell the services thereof any existing franchises notwithstanding.

I. The council shall have the power to regulate or prohibit, or both, public nuisances:

1. To regulate and compel the abatement and removal of nuisances within the Town, or upon property owned by the Town beyond its limits, at the expense of the person or persons causing the nuisance, or of the owner or occupant of the grounds or premises whereon the same may be, and to collect said expenses by suit or motion, or by distress and sale including transportation through streets, smoke and dust, noise, things detrimental to public health, and sidewalks.

2. To require all lands, lots, and other premises within the Town to be kept clean and sanitary, free from stagnant water, weeds, filth, and unsightly deposits, and to make them so at the expense of the owners and occupants thereof, and to collect said expenses by suit, lien, and by distress and sale.

3. To regulate and prohibit animals being kept or running at large in the Town, or any portion thereof.

4. To regulate or prohibit the conduct of any dangerous, offensive, or unhealthful business, trade, or employment; the transportation of any offensive substance; the manufacture, storage, transportation, possession, and use of any explosive or inflammable substance; and the use and exhibition of fireworks and the discharge of firearms. To regulate the maintenance of safety devices on storage equipment for such substances or items as provided by the Constitution of Virginia and § 15.2-1113 of the Code of Virginia, as amended from time to time.

5. To prohibit indecent and disorderly conduct within the town limits.

6. To prohibit and punish for mischievous, wanton, or malicious damage to public property as well as private property.

J. The council shall have the power to offer and pay rewards for the apprehension and conviction of criminals.

K. The council shall have the power to provide fire protection, suppression, and public safety.

L. The council shall have the power to name or alter the names of streets within the town limits.

M. The council shall have the power to establish, regulate, and maintain parks, playgrounds and public grounds and to keep them lighted and in good repair.

N. The council shall have the power to plant, maintain or remove shade trees and shrubs along the streets and upon such public grounds to prevent the obstruction of such streets and highways.

O. The council shall have the power to take such actions as to promote beautification of the Town.

P. The council shall have the power to extend or contract the corporate limits of the Town as provided by the Constitution and general laws of Virginia in force at the time.

Q. The council shall have the power to put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the said council given by this charter, town ordinances, or any state law, or any amendments thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this charter.

R. The council shall have the power to regulate the size and improvement of lots or parcel of land within the town limits including the authority to adopt zoning ordinances, appoint planning commissions, boards of zoning appeals, and zoning administrators as permitted by the Constitution and general laws of Virginia.

S. The council shall have the power to own, operate, and regulate a water and sewage systems.

T. The council shall have the power to own, operate, and regulate a town cemetery, a town dump and other lands outside the town limits. (2003, c. 718)

§ C3.10. Meetings of council.

The Town Council shall hold at least 1 public meeting each month, time and date being fixed by ordinance. A journal shall be kept of its official proceedings. The town clerk upon the request of the Mayor or any three Council Members shall call special meetings. Reasonable notice of such special meeting shall be given to each Council Member and the Mayor as set forth in the Constitution of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time. (2003, c. 718)

§ C3.11. Rules of order and procedure.

The Town Council shall establish its own rules of order and procedure and may punish its own members and other persons for violations thereof. (2003, c. 718)

§ C3.12. Council to fix salaries.

The Mayor and Town Council may receive a stipend for each regular monthly meeting attended, or per diem allowance for services, the amount thereof to be fixed by council during the budget process of an election year. (2003, c. 718)

Chapter 4. Appointive Officers.

§ C4.1. Appointment.

The Town Council may appoint such officers of the Town, as it deems necessary. Such officers may include but shall not be limited to, a town clerk, a town treasurer, a supervisor of public works, and a town sergeant. Officers appointed by the Town Council shall perform such duties as may be specified in this charter, by the laws of the Commonwealth of Virginia, town ordinances and by the Town Council. (2003, c. 718)

§ C4.2. Terms of office.

Officers, deputies and assistant officers appointed by the Town Council shall serve at the will and pleasure of the Town Council. (2003, c. 718)

§ C4.3. Appointment of one person to more than one office.

The Town Council in its discretion may appoint the same person to more than one appointive office, subject to such limitations as are set forth in the Constitution of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time. (2003, c. 718)

§ C4.4. Residence of officers and employees.

Any appointive officer or employee of the Town may be appointed and serve whether or not the appointee be a resident of the Town. (2003, c. 718; 2007, c. 289)

Chapter 5. Financial Provisions.

§ C5.1. Fiscal year.

The fiscal year of the Town shall begin July 1 of each year and end on June 30 of the following year. (2003, c. 718)

§ C5.2. Assessment of taxes.

A. The Town Council shall provide to Southampton County's Commissioner of Revenue current Town tax rates for personal and real estate property within the town limits and collect such taxes to any extent not prohibited by the laws of the Commonwealth of Virginia, such rate to be established by the Town Council.

B. The Town shall have the power to impose a business license fee and shall collect a percentage of gross sales reported to the town clerk by each business annually, said rate to be established by the Town Council. (2003, c. 718)

§ C5.3. Registration of motor vehicles.

The Town shall have the power to impose license requirements and collect the same to any extent not prohibited by the laws of the Commonwealth of Virginia. (2003, c. 718)

§ C5.4. Other revenue-generating activity.

The Town shall have the power to engage in other revenue-raising activity to any extent not prohibited by the laws of the Commonwealth of Virginia. (2003, c. 718)

§ C5.5. Actions against town for damages, etc.

The Town Council is authorized and empowered to compromise any claim for damages or any suit or action brought or threatened against the Town. (2003, c. 718)

§ C5.6. Creation of debt; election on issuance of bonds.

The Town Council shall have the power to borrow money, encumber the assets of the Town, and issue bonds under any provisions of the Constitution of Virginia and general laws of the Commonwealth of Virginia. (2003, c. 718)

§ C5.7. Bonds of officers and employees.

The Town Council may require any or all town officers and employees to give bond for the faithful and proper discharge of their duties. As used herein, the words "officers and employees" shall include officers, employees, and consultants paid solely or partly by the Town. The Town may pay a premium on such bonds from the town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the Town as its interest may appear in event of breach of the conditions thereof. (2003, c. 718)

Chapter 6. Miscellaneous.

§ C6.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (2003, c. 718)

§ C6.2. Present ordinances continued in effect.

All ordinances now in force in the Town, not inconsistent with the charter, shall be and remain in force until altered, amended, or repealed by the Town Council. (2003, c. 718)

§ C6.3. Applicability outside town.

All ordinances of the Town, so far as they are applicable, shall apply on, in, or to all land, buildings, and structures owned by or leased or rented to the Town and located outside the Town. (2003, c. 718)

§ C6.4. Severability of provisions.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (2003, c. 718)

Branchville, Town of

County of Southampton

History of incorporation

Incorporated by a 1908 Act of Assembly.

Current charter

Charter, 1908, c. 240.

Amendments to current charter

1912, c. 259 (§ 6)
1927, c. 83 (§§ 5 and 6)
2015, c. 187 (§ 3)

§ 1. Be it enacted by the general assembly of Virginia, that the town of Branchville, in the county of Southampton, as the same has heretofore been, or may hereafter be laid off in lots, streets and alleys, shall be, and the same hereby is made a town corporate by the name Branchville, and by that name shall have and exercise such powers conferred upon towns by the fifty-fourth chapter of the Code of Virginia of eighteen hundred and seventy-three, and be subject to all of the provisions of said Code, and to all laws now in force which may hereafter be enacted, in reference to the government of towns of less than five thousand inhabitants, so far as the same is not inconsistent with this act. (1908, c. 240)

§ 2. The boundaries of said town shall be as follows: Beginning about six hundred yards east of Branchville at the railroad culvert, thence a northern direction and following the Buckhorn branch to the county road at the point where Billie Garnes' northern boundary line begins, thence along the northern side of said Garnes' land to a point where Henry Lufsey's land begins, thence around the northernly and westernly boundary of said Lufsey's land to the county road leading from Branchville to Koskoo, thence across said road in a direct straight line for about three-fourths of a mile to the north-western corner of W. A. Joyner's residence fence, thence to and across railroad crossing, connecting with a pathway leading south to M. C. Vick's graveyard gate, thence taking a direct southeasternly course to the southwest boundary of the Seaboard Air Line property known as the gravel pit, thence along the southern and eastern boundary of said gravel pit to branch, thence along said branch in a northernly direction to railroad culvert, point of beginning. (1908, c. 240)

§ 3. The government of said town shall be vested in a mayor and six councilmen, to be elected on the Tuesday after the first Monday in November at the time of the general election, as follows: At the 2015 election, the candidate for mayor receiving the most votes and the candidates for council receiving the three highest vote totals shall be elected to serve four-year terms, and new elections for mayor and those three council seats shall be held at the time of the November 2019 general election and every four years thereafter. At the 2015 election, the candidates for council receiving the next three highest vote totals shall be elected to serve two-year terms, and new elections for those three council seats shall be held at the time of the November 2017 general election and every four years thereafter. The term of office for mayor and council members shall begin on the first day of January next following the date of their election and shall continue until their successors have been duly elected and qualified. Council members serving on council who were elected in May 2014 shall have their terms of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve. All elections shall conform to the general State elections governing towns. Any person entitled to vote in the county of Southampton, and who has been a resident of said town for thirty days, and whose name has been properly registered on the town registration books, and who has otherwise complied with the laws of the State in regard to capitation tax, shall be entitled to vote at any and all elections held under this act of incorporation. (1908, c. 240; 2015, c. 187)

§ 4. The mayor and councilmen shall constitute the council of said town, a majority of whom shall constitute a quorum to do business, and all of the corporate powers of said town shall be exercised by said council, or under its authority, except when otherwise provided by law, and the said mayor and councilmen shall be vested with all the rights, powers and privileges that the Code of Virginia confers upon mayors and councilmen of towns. (1908, c. 240)

§ 5. The said council shall have power to elect a clerk, a treasurer, a sergeant, and such other officers as it may deem wise and necessary for the said town, to regulate their compensation, to prescribe

their duties, remove them from office and require bond with approved security for the faithful performance of their respective duties. The clerk and treasurer may be elected from the council or from the electors of the said town. The said council shall have power to appoint, every two years, three electors of said town to assess the value of real estate within the limits of the said town for the purpose of taxation, who shall certify their assessment to the council by the fifteenth day of March of each year. The clerk shall annually, before the fifteenth day of March of each year, go to each taxpayer and take the list of all personal property that is subject to taxation for town purposes, and shall make out annually, before the first day of April, all tax accounts. (1908, c. 240; 1927, c. 83)

§ 6. Said council shall be vested with the power of making all laws and passing all ordinances consistent with good government of said town and not repugnant to the laws and Constitution of the State and the United States; and for the purpose of this incorporation the said council may levy such taxes as it may deem fit and proper on all property, both real and personal, within the said town, not to exceed eighty cents on the one hundred dollars of the assessed value, the capitation tax not to exceed two dollars and fifty cents per year, and a license tax on every profession or vocation or business for which a State license is required, and except in cases where the imposition of taxes on licenses by cities and towns is prohibited by general law. (1908, c. 240; 1912, c. 259; 1927, c. 83)

§ 7. The sergeant of said town shall be the conservator of the peace and be invested with the full powers of a constable for the town of Branchville, and shall be entitled to the same fees as a constable for like services, and such other compensation as the council may see fit to give him. (1908, c. 240)

§ 8. Guy T. Horner is hereby declared and appointed mayor and J. D. Woodard, W. R. Sykes, T. J. Harrell, E. M. Harris, W. T. Grizzard, and S. B. Coggins are hereby declared and appointed councilmen of the said town of Branchville, and may qualify as such before any justice of the peace or notary public of Southampton county, by taking the oaths of office, and thereupon they shall constitute the council of said town, with all the powers, until the second Tuesday of June, 1909, and until their successors are elected and qualified. The council hereby appointed shall meet and organize upon the call of said Guy T. Homer, as mayor, or any four of the said councilmen. (1908, c. 240)

§ 9. For the purpose of carrying into effect this corporation, the said town shall be allowed the use of the jail of Southampton county for confinement and safe-keeping of all persons arrested or sentenced to imprisonment under the by-laws and ordinances of said town; and the sergeant of said town may convey any person so arrested or sentenced to said jail, and the jailer shall receive said person or persons in the same manner as if such person were committed by a justice of the peace and delivered by a constable. (1908, c. 240)

§ 10. The said town and property, and persons therein, shall be exempt and free from payment of any road tax, and from working on roads outside of said town, for which exemption the said town shall

keep its own streets in order, and shall not be embraced in any road district of the said county of Southampton. (1908, c. 240)

Bridgewater, Town of

County of Rockingham

History of incorporation

Incorporated by an 1835 Act of Assembly.
Charter, 1835, c. 190; repealed 1960, c. 197.
Charter, 1960, c. 197; repealed 1984, c. 207.

Current charter

Charter, 1984, c. 207.

Amendments to current charter

2017, c. 810 (§§ 2.1, 2.2, 2.3 through 2.8 [added], 3.1:1 [added], 3.2, 3.5, 3.6, 3.7 [repealed], 4.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Bridgewater, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Bridgewater ("the Town"), and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1984, c. 207)

§ 1.2. Boundaries.

The boundaries of the Town until altered, shall be as recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 703, page 86. (1984, c. 207)

Chapter 2. Powers.

§ 2.1. General grant of powers.

(a) Powers authorized in Code of Virginia. The Town shall have and may exercise any or all powers now or subsequently authorized for exercise by towns in Title 15.2 or elsewhere in the Code of Virginia of 1950, as amended, regardless of whether such powers are set out or incorporated by reference in this charter. All ordinances in force in the Town of Bridgewater as of July 1, 2017, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council.

(b) Powers exercised by governing body. All powers vested in the Town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the Town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the Town and the Town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the Town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

(c) Repeal of prior inconsistent acts and charters. All acts and parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the Town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind. Upon the effective date of this charter, all references to the Town superintendent in the Town's resolutions, ordinances, code provisions, contracts, and all other official acts and governing documents then in effect shall be deemed as referring to the Town manager. (1984, c. 207; 2017, c. 810)

§ 2.2. Financial powers.

(a) Generally. In accordance with the Constitution of Virginia and the United States Constitution, the Town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the Town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the Town, in such manner as the council deems necessary or expedient. The Town shall impose no tax on its bonds.

(b) Assessments for local improvements. The Town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) Water, light, and sewerage rates; rates and charges for public utilities or services, etc., operated, etc., by Town. The Town may establish, impose, and enforce water, light, and sewerage rates and rates and charges for public utilities, or other service, products, or conveniences, operated, rendered, or furnished by the Town and assess, or cause to be assessed, water, light, sewerage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper

tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant. (1984, c. 207; 2017, c. 810)

§ 2.3. Contractual powers; gifts; grants.

(a) Acquisition of property generally; holding, selling, leasing, etc., Town property. The Town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the Town or state and for any of the purposes of the Town.

(b) Debts and evidence of indebtedness. The Town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Gifts. The Town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, which are related to the Town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devises. (2017, c. 810)

§ 2.4. Operational powers.

(a) Generally. The Town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the Town, subject to such limitations as may be imposed by this charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by charter or otherwise by law.

(b) Records and accounts. The Town shall provide for the control and management of the Town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the local government necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

(c) Expenditure of money. The Town may expend money of the Town for all lawful purposes.

(d) Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of Town departments. The Town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the

Town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them. (2017, c. 810)

§ 2.5. Utilities; public improvements.

(a) Water works and water supply. The Town may own, operate, and maintain water works and acquire in any lawful manner in any county of the state such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing the Town with an adequate water supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the Town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the Town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in this state; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use exercise within the state all powers of eminent domain provided by the laws of this state. For any of the purposes aforesaid, said Town may, if the council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Streets; parks, playgrounds, etc.; infrastructure; vehicles. The Town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the Town's prescribed requirements.

(c) Public utilities. Subject to the provisions of the Constitution of Virginia, this charter, and general law, the Town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(d) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant. The Town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the

utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof, and require and regulate the collection and disposal thereof. (2017, c. 810)

§ 2.6. Nuisances; sanitary conditions, etc.

The Town may compel the abatement and removal of all nuisances within the Town; require all lands, lots, and other premises within the Town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the Town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; and require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures. (2017, c. 810)

§ 2.7. Police powers.

(a) The Town may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The Town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the Town or its inhabitants; prescribe any penalty for the violation of any Town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the state; pass and enforce all by-laws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the Town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said Town, or in the council, court, or offices thereof, or which may be necessarily incident to a municipal corporation. (2017, c. 810)

§ 2.8. Miscellaneous powers.

(a) Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings. The Town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may have been erected contrary to law; and enact stringent and efficient laws for secur-

ing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) Fees for permits, etc. The Town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) Cemeteries. The Town may provide in or near the Town lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The Town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plat for which the said donation, gift, or bequest shall have been made.

(d) Injunctive relief. The Town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance. (2017, c. 810)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for mayor and council.

The Town shall be governed by a town council composed of six council members and the mayor, all of whom shall be qualified voters in the Town and shall be elected by the qualified voters of the Town in the manner provided by law from the Town at large. The council and the mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. An election for three council members and the mayor shall be held on the first Tuesday in May, 1984, and for three council members and the mayor on the first Tuesday in May, 1986. Elections shall be held on the first Tuesday in May every two years thereafter. The council members shall serve for a term of four years, and the mayor shall serve for a term of two years or until their successors are elected and qualified; however, those persons elected in May, 1984, and May, 1986, shall not take office until the first day of September following their respective elections. Subsequently commencing in 1988, the term of each person elected under this section shall begin on the first day of July next following their election. (1984, c. 207)

§ 3.1:1. Term of office for mayor and council effective, July 1, 2017.

Notwithstanding the provisions of § 3.1, effective July 1, 2017, the mayor and members of council shall serve four-year terms or until their successors are elected and qualified. (2017, c. 810)

§ 3.2. Vacancies.

Vacancies on the council shall be filled in accordance with general law. (1984, c. 207; 2017, c. 810)

§ 3.3. Council, a continuing body.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1984, c. 207)

§ 3.4. Mayor.

The mayor shall be the chief executive officer of the Town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with the charter. He shall preside over the meetings of the town council and shall have the right to speak therein as a member of the council. He shall have a vote as a member of council but shall have no veto power. He shall be the head of the Town government for all its ceremonial purpose and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1984, c. 207)

§ 3.5. Vice mayor.

Biennially, at its organizational meeting, the town council shall, by a majority of all of its members, elect a vice mayor from its membership to serve for a term of two years in the absence of or during the disability of the mayor, and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. (1984, c. 207; 2017, c. 810)

§ 3.6. Meetings of council.

(a) Organizational meeting. The town council's organizational meeting held for the purposes set forth in § 15.2-1416 of the Code of Virginia shall be its first meeting held after January 1 of each year.

(b) Regular meetings. The council shall fix the time of its regular meetings, which shall be at least once each month.

(c) Special meetings. Special meetings may be called at any time by the mayor or any four members of the council, provided that the members of the council are given reasonable notice of such meetings. No business shall be transacted at the special meeting except that for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived.

(d) Rules of procedure. From time to time, the council shall adopt rules of procedure governing its meetings, such rules not being inconsistent with state law. (1984, c. 207; 2017, c. 810)

§ 3.7. (1984, c. 207; repealed 2017, c. 810)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The town council may appoint the following officers:

(a) Town manager. A town manager who shall be responsible to the town council for the proper administration of all affairs of the Town, for the control and management of all town departments and property, for the appointment, supervision, and dismissal of town employees, including the treasurer and police chief, if any, for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council;

(b) Town attorney. A town attorney who shall be an attorney at law licensed to practice under the laws of the Commonwealth. The town attorney shall receive such compensation as provided by the council and shall have such duties as prescribed by the council; and

(c) Other officers. The council may appoint any other officers that the council deems necessary and proper. (1984, c. 207; 2017, c. 810)

§ 4.2. Term of office.

Appointees under this chapter shall serve at the pleasure of the council. The council may fill any vacancy in any appointive office. (1984, c. 207)

Chapter 5. Financial Provisions.

§ 5.1. Fiscal year.

The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the year following. (1984, c. 207)

Chapter 6. Miscellaneous.

§ 6.1. Ordinances continued in force.

All ordinances now in force in the Town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council. (1984, c. 207)

§ 6.2. Severability of provisions.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have seen rendered. (1984, c. 207)

Bristol, City of

Established in 1850 as Goodson

History of incorporation

Incorporated as a town in 1856.
Incorporated as a city and name changed to Bristol in 1890.

Charter, 1890, c. 202; repealed 1899, c. 611.
Charter, 1899, c. 611; repealed, 1908, c. 286.
Charter, 1908, c. 286; repealed, 1920, c. 309.
Charter, 1920, c. 309; repealed 1990, c. 542 except § 3.

Current charter
Charter, 1990, c. 542, retaining § 3.

Amendments to current charter
1996, cc. 655, 678 (§§ 4.03, 4.07, 4.09, 4.10, 5.03, 5.04, 7.02, 7.06, 8.02, 8.03, 8.04)
1999, cc. 139, 170 (§§ 2.11 [repealed], 5.10 [repealed], 7.05)
2000, cc. 949, 976 (§§ 8.06, 14.01)
2003, cc. 539, 546 (§§ 7.10, 8.06)
2007, cc. 607, 682 (§§ 2.01, 5.11 [repealed], 7.02, 7.05, 7.07, 7.08, 8.06, 10.10)
2008, cc. 99, 323 (§ 8.06)
2015, cc. 345, 403 (§§ 2.01, 2.02, 2.04, 4.03, 6.02, 7.02, 7.10 [repealed], 8.02, 8.06 [repealed], 9.01, 10.02, 10.03, 10.06, 10.09, 10.10, 11.01, 15.02)
2021 Special Session I, c. 417 (§§ 2.06, 5.04, 6.03, 8.04, 10.06, 10.07, 15.03)
2022, cc. 143 (§§ 3.02, 3.03, 3.04, 4.07, 5.01, 7.02, 16.01)

Editor's note: The following § 3 is retained from the Charter of 1920 as referenced in § 1.02 of the current charter.

§ 3. City boundaries.
The corporate limits of the City of Bristol, Virginia, until altered as provided by law, shall embrace the territory within the following boundaries, to-wit: Beginning on the State line, between the States of Virginia and Tennessee, at the point where Beaver Creek crosses said line on State street, between the cities of Bristol, Tennessee, and Bristol, Virginia, and running thence east along said State line for the distance of one miles; thence running a due course north for the distance of one mile; thence running west parallel with said State line for the distance of two miles; thence running a due course south to the said State line; and thence along said State line east to the beginning. (1920, c. 309)

Chapter 1. Incorporation and Boundaries.

§ 1.01. Incorporation.
The inhabitants of the City of Bristol, Virginia, comprised within the limits established for such city are and shall continue to be a body politic and corporate under the name of the City of Bristol. The city shall have perpetual succession, shall exercise and enjoy all the rights, immunities, powers, and privileges of a municipal corporation, and shall be subject to all the duties and obligations encumbered upon and pertaining to the city as a municipal corporation. The City of Bristol shall continue liable for all existing indebtedness, whether funded or floating, outstanding in the name of the city. (1990, c. 542)

§ 1.02. Corporate limits.

The corporate limits of the City of Bristol, Virginia, are those set forth in § 3 of Chapter 309 of the Acts of Assembly of 1920 and in Deed Book 173, page 729, in the Circuit Court Clerk's office, Bristol, Virginia. (1990, c. 542)

Chapter 2. Powers.

§ 2.01. General grant of powers.

The City of Bristol shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to municipal corporations under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though such powers were specifically enumerated herein. The city shall have as well any powers expressly set forth herein, including the power to provide and operate telecommunication and related services, including without limitation, cable television, Internet, and all other services that might be rendered by use of the city's fiber-optic system; provided further that also the city shall have the power, within and without the city and within or without the Commonwealth of Virginia to provide consulting and management services for the operation of telecommunication services, including without limitation, cable television, Internet, and all other services that might be rendered by use of a fiber-optic system. Nothing in the foregoing provision shall be deemed to have expanded the powers of the city to provide and operate telecommunication and related services, including without limitation, cable television, Internet and all other services that might be rendered by use of the city's fiber-optic system, beyond those limitations and restrictions set forth in §§ 15.2-2108.2, 15.2-2108.3, 15.2-2108.9 through 15.2-2108.17, 15.2-2160, and 56-265.4:4 of the Code of Virginia, which, as amended from time to time, shall continue to be applicable to the city to the extent provided therein. The enumeration of powers in this charter shall not be exclusive or otherwise be construed to limit the powers of the city.

The City hereby expressly relinquishes its powers set forth in this Charter that were transferred to the BVU Authority by the General Assembly's adoption of the BVU Authority Act in Chapter 72 (§ 15.2-7200 et seq.) of Title 15.2 of the Code of Virginia. Any references in this Charter to Bristol Virginia Utility Board or Bristol Virginia Utilities shall mean the BVU Authority. (1990, c. 542; 2007, cc. 607, 682; 2015, cc. 345, 403)

§ 2.02. Financial powers.

The City of Bristol shall have the following powers relative to its financial affairs:

1. To raise annually by taxes and assessments such sums of money as the council deems necessary to pay the debts and defray the expense of operation of the city; provided that such taxes and assessments are not prohibited by the laws of the Commonwealth;

2. To impose special or local assessments for local improvements and enforce payment thereof;

3. To contract debts, borrow money and make and issue evidences of indebtedness subject to the provisions of the Constitution of Virginia and of this charter;

4. To expend the money of the city for all lawful purposes;

5. To make appropriations, subject to the limitations imposed by this charter and the Constitution of Virginia, for the support of the city government and any other purposes authorized by this charter and the laws of the Commonwealth;

6. To accept and receive or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city's government, and to dispose of the same in any manner for such purpose in accordance with the terms and conditions, if any, of such gifts, grants, bequests and devices;

7. To provide, or aid in the support of, public libraries and public schools;

8. To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth and to charitable, educational or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or for the encouragement of agricultural and mechanical arts, whose functions further the public purposes of the city;

9. To provide control and management of the fiscal affairs of the city and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions or other agencies of this city's government as may be provided for elsewhere in this charter or to be set forth by ordinance or resolution; and

10. [Repealed.]

11. To charge and collect fees for permits to use public facilities and for the provision of public services and privileges. (1990, c. 542; 2015, cc. 345, 403)

§ 2.03. Powers relating to streets and public ways.

The city shall have the power:

1. To establish, lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, including limited access or express highways, alleys, bridges, viaducts, tunnels, subways and underpasses;

2. To make and improve walkways upon streets and improve and pave alleys within the city;

3. To prevent the obstruction of streets and highways;

4. To regulate the services to be rendered, including routes traversed and rates charged by buses, motor cars, cabs and other vehicles used for the carrying of passengers and/or the transfer of baggage;

5. To permit street car lines to be built in the streets and alleys and determine and designate the route and grade thereof and specify and require the proper construction and maintenance of the streets between the rails and on either side thereof for such distances as such streets may be affected by the construction, operation, repair or maintenance of such street car line, and require the reconstruction of so much of said streets as may be damaged by the removal of such street car lines;

6. To permit or prohibit poles and wires for electric, telephone, telegraph, cable television and other pipes and lines to be laid in the streets and alleys, and prescribe and collect an annual license charge for such privileges, heretofore or hereafter granted, require the owner or lessee of any electric light, telephone, telegraph or other pole or poles or wires now in use or hereafter erected to change the location or move the same, require all telephone, telegraph, cable television and other wires and all wires and cables carrying electricity, now in use or hereafter used, to be placed in conduits underground and prescribe rules and regulations for the construction and use of such conduits;

7. To exercise any power of regulation or control of any railroad operation or railroad property within the city as the same may be permitted by the general laws of the Commonwealth; and

8. To do all such other things, without limitation, to make said streets and highways safe, convenient and attractive. (1990, c. 542)

§ 2.04. Powers relating to public works, utilities and properties.

The city shall have the power to acquire, construct, own, maintain, regulate, operate, hold, improve, manage, sell, encumber, donate or otherwise dispose of any property, real or personal, or any estate or interest therein, and any structure or improvement thereon, within or without the city and within or without the Commonwealth of Virginia for:

1. Public parks, parkways, playing fields and playgrounds including laying out, equipping and improving them with all suitable devices, buildings and other structures, and to landscape the same;

2. Incinerators, dumps, landfills and other facilities for the collection and disposal of offal, ash, garbage, carcasses of dead animals, refuse, demolition waste materials and any and all other manner of tangible things which have a cause of being of no further purpose to the municipality or to any of its citizens or to any other person from whom the city acquires such material, and therefore needs to be disposed of.

The city may permit and regulate the operation of all of the same by private enterprise subject to such permitting requirements and other laws as are applicable in this Commonwealth and to such zoning and other requirements as may be required by ordinance duly passed by the city;

3. [Repealed.]

4. All buildings and other structures necessary or useful in carrying out the powers and duties of the city for parking or storage of vehicles by the public which shall include without limitation parking lots, garages, buildings and other land, structures, equipment facilities necessary to relieve congestion in the use of streets and to reduce hazards incident to such use and to provide for the management, regulation and control of such facilities by special board, commission or agency;

5. An airport, and to join with other political subdivisions within and without the Commonwealth for the purpose of jointly owning, operating and maintaining such property for airport purposes;

6. Stadia, arenas, swimming pools and other sports facilities and to provide for the control, regulation, maintenance and management of the facilities by board or commission or by contract with any person, firm or corporation;

7. Municipal and other buildings, armories, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city;

8. Gas plants, gas supply and pipe and transmission lines for gas and gas supplies and such other services as the City by its council shall determine are necessary or expedient to its citizens in the regulation or control of gas services;

9. Rail tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise, including the power to perform any services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, etc., of wares and merchandise;

10. Lands for rock quarries, gravel pits, sand pits and any other public purpose within or without this Commonwealth.

The city shall have the power to install thereon all necessary machinery and equipment to operate the same for producing materials required for construction, repair and maintenance of public properties, to sell any surplus of such materials for private purposes and to build and operate a plant or plants for the preparation and mixing of materials for the construction of all public improvements and the maintenance and repair thereof; and

11. A storm water sewer system operated individually, or jointly with the City of Bristol, Tennessee, or any other political subdivision within or without the Commonwealth.

(a) The city may construct, maintain, use and operate such storm water sewer lines, ditches, intake basins, storm water sewer easements and any and all other plants, equipment or property necessary to the successful operation of a storm water sewer system for the City of Bristol, Virginia.

(b) The city shall have the power to require any developer subdividing or developing any real property within the City of Bristol, Virginia, to provide such lines, intake basins, ditches, and other incidents of a storm water sewer system as are necessary to provide for the orderly handling of storm water from the properties so developed or subdivided.

(c) The city shall have the power to require any property owner or occupant of any lot or parcel of land within the City of Bristol, Virginia, to provide for the orderly introduction of storm water falling upon said lot or parcel of land and the improvements thereon into the storm water sewer system provided by the City of Bristol, Virginia, at the expense of the property owner. (1990, c. 542; 2015, cc. 345, 403)

§ 2.05. Powers relating to municipal buildings or structures.

The city shall have the power to permit any city public building, structure, public improvement, park or other property to be used by private persons or groups for such private purposes as the city manager or his designee deems proper whenever the same are not needed for municipal purposes, subject to the rules and regulations established by council. (1990, c. 542)

§ 2.06. Power to make regulations for the preservation of safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.

The city shall have the power to adopt ordinances not in conflict with the general laws of the Commonwealth for the preservation of safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants including without limitation:

1. To provide for the prevention of vice, drunkenness, riots, disturbances, disorderly assemblages, the suppression of houses of ill fame, the prevention of lewd and disorderly conduct or exhibitions; and the prevention of conduct and of speech dangerous to the public.

The city may join with the City of Bristol, Tennessee, in the doing of all of the above with respect to State Street, or any other street on the state line, and in the regulation and routing of traffic along and over the same; and in the establishing or regulating of motor vehicles and other public service passenger routes, and in fixing and regulating the charges for such passenger carrying services.

2. To enforce all regulations pertaining to the city's real property, water supply and other public improvements. Wherever such properties, supplies and improvements may be situate they shall be under the police jurisdiction of the city, and any member of the police force of the city shall have the power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section.

3. To control its streets, alleys and other public properties and incident thereto:

(a) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city.

(b) To prevent any obstruction of or any encroachment over, under or in any street, alley, sidewalk or other public place.

(c) To provide penalties for maintaining any such obstruction or encroachment.

(d) To remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructed or encroaching, and collect the sum charged in any manner provided by law for the collection of delinquent taxes.

(e) To require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same and pending such removal, charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the lands so occupied if it were owned by the owner or owners of the property so obstructing or encroaching.

(f) To impose penalty for each and every day that such obstruction or encroachment is allowed to continue.

(g) To authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe.

(h) To recover possession of any street, alley, sidewalk or other public place or any other property of the city by any appropriate action at law or equity.

4. To regulate the operation of motor vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations payable into the city treasury.

5. To regulate use of property and incident thereto:

(a) To compel the abatement and removal of all public nuisances within the city or upon property owned by the city beyond its limit at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises whereon the same may be and collect said expense by suit or other lawful action.

(b) To require all lands, lots, sidewalks, unimproved city right-of-ways and other premises within the city to be kept clean and sanitary and free from stagnant water, weeds, snow, filth, mud and unsightly deposits by the owners and occupants thereof, or in the case of sidewalks and unimproved city right-of-ways by the owner or operator of property contiguous thereto and to make them so at the expense of the owner or occupants thereof (or contiguous owner or occupant), and to collect the expense by suit or motion and to make said expense a lien upon the property collectable as other delinquent taxes.

(c) To regulate or prevent slaughter houses or other noisome or offensive businesses within the city.

(d) To regulate or prevent the keeping of hogs or other animals, poultry or other fowl in the city or the exercise of any dangerous or unwholesome business, trade or employment.

(e) To regulate the transportation of all articles through the streets of the city.

(f) To compel the abatement of smoke and dust and prevent unnecessary noise.

(g) To regulate the locations of stables and the manner in which they will be kept and constructed.

(h) To regulate the location, construction, operation and maintenance of billboards.

(i) To define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the city.

6. To regulate, to the extent not prohibited by the laws of the Commonwealth, public health, and incident thereto:

(a) To regulate the production, preparation, distribution, sale and possession of milk, other beverages and foods for human consumption and the places in which they are produced, prepared, distributed, sold, served or stored.

(b) To regulate the construction, installation, maintenance and condition of all sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds.

(c) To regulate the construction and use of septic tanks and dry closets, where sewers are not available.

(d) To regulate the sanitation of swimming pools and lakes.

(e) To regulate by emergency regulation all things required to provide for the quarantine of any person or persons afflicted with a contagious and infectious disease and for the removal of such person to a hospital ward specially designated for contagious or infectious diseases.

(f) To inspect and prescribe reasonable rules and regulations with respect to private hospitals, sanitoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of the sick, children, the aged and the destitute.

(g) To make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.

7. To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

8. To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive or penal institutions.

9. To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need and incident thereto:

(a) To establish, regulate and control a fire department or division.

(b) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such a manner as the public safety and convenience may require.

(c) To remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure or other causes may have become dangerous to life or property, or which may be erected contrary to law.

(d) To establish and designate from time to time fire limits within which limits wooden buildings shall not be constructed, removed, added to, enlarged or repaired and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material.

(e) To enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

10. To regulate, and if necessary to acquire, maintain and operate, cemeteries, crematoriums, columbariums and like means for the disposal of the dead and to regulate and make burials therein, prescribe the records to be kept by the owners of such cemeteries, crematoriums, columbariums and other facilities for the disposal of the dead, prohibit all burials except in public burying grounds and to otherwise regulate the burial and disposition of the dead.

11. To acquire by any lawful means, including without limitation the exercise of eminent domain, any property adjoining other property used by the city for any public purpose when such property to be acquired is used and maintained in such manner as to impair the usefulness or efficiency of any such public property; and to likewise acquire property adjacent to any street, the topography of which, from its proximity thereto, impairs the convenient use of such street, or renders impractical, without extraordinary expense, the improvement of the same, and the city may subsequently dispose of property so acquired, limiting the use thereof to protect the usefulness, efficiency or convenience of such public property.

12. To exercise full police powers and establish and maintain a department or division of police.

13. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of the same or any of them within the city.

14. To make and enforce such regulations as shall be necessary to prevent peddling, obstructing public ways or buying and selling at a higher price any food item at the same market or fair or one within four miles of the same market or fair.

15. To regulate or prohibit the manufacture, storage, transportation, possession or use of explosive or inflammable substances and the use or exhibition of fireworks and discharge of firearms and to regulate or prohibit the making of fires in the streets, alleys and other public places in the city; to regulate the making of fires on private property.

16. To compel the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. The city shall also have the power to compel the razing or repair of all public or private buildings, walls or structures which impair the beauty, value, usefulness of those properties contiguous to or in the vicinity of said public or private property which would ordinarily be encompassed within the meaning of the word "neighborhood."

17. To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations, and to prevent cruelty to and abuse of animals.

18. To do all other things whatsoever necessary or expedient to promote or maintain the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants; and to join with the City of Bristol, Tennessee, or any other political subdivision within or without Virginia, in any plan, arrangement, contract or joint venture to promote or maintain the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of said political subdivisions, or their inhabitants, or to secure additional water for them or their inhabitants, but this grant of power or exercise thereof shall in no event defeat, limit or abridge the right of the City of Bristol, Virginia, to exercise the power of eminent domain as provided by the general law of the Commonwealth of Virginia and this charter. (1990, c. 542; 2021 Special Session I, c. 417)

§ 2.07. Comprehensive city plan.

The city shall have the power to make and adopt a comprehensive plan for the city, and to that end all plats and replats of subdivisions of any land within the city and/or any streets, alleys, roads and lots or tracts therein shall be submitted to and approved by the council before such plats or replats are filed for record or recorded in the Office of the Clerk of the Circuit Court for the City of Bristol, Virginia, and incident thereto the city shall have the power to zone and rezone property, subject to the laws of this Commonwealth, to effect the long term city plan. (1990, c. 542)

§ 2.08. Public utility franchises.

The city shall have the power to grant franchises for the operation of public utilities within the city. (1990, c. 542)

§ 2.09. Public libraries.

The city shall have the power to establish, organize and administer public libraries, and to operate and appropriate money for the support of the same, separately or jointly with the City of Bristol, Tennessee, or Washington County, Virginia; and to own or lease lands and buildings therefor either in the Cities of Bristol, Virginia, or Bristol, Tennessee, or Washington County, Virginia. (1990, c. 542)

§ 2.10. Boards and commissions of the city.

The city, in addition to a local school board and a local department of social services as mandated by the Constitution of Virginia and the laws of the Commonwealth of Virginia, shall have the power, to the extent not prohibited by the laws of the Commonwealth of Virginia, to have boards or commissions in its discretion to advise and/or oversee and operate any of the public functions of the City of Bristol, Virginia. (1990, c. 542)

§ 2.11. (1990, c. 542; repealed 1999, cc. 139, 170)

§ 2.12. Licenses and permits.

In addition to that power granted to this city by general law to require the issuance of licenses or permits in connection with any activity to be carried on within the city, the city may also require the issuance of a license or permit in connection with any activity it deems should be licensed, establish the amount of fee to be charged to the licensee or permittee, require from the licensee or permittee a bond and an insurance policy of such character and in such an amount and upon such terms as it may determine, and require the obtaining of such license or permit prior to the carrying on of any such activity, unless such license or permit requirement is expressly forbidden by the general laws and the Constitution of this Commonwealth. (1990, c. 542)

§ 2.13. Injunctions against the city.

No injunctions shall be awarded by any court or judge to stay the proceedings of the city or any of its officers, employees or agents in the exercise of any of their powers unless it is manifest that the city, its officers, employees or agents are transcending the authority given the city by this charter and the general laws of the Commonwealth and that the intervention of a court of equity is necessary to prevent injury that cannot be compensated at law by damages. (1990, c. 542)

§ 2.14. Eminent domain.

The city shall have the power to exercise eminent domain as provided for by the Constitution and the general laws of the Commonwealth of Virginia, including all alternative procedures for condemnation provided by statutes made for the same, whether applicable otherwise to municipal corporations or to the Commonwealth or other public entities within the Commonwealth having the power of eminent domain. (1990, c. 542)

Chapter 3. Elections.

§ 3.01. Voting precincts.

The city shall be geographically divided into four voting precincts, the boundaries of which are set forth in the office of the register of deeds for the city as shall have been approved by the U.S. Department of Justice and the appropriate agencies of the Commonwealth of Virginia and a fifth central absentee voter election district situate at City Hall to receive, count and record all absentee ballots within the city for all elections; local, state and federal. City council may by ordinance designate the voting place within each voting district and may from time to time change such voting place by amendment of the ordinance. (1990, c. 542)

§ 3.02. Election of councilmembers.

A municipal election shall be held on the first Tuesday following the first Monday in November of every second year beginning in the year 2022. This election shall be known as the regular municipal council election at which shall be elected by the qualified voters of the city, on a general ticket from the city at large, one member of council for each councilmember whose term expires on January 1 following the election.

The number of candidates equal to the positions to be filled who receive the highest number of votes at such election shall be declared elected. Councilmembers shall serve for a term of four years from January 1 following their election.

Each qualified voter shall be entitled to vote for as many candidates as there are vacancies to be filled and no more. No voter shall in such election cast more than one vote for the same person.

In counting the vote, any ballot found to contain a greater number of names for the office of councilmember than the number of vacancies to be filled shall be void, but no ballot shall be void for containing a less number of names than the number of vacancies being filled.

All councilmembers holding office at the time of enactment of this charter shall continue in office for the term of office to which they were elected. (1990, c. 542; 2022, c. 143)

§ 3.03. Vacancies in office of councilmembers.

Mid-term vacancies in the office of councilmembers, from whatever cause arising, shall be filled within thirty days for the unexpired portion of the term by majority vote of the remaining members of the council.

If the council fails to fill a vacancy in its membership within thirty days of the occurrence of the vacancy, the vacancy shall be filled by the judge of the Circuit Court for the City of Bristol, Virginia. Upon the expiration of thirty days from the occurrence of a vacancy without appointment by council,

the city clerk shall certify that fact to the judge of the circuit court. If the clerk fails to do so for ten days, any citizen may file a petition in the court showing the unfilled vacancy.

Upon appointment to fill a vacancy by the circuit court, the clerk of the court shall transmit to the council a copy of the order of appointment, which shall be entered on the minutes of the next meeting of the council. (1990, c. 542; 2022, c. 143)

§ 3.04. Election of other city officers.

All other officers required by the laws of the Commonwealth to be elected by the qualified voters of the city shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the term of office for such terms as are prescribed by law or as may otherwise be hereafter mandated by the general laws of the Commonwealth. All such elected officers shall be nominated and elected as provided in the general laws of the Commonwealth. Vacancies in said offices shall be filled as provided for by the general laws of the Commonwealth. All such elected officers shall qualify in the manner prescribed by law and shall continue in office until their successors are elected and qualified. (1990, c. 542)

Chapter 4. Council.

§ 4.01. Council generally; form of government.

There is hereby created a council which shall have the full legislative authority of the city to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and the general laws of the Commonwealth and to this charter. The existing city manager form of government is hereby retained and continued. (1990, c. 542)

§ 4.02. Composition of council; compensation; appointment of members to office of profit.

The council shall consist of five members elected as provided in Chapter 3. Any person qualified to vote in the city and who has not been found guilty of a criminal charge for which he must have been removed from office shall be eligible to be a member of council. Compensation of members of council shall be fixed by the council in accordance with the procedure prescribed by the general laws of the Commonwealth. The members of the council, subject to approval of the council, may also be allowed their actual extraordinary expenses incurred in representing the city. (1990, c. 542)

§ 4.03. Meetings.

At nine o'clock a.m. on the first business day following January 1 following a regular municipal election, the council shall hold an inaugural or orginazational meeting at the usual place for holding the meetings of the council.

At that meeting, newly elected councilmembers shall be sworn and assume the duties of their office, and then shall make such elections and appointments as are otherwise provided for in this charter.

At nine o'clock a.m. on the first business day following January 1 in each year when no municipal election has been held, the council shall have an inaugural or organizational meeting for the purpose of making such appointments and transacting such other business as this charter shall provide shall be made or transacted on January 1 of each year.

At the inaugural or organizational meeting, council shall make such appointments of its own members to such boards, authorities, committees or commissions that require a representative from the members of the council. Additionally, at the inaugural or organizational meeting, or as soon as possible thereafter, council shall also make such citizen appointments to the planning commission, board of zoning appeals, economic development committee, social services board, board of building code appeals, BVU Authority, Industrial Development Authority and any other boards to which the council makes appointments of members whose terms have expired as of midnight on December 31. Nothing herein is meant to preclude the filling of any vacancies on such boards, authorities, committees or commissions prior to January 1, if such opening exists prior to midnight on December 31. The length of terms of all appointees to the BVU Authority are governed by the BVU Authority Act and not the Charter.

Council shall thereafter regularly meet at such times as may be prescribed by ordinance, provided that it shall meet not less than once each month.

The mayor, any member of the council, or the city manager may call a special meeting of the council at any time, upon twelve hours written notice stating the purpose of the meeting served upon each member personally, or left at his usual place of business or residence. The called meeting may be held without written notice, provided all members of the council attend. At such special meeting, no business other than that mentioned in the call shall be considered.

All meetings of the council shall be public as provided for by the Virginia Freedom of Information Act, with executive sessions as permitted therein at the discretion of the majority of council. The council shall keep written minutes of its proceedings but does not have to keep minutes of its executive session. Citizens may have access to the minutes and records of all public meetings at any reasonable time. (1990, c. 542; 1996, cc. 665, 678; 2015, cc. 345, 403; 2022, c. 143)

§ 4.04. Rules of the council.

The council shall, subject to the provisions of this charter, adopt its own rules of procedure by ordinance.

A majority of all members of the council elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and compel the attendance of absentees by summons or warrant.

All votes by council shall be by oral roll call, and the ayes and nays recorded in the minutes of council. No ordinance, resolution, or motion, except motions to adjourn, fix a time and place of meeting, or

other motions of a purely procedural nature, shall be adopted or passed unless it shall have received a second and an affirmative vote of at least three members of council, unless two or more of the members of council shall be disabled to vote pursuant to the provisions of the Virginia Conflict of Interests Act or its successors, as the same may be amended from time to time, in which case an affirmative vote of those members of council not so disabled shall be sufficient to adopt an ordinance, resolution or motion.

No member of the council shall participate in the vote on any ordinance, resolution, motion or vote upon which he is forbidden to vote by the Virginia Conflict of Interests Act or any successor act to the Virginia Conflict of Interests Act. (1990, c. 542)

§ 4.05. Mayor and vice mayor.

At each inaugural and each organizational meeting of council, council shall elect one of its members as chairman, who shall be entitled mayor and one of its members as vice chairman, who shall be entitled vice mayor, each of whom shall serve for a term of one year, or until his successor is elected.

The mayor shall preside over all meetings of the council and shall have the same right to vote and speak therein as other members. He shall be recognized as the head of city government for all ceremonial purposes, the purposes of military law and the service of civil process. In times of public danger, or emergency, he may take command of the police and maintain order and enforce the laws, and for this purpose, may deputize such assistant policemen as may be necessary. The mayor shall have no veto power. He shall authenticate by his signature such instruments as the council, this charter or the laws of the Commonwealth shall require.

The vice mayor shall, in the absence or disability of the mayor, perform the duties of the mayor. If a vacancy shall occur in the office of mayor, the vice mayor shall become mayor for the unexpired portion of the mayor's term. A replacement for the vice mayor may then be elected by a majority vote of the remaining council.

In the absence or disability of both the mayor and vice mayor, the council may, by majority vote of those present, choose one of their number to perform the duties of mayor and one to perform the duties of vice mayor. (1990, c. 542)

§ 4.06. Councilmanic powers.

All power vested in the city shall be exercised by the council, except those to be exercised by the city manager or other as provided for in this charter, including without limitation, the power:

1. To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city;

2. To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies including and in addition to those specifically established by this charter;

3. To create, alter or abolish and to assign and reassign all bureaus, divisions, offices and agencies and departments except where such bureaus, divisions, offices or agencies are mandated by the Constitution or general laws of the Commonwealth;

4. To provide for the number, title, qualifications, powers, duties and compensation of all officers and employees of the city;

5. To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city;

6. To appoint the members of such boards and commissions as are created by the Constitution and general laws of the Commonwealth, by this charter or by ordinance of council subject to the limitation that no appointee to any such board or commission shall serve more than two full consecutive terms;

7. To consent by affirmative vote of at least three members of council, or in the event two or more members of council are disabled to vote pursuant to the provisions of the Virginia Conflict of Interests Act or its successors, as amended from time to time, then by a majority of those members of council who are not so disabled, to the recommended appointment or removal by the city manager of any director or head of a department. No such director or head of a department will be appointed or removed without said consent, but council shall not participate in the hiring, supervision or firing of any other employee, and the city manager shall continue to have sole responsibility for the supervision of department directors or heads. (1990, c. 542)

§ 4.07. Appointments and removals.

The council in making appointments and removals shall act only by affirmative vote of at least three members. It may remove any person appointed by it for an indefinite term, provided that the person to be removed shall have been served with written notice of the intention of the council to remove him at least ten days prior to the action becoming final. If two or more members of council shall be disabled to vote pursuant to the provisions of the Virginia State and Local Government Conflict of Interests Act (§ 2.1-639.1 et seq.) or its successors, as the same may be amended from time to time, council may act by an affirmative vote of those members of city council not so disabled to vote. No hearing shall be required.

Any member of the council or any member of a board or commission, and any other person appointed by the council for a specified term may be removed during that term by the council but only for malfeasance or neglect of duty. The person to be removed shall be entitled to notice of the intention of the council to remove him, containing a clear statement of the grounds for such removal, and fixing the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard thereon. After the hearing, which shall be public at the option of the person sought to be removed, and at which he may be represented by counsel, the decision of the council

shall be final. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. Any officer, elective or appointed, including councilmembers, or an employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken, or which has been affirmed by a court of last resort, on a charge involving moral turpitude, whether felony or misdemeanor, shall forfeit his office or employment. Council shall also have the power to otherwise punish its own members and to compel their attendance. (1990, c. 542; 1996, cc. 665, 678; 2022, c. 143)

§ 4.08. Ordinances; when required.

In addition to acts required by the Constitution or general laws of the Commonwealth to be by ordinance, every act of the council creating, altering or abolishing any department; creating, altering, assigning or abolishing any bureau, division, office, agency or employment; fixing the compensation or employment policies for any officer or employee of the city; making an appropriation; authorizing the borrowing of money; levying a tax; establishing any rule or regulation for the violation of which a fine or penalty is imposed; or placing any burden upon or limiting the use of private property shall be by ordinance. The council may otherwise act by resolution or motion, second and vote, as it deems proper. (1990, c. 542)

§ 4.09. Ordinances; form and procedure.

Every ordinance, except an ordinance making appropriations or authorizing the contracting of an indebtedness, shall be confined to one subject. Each proposed ordinance or resolution shall be introduced in written or printed form and the enacting clause of all ordinances passed by the council shall substantially be "Be it ordained by the council of the City of Bristol, Virginia."

No ordinance or resolution having the effect of an ordinance, or resolution permitting the violation of an ordinance, unless it be an emergency measure, shall be passed until it has been read at two meetings not less than one week apart, one of which shall be a regular meeting of council. The requirement of a first reading of an ordinance which is determined to be overly lengthy by the city manager or the city council may be by caption only, as long as sufficient copies are made available for members of the public that wish to examine the ordinance and time is provided to them to do so prior to action by city council. The requirement of a second reading may be confined to the reading of the title only, called "by caption only." Any ordinance or resolution read at one meeting may be amended and passed as amended and read at the next meeting at which it is considered, provided the amendment does not materially change the ordinance. Adoption of an ordinance can be at the same meeting as that at which the second reading takes place, at a later meeting, or at the meeting at which it is first read in the case of an emergency ordinance as hereinafter set out.

No adopted ordinance shall be amended unless such section or sections as are intended to be amended shall be repealed and reenacted as amended.

No ordinance adopted by the council shall take effect until thirty days from the date of its adoption, unless council shall specify an effective date more than thirty days from the date of adoption or unless council, by affirmative vote of three of its members, shall pass the ordinance as an emergency measure to take effect less than thirty days after passage as specified in the ordinance.

An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety or for providing for the operation of a municipal department. The specific emergency and the effective date of the ordinance shall be expressly stated in the ordinance.

A copy of every ordinance and written minutes of every act of council having the effect of an ordinance shall be kept in the office of the city clerk open to inspection at reasonable times by the public. A record or entry made by the city clerk or a copy of such record or entry duly certified by him shall be prima facie evidence of the terms of the ordinance and its due publication. All ordinances and resolutions of the council may be read into evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified by the city clerk, or from any volume of ordinances printed by authority of the council. The adopted ordinances of the city shall be published annually with a suitable index, and copies shall be kept by the city in all of its libraries. Copies shall be made available to the public at a reasonable cost. (1990, c. 542; 1996, cc. 665, 678)

§ 4.10. Resolutions and motions.

A statement of the official position of the council shall be by written resolution, which shall require only one reading prior to adoption. The requirement for a reading at the meeting shall be waived, and the resolution may be adopted after reading by caption only if, in the opinion of the city manager or city council, the resolution is overly lengthy and provided that sufficient copies of the resolution are made available to the public at the meeting, with time to examine the same before adoption. It may be adopted at the same meeting at which it is read.

All other acts of the council not required to be by ordinance or written resolution may be by oral motion, second and vote in accordance with this charter, the motion, second and vote all being at the same meeting, unless tabled by council to a subsequent meeting. (1990, c. 542; 1996, cc. 665, 678)

Chapter 5. City Manager.

§ 5.01. Appointments and qualifications.

There shall be a city manager who shall be the administrative and executive head of the city and shall be responsible to the council for the proper administration of the city government. He shall be chosen by the council solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or the Commonwealth of Virginia. He shall be appointed by council for a term of one year, unless sooner removed by council as herein provided. The city

manager's term shall commence immediately upon election by council at the inaugural or organizaional meeting of each year. Such term shall end on December 31 of the same calendar year. Vacancies during the term may be filled by the council for the remainder of the term. During the absence or disability of the city manager, the council may, by general ordinance, or specific act, designate some properly qualified person to perform the duties of the office as acting city manager in the absence of an assistant city manager. (1990, c. 542; 2022, c. 143)

§ 5.02. Power of appointment and removal.

The city manager shall appoint such city officers and employees as the council shall determine are necessary for the proper administration of the city and shall supervise such employees. The employees may be removed by the city manager, except those employees in the clerical, legal and judicial departments and other attendants of the council. The council shall consent to the appointment or removal of all directors or heads of departments as hereinbefore provided before such appointment or removal shall become effective. (1990, c. 542)

§ 5.03. General powers and duties.

The city manager shall have the power and it shall be his duty:

1. To see to the enforcement of all laws and ordinances of the city.

2. To exercise supervision and control over all departments, now or hereafter created by council, except the legal, clerical, judicial departments and any other office or department directly attendant upon council.

3. To exercise supervision and control over all public improvements, works and undertakings, except as otherwise expressly provided in this charter.

4. To attend all public city council meetings with the right to speak, but not to vote.

5. To recommend for adoption such measures as are necessary for the health and safety of the city's citizens and the orderly and expedient operation of the city.

6. To prepare and submit the annual budget to council and be responsible for its administration after adoption by council.

7. To keep council regularly advised of the financial condition and future needs of the city.

8. To make all authorized contracts in behalf of the city.

9. To perform such other duties as may be prescribed by this charter or required of him by the general law of the Commonwealth or by ordinance, resolution or direction of the council.

10. To have prepared and submit to city council by its first meeting in December an audited report of the previous fiscal year's financial transactions and its financial condition as of the last day of the previous fiscal year. (1990, c. 542; 1996, cc. 665, 678)

§ 5.04. Powers and duties with respect to the budget.

A. The city manager shall direct the department directors to prepare departmental estimates and other data necessary or useful to the city manager in the preparation of the budget. The city manager shall examine from time to time the departments, divisions, boards, commissions, offices and agencies of the city, in relation to their organization, personnel and other requirements; ascertain the manner in which their respective budgets are carried out and their functions performed; call the attention of the directors thereof to any improvements or economies which might be made in their administrative practices; and cooperate with the directors thereof in the preparation of their budget estimates for each ensuing year.

B. Not later than the second Tuesday in April, the city manager shall have prepared and submit to the council an annual budget estimate for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government. (1990, c. 542; 1996, cc. 665, 678; 2021 Special Session I, c. 417)

§ 5.05. Powers and duties with respect to general services.

The city manager shall have the general management and control of all departments, divisions, commissions, agencies and boards of the city, except as otherwise provided herein or by the general law of the Commonwealth. He shall have the power to make rules and regulations consistent with this charter and ordinances of the city for the conduct of the functions of the various departments and agencies of the city.

The city manager shall have the power and the obligation, subject to provisions of this charter and other provisions of law and such rules and regulations consistent therewith as may be established by city council directly or through supervision of appropriate department heads to acquire, purchase, receive, inspect, store, maintain, repair, build, dispose of, dismantle, and in all other ways deal with all of the property of the city, including all public improvement projects. (1990, c. 542)

§ 5.06. Purchasing division.

There shall be a purchasing division consisting of the city manager, his purchasing assistant and such other employees as may be provided for by city council who shall purchase or lease for the use of the city and all of its departments, divisions, boards, commissions, offices, agencies, circuit court, district courts, city jail and jail farm, which are hereinafter referred to as "using agencies," all supplies, materials, equipment and contractual services, including insurance and surety bonds and who shall approve all vouchers or purchase orders for payment of the same. The purchasing division shall also make all sales of personal property that may be declared surplus and of no further use to the city by the proper official or officials. All purchases and sales shall conform to such regulations as the council may, from time to time, prescribe and shall, where applicable, conform to the Virginia Procurement Act or its successors, and the Small Purchases Procedure adopted by the council. The purchasing

division may delegate to a department director the acquisition of small purchases in accordance with the Small Purchases Procedure of the city. (1990, c. 542)

§ 5.07. Council manager.

Except for the purpose of inquiry, the council and its individual members shall deal with the administrative services solely through the city manager. Neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. Any such orders or other interferences on the part of the council or any of its members with subordinates or appointees of the city manager, instead of dealing or communicating directly with the city manager, is prohibited. Neither shall council nor any of its members direct the appointment or removal of any person from any office or employment by the city manager or any of his subordinates. (1990, c. 542)

§ 5.08. Relations with boards, commissions and agencies.

The city manager shall have the right to attend and participate in the proceedings of, but not to vote in, the public meetings of all boards, commissions or agencies created by this charter or by ordinance. Nothing herein shall prevent council from appointing the city manager as a voting member of any board, commission or agency for which he otherwise would be eligible for membership. (1990, c. 542)

§ 5.09. Acting city manager and acting department head.

Council, by ordinance, may provide for a position of assistant city manager with such duties as council may from time to time assign to such position. The assistant city manager, in the absence or disability of the city manager, will carry out his duties and serve automatically as acting city manager.

The city manager shall designate, after consultation with each department director, an employee in each department, division or agency, the head of which is appointed by him, to act as director of the department or head of the division or agency in case of the absence or incapacity of the director or head of the division or agency to carry out his duties, until such director or division or agency head returns to duty or his successor is appointed. (1990, c. 542)

§ 5.10. (1990, c. 542; repealed 1999, cc. 139, 170)

§ 5.11. (1990, c. 542; repealed 2007, cc. 607, 682)

§ 5.12. Division of emergency services.

There shall be a division of emergency services, which shall have the responsibility to develop a planned response to extraordinary emergency situations and to include the city in a mutually supportive statewide emergency management system.

This division shall develop emergency operations programs to cover the assignment of duties and responsibilities to agency heads or organizations which are either part of or will serve in support of local government in a time of emergency. The division shall develop a peace-time disaster plan to cover all natural and manmade disasters, not including nuclear war and other hazards not addressed in separately published plans. The division shall develop a nuclear civil protection plan for developing

an operational capability during crisis buildup period prior to an actual or threatened nuclear attack. The division shall develop a hazardous material instant response plan for emergency service personnel in the event of a hazardous material incident.

The division shall consist of a director who shall be the city manager for the City of Bristol, Virginia, and such coordinators as shall be required who shall be responsible for preparing, overseeing and implementing the emergency operations plan. (1990, c. 542)

Chapter 6. Officers of the City Council.

§ 6.01. Officers of the city council generally.

Other than the city manager, council shall, at the inaugural or organizational meeting each year, appoint a city clerk and a city attorney for a term of one year. (1990, c. 542)

§ 6.02. City clerk.

The city clerk shall be the clerk of the council, shall attend all meetings thereof and shall keep a permanent record of its proceedings. The clerk shall keep all papers, documents and records pertaining to the City of Bristol, Virginia, the custody of which is not otherwise provided for and shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal and shall attest the same. The clerk shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.

Upon final passage, the clerk shall transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such department or to the duties of such officials and shall also compile and annually submit to the publisher all changes to the City Code for publication of the same.

The clerk shall perform such other duties as are required by this charter or may be directed by the council.

The duties of the city clerk may be performed by the chief financial officer. If so, the duties of the chief financial officer shall be subject to the supervision of the city manager, but the city manager will have no power of supervision over the duties of the city clerk, who shall answer directly to the council. (1990, c. 542; 2015, cc. 345, 403)

§ 6.03. City attorney.

The general counsel of the city shall be the city attorney. He shall be an attorney-at-law, licensed to practice under the laws of the Commonwealth. The city attorney may also appoint assistant city attorneys, who shall be attorneys at law, licensed to practice under the laws of the Commonwealth.

The city attorney shall, with the mayor and city manager, have charge, management and entire control of all the law business of the city. Pursuant to such, the city attorney shall:

1. Be the legal adviser to the council, the city manager and of all departments, boards, commissions and agencies of the city, excluding the school board and the Bristol Virginia Utility Board, in all matters affecting the interests of the city and shall upon request furnish a written opinion on any question of law involving the city's operation or position;

2. At the request of the city manager or any member of the council, prepare ordinances for introduction, and at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof;

3. Draw or approve all bonds, deeds, releases, contracts or other instruments to which the city is a party or in which it has an interest;

4. Have the management and control of all the law business of the city and the departments, boards and commissions and agencies thereof or in which the city has an interest, and represent the city as counsel in any civil case in which it is interested, in criminal cases in which the constitutionality or validity of any ordinance is brought in issue, and upon request of the mayor or city manager shall prosecute the violation of any ordinance of the city, the violation of which is a misdemeanor;

5. Institute and prosecute all legal proceedings as shall be necessary or proper to protect the interest of the city;

6. Attend in person or assign one of his assistants to attend all regular meeting of the council and all special called meetings of the council that he is requested to attend; and

7. Perform such other duties and powers as may be assigned to him by council. (1990, c. 542; 2021 Special Session I, c. 417)

Chapter 7. Departments of the City.

§ 7.01. City departments.

The duties and functions of the City of Bristol, Virginia, as established by this charter, state law and ordinance and direction of the city council, subject to the supervision by the city manager directly or through supervision of various department heads shall be, to the extent not delegated to boards and commissions as hereinafter set out in this charter, performed by the following departments. (1990, c. 542)

§ 7.02. Finance department.

A. Generally. There shall be a finance department headed by a department head known as the chief financial officer, who shall be in charge of the accounting and finances of the city. The chief financial officer shall function as budget director, which position shall require skill in public administration and the accepted practices and municipal budgetary procedure and shall compile, in cooperation with the

various department heads, the departmental estimates and other data necessary or useful to the city manager in the preparation of the annual budget.

B. General powers and duties of chief financial officer. The chief financial officer shall have general management and control, subject to the direction and control of the city manager, of the administration of the financial affairs of the city and to that end shall have authority and be required to:

1. Keep books of account of the receipts from all sources and expenditures of all departments, courts, boards, commissions, offices and agencies of the city and prescribe the form of receipts, vouchers, bills or claims to be used and accounts to be kept by all departments, courts, boards, commissions, offices and agencies of the city. The chief financial officer in so doing shall consult with the retained public auditor for the city so that his books of account and other items mentioned herein produce the requisite information for auditing purposes;

2. Maintain suitable records to keep an accurate account with the city treasurer, making entries therein, where practical, on the same date which they occur, and said records shall be kept so that an examination of them will show the condition of the treasury;

3. Cooperate with the city manager in compiling estimates for the current expense and capital budgets;

4. Require daily, or at such intervals as he may deem expedient, report of receipts and a remission of the same from each department, court, board, commission, office and agency, and shall on the proper in-paying warrant remit the same to the treasurer;

5. Examine all contracts, purchase orders and other documents which create financial obligations against the city to determine that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available and such appropriation and allotment to meet the same;

6. Audit before payment for legality and correctness all accounts, claims and demands against the city and no money shall be drawn from any bank account of the city except by warrant or check signed by the city manager and treasurer, based upon a voucher prepared by him;

7. Submit to the city manager for presentation to the council, not later than the 25th day of each month, or as soon as practicable thereafter, a statement concerning the financial transactions of the city prepared in accordance with accepted principles in municipal accounting and budgetary procedure and showing:

(a) The amount of each appropriation with transfers to and from the same, the allotment thereof to the end of the preceding month, encumbrances and expenditures charged against such appropriation during the preceding month, the total of such charges for the fiscal year to the end of the preceding month and the unencumbered balance remaining in such appropriation; and

(b) The revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected;

8. Furnish the head of each department, court, board, commission, office or agency of the city a copy of such portion of the statement relating to such department, court, board, commission, office or agency;

9. Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city;

10. Protect the interest of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted; and

11. Perform such other duties as may be required of him by this charter, by the city manager or by the city council.

C. Annual audit. The council shall cause to be made annually an independent financial audit of all accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by council. The audit shall be of sufficient scope to express an opinion as to whether the books and records and the financial statements prepared therefrom as contained in the annual financial report of the city present fairly the fiscal affairs of the city in accordance with generally accepted accounting principles of municipal accounting and applicable government laws. The report of such audit shall be always available for public inspection in the office of the city clerk and in the office of the city manager during regular business hours and shall be posted on the city's website for public viewing. The chief financial officer shall cooperate with and provide the necessary information to the auditor for the purpose of producing the annual audit.

D. Other audits of accounts. Upon the death, resignation, removal or expiration of the term of any officer of the city, the chief financial officer, under the supervision of the city manager, shall audit the accounts of such officer and report the result of the audit to the council. The chief financial officer shall also audit the accounts of any office or department of the city upon the request of the council, under the supervision of the city manager. Any such audit, at the direction of the council, may be made by an independent certified public accountant rather than by the chief financial officer if they so direct.

E. Commissioner of revenue. There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a commissioner of revenue as provided for in the Constitution of the Commonwealth of Virginia who shall perform such duties as are not inconsistent with the laws of the Commonwealth in relation to the assessment of property and license taxes as may be required by the council for the purpose of levying city property and license taxes. He shall perform such other duties

within the City of Bristol, Virginia, as are prescribed for him by the general law of the Commonwealth of Virginia and as may be prescribed for him by this charter or by the city council for the City of Bristol, Virginia, and are not inconsistent with his office. The commissioner of revenue shall have the power to administer oaths in the performance of his official duties.

F. City treasurer. There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a city treasurer, as provided for in the Constitution of Virginia who shall, except as otherwise provided in this charter, be the custodian of all funds of the city and the city's chief financial officer's bond, and pursuant thereto shall:

1. Deposit all funds coming into the treasurer's hands to the account of the city, in such separate accounts as may be provided for by council, in such banks as may be designated for that purpose by the council. However, the city manager may authorize any department or agency of the city to maintain a petty cash fund not to exceed $300. Such fund authorized shall be reimbursed by the treasurer only upon presentation of vouchers approved by the chief financial officer;

2. Receive all moneys belonging to and received by the city and keep a correct account of all such receipts;

3. Be subject to the supervision of the council, perform such other duties not inconsistent with the office as council may from time to time direct, and have such powers and duties as are now or may hereafter be prescribed by the general law of the Commonwealth or ordinance of this city;

4. Make all such reports to the chief financial officer with respect to receipts and expenditures in the city treasury as may be required by the chief financial officer to properly keep the financial records of the city up to date;

5. Pay out no money from the city treasury except as may have been approved by the city manager and the chief financial officer on forms prescribed by the chief financial officer, all in accordance with the provisions of this charter;

6. Present annually to council the treasurer's account with the State Auditor;

7. Receive no money or permit the payment of the same into the treasury, except upon the presentation of a proper form authorizing such payment and receipt, which form shall show the source and amount of such money and shall be signed by the chief financial officer or his designee. No license, permit or other authorization for which the party receiving same is required to pay money to the city shall be valid unless and until the treasurer receipts the same giving the amount and date of such receipt; and

8. Report a list of delinquent real and personal property taxes for the next preceding year to the city manager and to city council no later than July 1 of each year. (1990, c. 542; 1996, c. 665, 678;

2007, c. 607, 682; 2015, cc. 345, 403*Editor's note: Technical discrepancy in subsection F between c. 345 ("chief financial officer") and c. 403; Chapter 403 prevails*); 2022, c. 143)

§ 7.03. Personnel department.

A. Generally. There shall be a personnel department which shall consist of the personnel director, and such employees as may be provided for by the council. Until the city council for the City of Bristol, Virginia, shall, by written resolution, direct that the office of personnel director shall be otherwise filled, the city manager shall serve as personnel director.

B. Powers and duties of the personnel director. The personnel director shall have the following powers and duties:

1. To formulate and propose a comprehensive personnel policy to the city council for adoption, and as the need may arise, to propose to the council amendments, additions and deletions to the comprehensive personnel policy, and to oversee and enforce the uniform application of the personnel policy to all the employees of the city. Nothing in this charter, nor in any policy manual promulgated pursuant to this charter, nor in any ordinance or act of the council of the City of Bristol, Virginia, shall be construed to create any contractual relationship between the City of Bristol, Virginia, and any of its employees or agents. The comprehensive personnel policy adopted pursuant to this provision shall not be a contract with the employees of the city and so may be amended from time to time as the needs of the city may require, no rights being vested in any city employee by virtue of this section or any policy adopted pursuant thereto.

2. To, with the cooperation of each department head, formulate and promulgate standard operating procedures in addition to a comprehensive personnel policy that may be needed and applicable to the individual departments and the employees thereof as such requirements may exist and submit to the council for adoption and from time to time for amendment.

3. To oversee and aid each department head in the formulation and promulgation of competitive examinations for all original appointments to department jobs and for promotions within each department to provide for the hiring and promotion of the best qualified personnel available to the city.

4. To oversee the maintenance by each department of a list of eligible employees based upon examination and other hiring criteria for each department and to promulgate regulations to assure that such lists are kept current, that all vacancies are well publicized and that the best possible employees of the City of Bristol, Virginia, be hired for each such vacancy.

5. To formulate and recommend to the council for adoption such additions, deletions, and amendments of the current city pay plan covering all employees of the city as may from time to time be advisable.

6. To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city of such personnel records of employees of such departments, boards, etc., as the personnel director shall prescribe.

7. To establish a temporary employment list for filling positions which are temporarily vacant.

8. To oversee and advise the department heads in the promulgation of a systematic program of in-service training for all employees qualifying them for advancement in the service of the city.

9. To oversee and enforce the operation of an employee grievance procedure in accordance with the laws of the Commonwealth.

10. To investigate any and all matters relating to conditions of employment in the service of the city and to make at least annually a report of his findings to the council.

11. Such other powers and duties as may be assigned him from time to time by council. (1990, c. 542)

§ 7.04. Police department.

A. Generally. The police department shall consist of the chief of police and such other officers and employees at such ranks and grades as may be established by the council. The police department shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the laws of the Commonwealth, the ordinances of the city and all rules and regulations made in accordance therewith. The chief of police and the other members of the police department of the city shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth and more particularly, each police officer is invested with all the power and authority which formerly belonged to the office of the constable at common law in taking cognizance of, and in enforcing the criminal laws of the Commonwealth and ordinances and regulations of the city. Each of such policemen shall use his best endeavors to prevent the commission within the city of offenses against the laws of the Commonwealth and against the ordinances and regulations of the city; shall observe and enforce all such laws, ordinances and regulations; shall detect and arrest offenders against the same; shall preserve the good order of the city; and shall secure the inhabitants thereof from violence and the property therein from injury. Such policemen shall have no power or authority in civil matters, except that they may execute and serve a temporary detention pursuant to § 37.1-67.1 of the Code of Virginia and he shall in all other cases comply with the orders of any court of proper jurisdiction and execute such warrants or summons as may be placed in said police officer's hands by any clerk of the court, magistrate or trial judge of the city and shall make due return thereof. The criminal investigations of the department shall be under the ultimate authority of the attorney for the Commonwealth, who shall be the chief law-enforcement officer of the city.

B. Powers and duties of the chief of police. The head of the police department shall be the police chief. Under the supervision of the city manager, he shall be in direct command of the police department. He shall assign all members of the department to their respective posts, shifts, details and duties. He shall, with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. The police chief shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager shall be transmitted in all cases through the police chief or in his absence from the city or incapacity, through an officer of the department designated as acting chief by the city manager. Disobedience to the lawful commands of the police chief or a violation of the rules and regulations made by him, shall be grounds for removal or other disciplinary action as provided in such rules and regulations.

C. Division of animal control. Within the police department, there shall be a division of animal control which shall consist of a city animal warden, appointed pursuant to § 3.1-796.104 of the Code of Virginia, by the city manager, who shall be supervised by the police chief. The animal warden shall serve at the will and pleasure of the city manager and shall not be considered a department head. The city animal warden shall be paid and otherwise compensated as the city council shall from time to time prescribe. The animal warden shall have such powers and duties and responsibilities as are set out in Chapter 27.3 (§ 3.1-796.66 et seq) of Title 3.1 of the Code of Virginia and all other acts and ordinances enacted by the Commonwealth or the city for the control and protection of animals. The city manager shall have the power to appoint one or more deputy animal wardens to assist the city animal warden as the council shall provide. (1990, c. 542)

§ 7.05. Fire department.

A. Generally. The fire department shall consist of the fire chief and such other officers and employees of such ranks and grades as may be established by council. The fire department shall be responsible for the protection from fire, of life and property within the city.

The fire department shall also operate and be responsible for the operation of the hazardous material response team which shall implement the hazardous materials response plan developed by the city in accordance with general laws of the Commonwealth and local laws and regulations.

B. Powers and duties of the fire chief. The head of the fire department shall be the fire chief. Under the supervision of the city manager, he shall be in direct command of the fire department. He shall assign all members of the department to their respective posts, shifts, details and duties. He shall, with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of officers and employees thereof, their uniforms, equipment and training and the penalties to be imposed for infractions of such rules and regulations. The fire chief shall be responsible for the efficiency, discipline and good

conduct of the department. Orders of the city manager relating to the fire department shall be transmitted in all cases to the fire chief or in his absence from the city or incapacity, through an officer of the department designated as acting chief by the city manager. Disobedience of the lawful commands of the fire chief or violation of the rules and regulations made by him with the approval of the director of the Personnel Department shall be grounds for removal or other disciplinary action as provided in such rules and regulations.

C. Fire prevention. Fire prevention shall be the duty of the fire chief to secure the enforcement of all laws and ordinances relating to fire prevention and fire safety and to issue from time to time regulations having the force of law for the purpose of implementing such laws and ordinances. The penalty for violation of such rules and regulations shall be as provided for by ordinance. The fire chief may assign this duty to a fire inspector. (1990, c. 542; 1999, cc. 139, 170; 2007, cc. 607, 682)

§ 7.06. Public works department.

A. Department generally. There shall be a public works department which shall consist of a public works director and such other officers and employees as may be provided for by council. The department shall be divided into three divisions, a street and maintenance division, an engineering division and a solid waste division. Each division or subdivision shall be headed by a division or subdivision superintendent or manager. The public works director may serve as superintendent or manager of the street and maintenance division or the engineering division, but not both.

B. Functions of the street and maintenance division. The street and maintenance division shall be responsible for:

1. The construction of any capital improvement project by employees of the public works department when ordered, as hereinafter provided by this charter, by council or by the city manager;

2. The maintenance and cleaning, including snow removal, of streets, alleys, other public places, bridges, viaducts, subways and underpasses;

3. The maintenance of storm sewers, drains and culverts;

4. The determination, in accordance with such applicable ordinances of the conditions under which street surfaces may be cut by the Bristol, Virginia utility board or any person, firm or corporation, for the purpose of laying, relocating, removing, reconnecting or repairing of pipes or conduits therein, and the time within and the manner in which such work shall be completed and such cuts filled and the street surface restored;

5. The maintenance, heating, lighting and janitorial service for all city-owned buildings, except those under the jurisdiction of the school board and the Bristol, Virginia utility board, and except when otherwise provided by this charter, law, ordinance or the directions of the city manager;

6. The physical maintenance, construction, improvement and acquisition of physical data for all traffic engineering in the city, all of such work to be done at the direction of the city engineer; and

7. Such other duties and powers as may be assigned to the division generally by council, or specifically by the city manager or the public works director.

The city manager shall have the power to assign personnel from other departments to accomplish any function set forth herein.

C. Functions of the engineering division. The engineering division shall be responsible for:

1. The making of such surveys, reports, maps, drawings, plans, specifications and estimates as may be requested from time to time by the council, the city manager or the head of any department, or any board, commission or agency of the city; provided that the city manager may, with the approval of the council, employ consulting engineers or architects in connection with the design of any building, work or improvement;

2. The custody of all maps and plans of the city or any part thereof and all such maps or plans hereafter made and not expressly required by law or ordinance to be filed in some other place, and any map or plan of the city or any part thereof made in accordance with any law or ordinance in the custody of the engineering division or a copy thereof attested by the city engineer shall be evidence in the courts of the Commonwealth of the facts shown therein;

3. The preparation of an engineering plan for all public improvements undertaken by the employees of the city or by contract let in accordance with said plans, unless the services of a consulting engineer or architect have been used for that purpose;

4. The review and certification of all maps and plans required by the zoning code, the subdivision ordinance or any other ordinance or law of the city or law of the Commonwealth which requires the preparation of a plan and its approval by an appropriate official of the City of Bristol, Virginia;

5. To determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by Chapter 14 of the City Code and the laws and other ordinances of the city pertaining to traffic control and regulation;

6. Enforcement and maintenance of sediment and erosion control ordinances;

7. Supervision of the execution and performance of all contracts for capital improvement projects by the city. No payment shall be made by the city upon any such contract without the certificate of the street and maintenance division that the work or that portion thereof for which such payment is to be made has been satisfactorily performed in accordance with the terms of the contract. When plans

and specifications for any capital improvement project have been prepared under the authority of the school board or the Bristol, Virginia, utility board by some person or agency other than the engineering division, the contract may be supervised and the certificate above-required shall be issued by a person or agency to be designated by the school board or the director of the Bristol, Virginia, utility board, as the case may be; and

8. Such other duties and powers as may be assigned to the division generally by council or specifically by the city manager or by the public works director.

D. Solid waste division. The solid waste division shall be divided into two subdivisions, collection and disposal, and shall be responsible for all aspects of solid waste management. The collection subdivision shall be responsible for the collection and transport of solid waste within and from the City of Bristol, Virginia, and such other areas as from time to time the council may designate. The disposal subdivision may operate solid waste disposal facilities which may include landfills, incinerators, transfer stations, material recovery facilities and other solid waste facilities, subject to the general laws of the Commonwealth of Virginia and the ordinances and regulations of the City of Bristol, Virginia. In addition, the solid waste division shall perform such duties and have such powers as may be assigned to it generally by city council or specifically by the city manager or by the public works director.

E. Public works director. The head of the public works department shall be the public works director. An engineering degree shall not be required but shall be considered preferable.

F. Powers and duties of the public works director. The director of public works shall have the management and control of the department. He shall appoint and remove all the officers and employees of the department, with the approval of the city manager, and shall have the power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business.

G. Grading and alignment of streets. The council may grade or change the grade and align or change the alignment of any street, alley or public place within the city. If the work be of such nature as may cause damage to the abutting land owners, it shall be the duty of the public works director to ascertain what damages, if any, will accrue to the owners of the property likely to be so affected. It shall be the duty of the city manager, having received such ascertainment from the public works director, to give such notice and hearings and make such reports and to proceed in such manner as may be required by state law.

H. Public improvements. Whenever any capital improvement project is to be undertaken by the city or any department, board, commission or agency thereof, except the school board and the Bristol, Virginia utility board, it shall be the duty of the public works director to cause plans, specifications and estimates of cost of such capital improvement project to be made. The school board and the Bristol, Virginia utility board may utilize the services of the public works department in preparing plans,

specifications and estimates of cost for capital improvement projects relating to their respective functions with consent of the city manager or the city council. In the discretion of the city manager, any capital improvement project may be undertaken by employees of the public works department or may be constructed by contract with an independent contractor. (1990, c. 542; 1996, cc. 665, 678)

§ 7.07. Building code department.

A. Building Code Division Generally. There shall be a building code division which shall consist of the building code official and such other officers and employees as may be provided for by city council and the environs control official. The building code division shall be part of the department of planning and supervised by the planning director. The building code official may be removed from office for cause after full opportunity to be heard on specific and relevant charges in a hearing before city council. The city manager is authorized to designate an employee as deputy who shall exercise all the powers of the building code official during the temporary absence or disability of the building code official.

B. Restriction of employees. Neither any building code official nor any employee connected with the building code division, except members of the board of survey or the board of appeals, shall be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or the specifications thereof built or to be built within the city, unless that person is the owner of the building. No officer and employee may engage in any work which conflicts with the official duties or interests of the building code division.

C. Personal liability. The building code official, and any officer or employee of the building code division, shall not, while acting for the jurisdiction, thereby be rendered liable personally for any damage accruing to persons or properties as a result of any act required or permitted in the discharge of their official duties, nor shall the building code official or any subordinate of the building code official be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of the building and maintenance codes. They shall be free from liability for acts performed under any of the provisions of or by reason of any act or omission in the performance of their official duties in connection with the provisions of the Uniform Statewide Building Code. This limitation of liability shall extend to the environs control division's enforcement of the Uniform Statewide Building Maintenance Code.

D. Functions. The building code division shall:

1. Enforce all the provisions of the Uniform Statewide Building Code and act on any question relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment and the location, use, occupancy and maintenance of all buildings and structures situate in the City of Bristol, Virginia;

2. Receive applications and issue permits for the erection and alteration of buildings and structures, including passing on whether a requested building permit may be issued in compliance with the zoning ordinances of the city, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the Uniform Statewide Building Code;

3. Issue all necessary notices or orders to remove illegal or unsafe conditions and structures, require the necessary safeguards during construction, require adequate exit facilities in existing buildings and structures and insure compliance with all the code requirements for the health, safety and general welfare of the public;

4. Make all the required inspections, or accept reports of inspection by approved agencies on individuals in writing and certified by a responsible officer of such approved agency or by the responsible individual, and engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, if such engagement is approved by council;

5. Adopt and promulgate rules and regulations to interpret and implement the provisions of the Uniform Statewide Building Code, to secure the intent thereof and designate requirements applicable because of local climatic or other conditions, but such rules shall not have the effect of waiving structural or fire performance requirements specifically provided by the Uniform Statewide Building Code or violating accepted engineering practices involving public safety;

6. Keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued so long as the building to which they pertain remains in existence;

7. Report in writing annually to the city manager a statement of operations as may be prescribed by the city manager;

8. Perform such other duties as from time to time may be required of the building code official by the Uniform Statewide Building Code and the city manager;

9. Enforce all local ordinances pertaining to buildings, unsafe structures, the abatement of nuisances created by unsafe structures and such other local ordinances as may from time to time be adopted and passed relative to buildings or structures situate in the city by the council, to the extent that such are not superseded and repealed by an act of the General Assembly; and

10. Perform such other duties as may from time to time be assigned to the building code division by city council.

E. Environs control. The position of environs control official, whose duties shall be to enforce state law and local ordinances pertaining to garbage, trash, weeds, junk, and litter and the Statewide Uniform Building Maintenance Code within the City of Bristol, Virginia, shall be an employee of the building code division and shall be under the supervision of the building code official. The environs control

official shall meet the requirements imposed for the position by state law. (1990, c. 542; 2007, cc. 607, 682)

§ 7.08. Planning department.

A. Planning director. The department of planning shall consist of a planning director and such other officers and employees of the department as provided for by city council and the building code official and the employees of the building code division.

B. Department functions. The department of planning shall have the responsibility for:

1. Administration of all programs funded by federal, state or other monies as such be assigned to the department of planning by city council for administration;

2. Administration of the zoning ordinance and the subdivision ordinance and as such, the planning director shall serve as staff for the board of zoning appeals, the planning commission and city council on zoning matters that are before each of such entities. Nevertheless, it shall remain the duty of the building code official to determine the proper zoning of all proposed developments for purpose of issuance of requisite building permits, site plan permits and other required permits;

3. Development of the comprehensive city plan and the amendments thereto for approval by city council;

4. Transportation planning of road improvements on major thoroughfares;

5. Serving as staff to the metropolitan planning organization board created by Bristol, Virginia; Bristol, Tennessee; Sullivan County, Tennessee and Washington County, Virginia;

6. Serving as staff to the joint Bristol, Tennessee/Virginia Planning Commission;

7. Supervise the operations and performance of the building code division; and

8. Such other duties as may from time to time be assigned to the planning department by the council or the city manager. (1990, c. 542; 2007, cc. 607, 682)

§ 7.09. Parks and recreation department.

A. Generally. There shall be a parks and recreation department which shall consist of a parks and recreation director and such other employees and officers as may be approved by city council.

B. Function of the parks and recreation department. The Department of Parks and Recreation shall provide for the leisure and recreation opportunities and facilities for the residents and guests of Bristol, Virginia. It is charged with the full responsibility for the conduct and supervision of recreation programs and park facilities of the city. The department shall have the power to supervise and perform maintenance and light construction in all city parks and recreation areas. Additionally, the department shall perform such other duties as from time to time may be assigned to the department by the council or the city manager.

C. Parks and recreational needs assessment. The department shall prepare and submit to the council for the City of Bristol, Virginia, an assessment of the recreational needs in terms of both facilities and programs. The assessment shall be made annually and submitted to council on or before March 1, of each year, commencing the year after adoption of this charter.

The needs assessment shall consist of a statement of the recreational facilities and programs needs of the city, a recommendation of any change in recreational programs or facilities required to meet the parks and recreational needs of the City of Bristol, Virginia, and a general estimate of the cost of each program or facility change. (1990, c. 542)

§ 7.10. (1990, c. 542; 2003, cc. 539, 546; repealed 2015, cc. 345, 403)

§ 7.11. Transit department.

A. Generally. The transit department shall consist of the transit director and such other officers and employees of the department as the council shall approve.

B. Function. The transit department shall provide public bus service to the City of Bristol, Virginia, to the extent such provision is funded by city council. The transit department shall operate the school bus system for the school board of the City of Bristol, Virginia, unless the Bristol, Virginia, school board shall take over the operation, management and maintenance of its own school bus system. The transit department shall operate the city mechanical garage and therein provide service to all city vehicles and to any other city equipment for which the garage is equipped with men and materials to perform maintenance thereon. The city transit garage shall also provide maintenance service to the Bristol, Virginia, sheriff's office vehicles and equipment. (1990, c. 542)

Chapter 8. Boards.

§ 8.01. Boards generally.

In addition to the specific boards set forth herein, city council shall, by ordinance duly adopted, have the power to create, amend and abolish any and all boards it deems necessary for the proper function of the local government for the City of Bristol, Virginia, and in addition to by ordinance join, fund and appoint members to any regional, state or federal board for which it is eligible for membership and for which membership in said board or commission will further the public purposes of the City of Bristol, Virginia. (1990, c. 542)

§ 8.02. Boards; appointments, compensation.

The terms of office and the number of consecutive terms of office permitted to any individual appointee for all board appointments made by city council shall be as set forth in this charter, except for appointments to boards and commissions not created by this charter or by the council for the City of Bristol, Virginia, but which are participated in by the city. With respect to all such state, regional and federal boards participated in by the city and not created by this charter or ordinance of the City of Bristol,

Virginia, the city may participate in the operation of such boards by appointment thereto and the term of office for each such appointee shall be for such length as is specified by the general laws, regulations and by-laws of such agency or board. No individual appointee to such board shall be appointed for more than two consecutive terms unless such restriction is in conflict with the general laws of the Commonwealth of Virginia, or the federal laws by which the board or commission was created or the by-laws of the board or commission.

No member of any board to which members are appointed by the city council for the City of Bristol, Virginia, shall receive any compensation for services on said board, said service to be of a purely volunteer nature. However, members of such boards may be reimbursed actual expenses incurred in service on such boards excluding expenses incident to the attendance at regular meetings of the board. (1990, c. 542; 1996, cc. 665, 678; 2015, cc. 345, 403)

§ 8.03. Bristol, Virginia, school board.

The school board shall have all powers and duties relative to the operation, management and control of the public schools of the city provided by the general laws of the Commonwealth and in addition thereto shall perform such duties not inconsistent with their office and make such reports and keep such accounts of receipts and disbursements as the council may require.

The City of Bristol, Virginia, has by referendum provided for the popular election of school boards in accordance with Title 22.1 of the Code of Virginia; therefore, this charter does not make any provision with respect to the election, vacancy in office or other matters pertaining to how the board is constituted or shall operate except as herein provided.

The school board shall prepare its budget estimate and deal with its budget in accordance with Chapter 10 of this charter.

The title to all real estate acquired for public school purposes shall be taken and held in the name of the City of Bristol, Virginia; except that the council, in order to enable the city school board to borrow money from the literary fund of the Commonwealth, may by resolution authorize and direct the title in fee simple to such real estate on which the school building is sought to be erected, altered or enlarged as prescribed in application for such loan to be conveyed by the city to the city school board. (1990, c. 542; 1996, cc. 665, 678)

§ 8.04. City planning commission.

There shall be a city planning commission consisting of seven members, one of whom shall be a member of the city council selected by the council for a term coincident with his term on the council, one of whom shall be selected by the council for an indefinite term and the remaining members shall be citizens appointed by council for three-year terms. All citizens of the City of Bristol, Virginia, shall be eligible for appointment to the planning commission, and all appointees shall take the oath of office

before entering into their duties. Each appointee, other than the councilmanic and employee appointees, shall be eligible for only two consecutive terms.

The planning commission's duties shall be to:

1. Exercise general supervision of and make regulations for the administration of its affairs;

2. Prescribe rules pertaining to its investigations and hearings;

3. Supervise its physical affairs and responsibilities, under rules and regulations as prescribed by the governing body;

4. Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents;

5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;

6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;

7. Prepare and submit an annual budget estimate in the manner prescribed by the city council;

8. Review, amend and recommend a comprehensive city plan to city council as provided for by state law and this charter and amendments thereto as needed;

9. Exercise such authority and perform such duties relative to zoning, subdivisions and other matters related to development within the City of Bristol, Virginia, as are provided for in the respective ordinances provided for the same by city council; and

10. Perform such other duties as council may from time to time assign to the planning commission.

The planning commission shall be staffed by the director of the department of planning and employees of that department until and unless the council shall by ordinance provide for a separate staff for the planning commission. The planning commission may, with the approval of the city manager, call upon the heads of other departments for staff functions as the need may arise. (1990, c. 542; 1996, cc. 665, 678; 2021 Special Session I, c. 417)

§ 8.05. Board of zoning appeals.

There shall be a board of zoning appeals consisting of seven residents of the City of Bristol, Virginia, appointed by the circuit court of the city for a term of five years each. No appointee shall be appointed for more than two successive terms. Nothing in the adoption of this charter shall affect the term of any current member of the board of zoning appeals and each shall serve out the remainder of his present term. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other

public office in the municipality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

The procedures and functions of the board of zoning appeals shall be in accordance with state law and the ordinances of the City of Bristol, Virginia as the same may be from time to time amended.

The board of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the zoning ordinances of the City of Bristol, Virginia;

2. To authorize upon appeal or original application in specific cases such variances as are permitted by state law from the terms of the city zoning ordinance. Such variances shall not be contrary to the public interest. A variance may be granted when, owing to special conditions, literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done and as the provisions of §15.1-495 of the Code of Virginia or its successors, may provide;

3. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary, in accordance with § 15.1-495(d) of the Code of Virginia or its successor; and

4. To hear and decide applications for such special exceptions as may be authorized by the zoning ordinance in accordance with state and local law.

No provision of this section shall be construed to grant the board of zoning appeals any power to rezone property. (1990, c. 542)

§ 8.06. (1990, c. 542; 2000, cc. 949, 976; 2003, cc. 539, 546; 2007, cc. 607, 682; 2008, cc. 99, 323; repealed 2015, cc. 345, 403)

§ 8.07. Economic development committee.

There shall be a Bristol, Virginia economic development committee consisting of seven members, two of whom shall be members of the city council, two of whom shall be appointed from the members of the Bristol, Virginia, utility board, and three of whom shall be at-large members appointed from among the residents of the City of Bristol, Virginia, by city council. The city manager, city attorney, utilities board general manager and utility board attorney shall be ex officio members of the committee with a voice but no vote.

The term of office of the two councilmanic members of the board shall be coincident with their terms of office; the terms of the two utility board members shall be coincident with their terms of office and the other three members shall serve a term of three years. The three members shall not be eligible for appointment to more than two successive terms. The adoption of this charter shall not affect the terms

of any current member of the Bristol, Virginia, economic development committee, and each shall serve out his term as heretofore provided.

The Bristol, Virginia, economic development committee shall develop and encourage development of industrial sites within and without the City of Bristol, Virginia, develop a close working relationship with the Virginia Department of Industrial Development and with the Tri-city Area Industrial Commission, directly pursue the location of business and industry within and without the City of Bristol, Virginia, and encourage and facilitate the expansion of existing businesses within the city.

The committee shall have all the powers necessary to effect the purpose as set forth herein, including, but not limited to, the establishment of objectives and the policies to achieve such purpose, the selection and employment of an executive director and such other employees and staff as from time to time may be approved by city council and to provide general guidance and oversight of the activities of the Bristol, Virginia utility board and the City of Bristol, Virginia city council in the area of economic development. (1990, c. 542)

§ 8.08. Bristol, Virginia, board of social services.

A. There shall be a Bristol, Virginia, board of social services consisting of five members appointed by city council. Four members shall be appointed by council from residents of the City of Bristol, Virginia, for terms of four years, such terms to be staggered. One member will be a member of city council whose term shall be coincident with his term in office. Adoption of this charter shall not affect the term of any present member of the board, each member serving out the remainder of his term. Thereafter, as each term expires, city council shall adjust the size of the board and the length of the terms by automatically changing the length of term and by not filling such vacancies as are required to meet the requisite number of members. No member shall be eligible for appointment to more than two successive terms in office.

B. Members shall be reimbursed their actual expenses incurred in accordance with the provisions of this charter.

C. The board shall, subject to the rules and regulations of the state board, administer the provisions of the Code of Virginia pertaining to social services. The board may receive and disburse funds derived from public grant or private sources in the form of gifts, contributions, requests or legacies for the purpose of aiding needy persons within the city. The board shall furnish to the Commissioner of the State Department of Social Services and to city council any required reports relating to the administration of § 63.1-1 et seq. of the Code of Virginia or its successors. The board shall submit annually to the council through the city manager a budget containing an estimate and supporting data setting forth the amount of money needed to carry out the duties of the board and forward a copy of the same to the Commissioner of the Department of Social Services. The board shall provide either directly or through the purchase of services subject to the supervision of the Commissioner of the Department of Social

Services and in accordance with the rules prescribed by the State Board, any and all child welfare services described in Title 63.1 of the Code of Virginia or its successors, when such services are not available through other agencies serving residents of the city. The board shall provide, subject to the supervision of the Commissioner and in accordance with the rules provided by the state board, for the delivery of homemaker, companion or chore services which will allow individuals to attain or retain self-care. The board shall provide services for persons who by reason of advanced age, impaired health or physical disability cannot unaided take care of themselves or their affairs and have no relative or other person able, available or willing to provide guidance, supervision or other needed care and for persons sixty years of age and older who are abused, neglected or exploited. The board shall make a prompt and thorough investigation and determine whether any person is in need of protective services and what services are needed upon the receipt of a report to that effect. The board shall have the right to accept for placement in suitable family homes, child caring institutions, or residential facilities, group homes or independent living arrangements subject to the supervision of the Commissioner in accordance with the rules prescribed by the state board, such persons under eighteen years of age as may be entrusted to it by parent, guardian or committed by any court of competent jurisdiction. The board shall perform such other duties with the requisite inherent powers for accomplishment of their performance as may be from time to time authorized by state law and to perform such other duties as from time to time may be required by the council which are not in conflict with state law or applicable regulations of the state board or Commissioner of the Department of Social Services. (1990, c. 542)

§ 8.09. Board of building code appeals.

A. There is hereby established a board of building code appeals consisting of five members appointed by city council from the residents of the City of Bristol, Virginia, for terms of five years. No member shall be eligible for appointment for more than two successive terms. The adoption of this charter shall not affect the terms of any present member of the board. They shall continue in office until the expiration of their current terms. City council shall also appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member of the board. City council shall appoint only persons who are licensed professional engineers or architects and builders or superintendents of building construction with at least ten years' experience, five of which years shall have been in responsible charge of work as members or alternates to the board of appeals. No two members shall be from the same profession or occupation and at least one professional engineer shall be a structural or civil engineer with architectural engineering experience.

B. The board of building code appeals shall hear all appeals from the decision of the building code official and the environs control officer refusing to grant a modification to the provisions of the Uniform Statewide Building Code and the provisions of the Uniform Statewide Building Maintenance Code covering the manner of construction or materials to be used in the erection, alteration or repair of a

building or structure and to hear appeals from any decision of the fire prevention code official claiming that the true intent of the fire prevention code or rules legally adopted thereunder have been incorrectly interpreted by such official. (1990, c. 542)

Chapter 9. Other Constitutional Officers.

§ 9.01. Generally.

In addition to the treasurer and commissioner of revenue as set forth in the section on finance, there shall be the positions of attorney for the Commonwealth, sheriff and clerk of the circuit court as provided for by the Constitution of the Commonwealth of Virginia. (1990, c. 542; 2015, cc. 345, 403)

§ 9.02. Attorney for the Commonwealth.

An attorney for the Commonwealth shall be elected as provided for in this charter and the general law of the Commonwealth, charged with the duty of prosecuting cases for the Commonwealth and such other duties as he may from time to time be assigned by the general law of the Commonwealth and by agreement with city council for the City of Bristol, Virginia. He shall be considered the chief law-enforcement officer of the city for the purposes of all investigations, charges, and prosecutions, and all investigations, charges and prosecutions will be in accordance with his direction, if any he should give. (1990, c. 542)

§ 9.03. Sheriff.

A sheriff shall be elected for the City of Bristol, Virginia, as set forth in the Constitution of Virginia, this charter and the general laws of the Commonwealth of Virginia. His duties shall be, without limitation by enumeration, as follows:

1. Attend the terms of the circuit court of the city and act as the officer thereof and receive such compensation as the court may allow;

2. Be the keeper of the jail and officer thereof, of the city;

3. Be the officer responsible for serving legal process, both civil and criminal, within the city;

4. Be the officer responsible for the transporting of prisoners, juveniles, mental patients, fugitives, and any other individuals which the courts may direct;

5. Be the officer responsible for implementing and coordinating work programs including, but not limited to, work release, community service, and jail farm; and

6. Be vested with full powers of a sheriff or constable at common law, authorized and empowered to make arrests and conduct investigations for all violations of the laws of the Commonwealth and of the city, and shall perform such other duties as may be prescribed by the general laws of the Commonwealth or by the council.

For any and all duties imposed upon him by the courts, the Commonwealth of Virginia and the city council, he shall receive such amounts of compensation for the performance thereof as the council and Compensation Board may determine.

The sheriff may appoint a deputy or deputies who may be removed from office by the sheriff, without notice to the deputy. During the continuance in office of such sheriff, his deputy or deputies may discharge any of the duties of the Office of Sheriff, but the sheriff and his surety shall be liable therefor. (1990, c. 542)

§ 9.04. Clerk of the circuit court.

A. The clerk of the circuit court for the City of Bristol, Virginia, shall be elected as provided for in the Constitution of Virginia, in this charter and the general law of the Commonwealth.

B. The clerk shall, at the end of each fiscal year or more often if required by city council, furnish a statement of taxes on deeds and all other local taxes, levies and assessments collected or collectable by the clerk. All sums collected by the clerk or on account of the city shall be paid over to the city treasurer in the manner and at the time or times provided by the council.

C. The clerk shall furnish all lists, statements and reports that the council may require of the clerk or that are provided for by this charter.

D. For all allowances made against the city by the courts, or by the laws of the Commonwealth, for any account, claim or warrant for jurors or witnesses, attendance, the clerk shall issue as soon as allowed by the court, and called for by the party or his agent, to whom the allowance is made, an order on a suitable form for that purpose retaining a property stub for all orders so issued upon the city auditor. The order shall direct the city auditor to issue a voucher on the city treasurer for the sum so allowed, shall state for what the allowance is made and any other matter required by the court or city council. No such order shall be issued in any other name than in the name of the party to whom the allowance is made by the court.

E. To aid the commissioner of revenue in his duties, the clerk shall deliver to him such lists as are mentioned in the Code of Virginia, so far as the same may relate to lands in the city and perform such other duties as may be required by state law.

F. The clerk shall execute such bonds as the judge of the circuit court may fix and in a penalty prescribed by him and with such surety as the judge may require.

G. If the clerk fails or refuses to perform any of the duties required of him by this charter, the court or city council, the clerk shall be fined by the circuit court judge not less than $5.00, nor more than $100.00 for each offense and the clerk and all sureties on his official bond shall be liable for all damage which may accrue to the city or any other person by reason of such failure or refusal. (1990, c. 542)

Chapter 10. Budgets.

§ 10.01. Fiscal and tax year.

The fiscal year of the city shall begin on July 1 and shall end on June 30 of the succeeding year. The tax year for taxes levied on real estate, tangible personal property and machinery and tools shall begin on January 1 and end on December 31 following, and the tax year for all other taxes shall be as fixed by the council by ordinance. In accordance with the general law of the Commonwealth, the city council may change the tax year for any of the above enumerated taxes by ordinance duly adopted. (1990, c. 542)

§ 10.02. Preparation.

It shall be the duty of the head of each department, the judges of the various courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by appropriations of the city, including the constitutional officers, to file with the city manager, at such time as the city manager may prescribe, detailed estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. The city manager shall assemble and compile these estimates and in cooperation with the chief financial officer, supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the city manager in the preparation of the budgets. The city manager shall hold such hearings as he may deem advisable and with the assistance of the chief financial officer shall review the budgets, make such revisions in such estimates as he may deem proper after consultation with each department head, constitutional officer, and other such officers, and, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, prepare a total budget estimate for presentation to the council. (1990, c. 542; 2015, cc. 345, 403)

§ 10.03. Scope of the annual budget.

Not later than the second Tuesday in April, the city manager shall submit to the council an initial budget estimate for the ensuing fiscal year, according to a classification as nearly uniform as possible. The budget shall present the following information:

1. An itemized statement of the appropriations recommended by the city manager for current operating expenses for each department and each division thereof for the ensuing fiscal year, with comparative statements and parallel columns of the appropriations and expenditures for the current and next proceeding fiscal year and the increases or decreases in the appropriation recommended. Expenditures for the current fiscal year shall include an estimate of expenditures necessary to complete such year;

2. An itemized statement of the appropriations recommended by the city manager for capital improvement projects for the ensuing fiscal year for each department and each division thereof,

with the comparative statements and parallel columns of the appropriations and expenditures for the current and next proceeding fiscal year and the increases or decreases in the appropriations recommended;

3. The annual budget and annual appropriation ordinance shall include a line-item for a reasonable contingency fund for use in any of the affairs of the city under the control of the city manager;

4. An itemized statement of the taxes required and the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next proceeding fiscal year and the increases and decreases estimated or proposed;

5. A statement of the financial condition of the city and for such other information as may be required by the council or that the city manager may be deemed advisable to submit; and

6. Copies of such budget estimate shall be printed and be available for distribution not later than two weeks after its submission to the council and a public hearing shall be given thereon by the council before final action. (1990, c. 542; 2015, cc. 345, 403)

§ 10.04. Appropriations and additional tax ordinances.

At the same time that he submits an annual budget estimate the city manager shall introduce in the council an appropriation ordinance. The appropriation ordinance shall be based on and shall incorporate by reference the annual budget adopted by city council. At the same time, the city manager shall also introduce any ordinance or ordinances altering the tax rate on real estate and tangible personal property or levying a new tax or altering the rate of any other tax necessary to balance the budget. Council will hold at least one public hearing on the appropriation ordinance and any tax ordinances prior to adoption of the same. (1990, c. 542)

§10.05. Action by council on general fund budget generally.

After the public hearing, the council may insert new items of expenditure and revenue and may increase, decrease or strike out items of expenditure and revenue in the annual budget. Prior to the end of each fiscal year the council shall pass the annual appropriation ordinance based upon the budget submitted by the city manager, as amended by city council, and shall levy such taxes for the ensuing fiscal year as may be necessary to meet the appropriations. Council shall adopt all such tax ordinances as have been submitted by the city manager and agreed upon by the city council for the purpose of funding the appropriations for the budget for the ensuing year together with all sums required to service city debt. (1990, c. 542)

§ 10.06. Additional appropriations.

Appropriations in addition to those contained in the appropriation ordinance may be made by the council pursuant to § 15.2-2507 of the Code of Virginia. (1990, c. 542; 2015, cc. 345, 403; 2021 Special Session I, c. 417)

§ 10.07. Disposition of unencumbered balances; incurring liabilities.

At the close of each fiscal year, the unexpended balance of any appropriation shall revert to the fund from which it was appropriated, subject to re-appropriation by city council in the next fiscal year. No city liability shall be incurred by an officer or employee of the city except in accordance with the provisions of the appropriations made by council. (1990, c. 542; 2021 Special Session I, c. 417)

§ 10.08. Disbursements.

Payments by the city shall be made only upon vouchers and by means of warrants on the city treasury, issued by the city manager and counter-signed by the city treasurer. The city manager shall examine all payrolls, bills and other claims and demands against the city and shall authorize no payments unless he finds that the claim is in proper form and correctly computed; that it is justly and legally due and payable; and that an appropriation has been made therefore which has not been exhausted, or that the payment has been otherwise legally authorized and that there is money in the city treasury to make payment. He may require any claimant to make oath as to the validity of a claim. He may investigate any claim and for such purpose may examine witnesses under oath and if he finds that it is fraudulent, erroneous or otherwise invalid, shall not issue a warrant therefor. (1990, c. 542)

§ 10.09. Effective date of annual budget; certification and availability of copies thereof.

Upon final adoption, the annual budget shall be in effect for the ensuing fiscal year. A copy of the budget as finally adopted shall be certified by the city manager and city clerk and filed in the office of the chief financial officer. The annual budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all departments, courts, boards, commissions, offices and agencies and for the use of interested persons and organizations. It shall also be posted on the city's website for public viewing. (1990, c. 542; 2015, cc. 345, 403)

§ 10.10. School budget.

It will be the duty of the school board to submit its line-item budget estimates to the city manager no later than May 1 of each year. The estimate shall set forth a detailed line-item estimate of the amount required for the conduct of the public schools for the ensuing fiscal year and an estimate of the amounts which are expected to be received for public education other than from appropriations by the council. It shall contain a detailed estimate of all surplus funds expected to be left over at the end of the current fiscal year. If an appropriation from council is less than the board's original request, it shall amend estimates of expenditures accordingly. Before the beginning of the fiscal year, the school board shall file with the chief financial officer its budget as finally revised. It shall have the power to

order during the course of the fiscal year transfers from one item of appropriation to another, notice of which will be immediately transmitted to the chief financial officer. (1990, c. 542; 2007, cc. 607, 682; 2015, cc. 345, 403)

Chapter 11. Taxation.

§ 11.01. Taxation generally.

A. Taxation power. The council shall have all the powers of taxation granted by the general law of the Commonwealth including without limitation current §§ 58.1-3000 et seq. and such other sections of the law as give to the city the power of taxation, as the same may be replaced or amended from time to time. Additionally, there is retained from the current charter an express power to fix annual levies on property subject to taxation in the city without any limits as to the rate thereof, any provisions of the general law of the Commonwealth to the contrary notwithstanding. Council shall not fix such levy on property partially segregated to the Commonwealth for purposes of state taxation at a higher rate than is or may be permitted by the general laws relating thereto.

B. Recording tax. The council may tax deeds and all other papers placed upon the records in the office of the clerk of the circuit court, any sums not exceeding like taxes levied by the Commonwealth.

C. Annual levy. City council may levy an annual tax upon all persons in the city and upon any property therein subject to local taxation and not expressly segregated to the Commonwealth for purposes of state taxation only. Council may tax such other subjects as may be at the time assessed for state taxes against persons residing therein. Additionally, the city may levy a tax on intangible personal property assessed to residents therein and segregated by laws of the Commonwealth for purpose of taxation, at any rate not exceeding the maximum rate provided by law.

D. Sale of delinquent realty. Council may require real estate or any interest therein in the city delinquent for the nonpayment of taxes to be sold for such taxes with interest thereon and such per centum as they may prescribe for expenses of collection as they deem proper, and they may regulate the terms on which real estate so delinquent may be sold. All city taxes shall be due and payable as provided by council in a proper ordinance.

E. Duty of city treasurer as to delinquent realty. The city treasurer shall make a report to the chief financial officer by July 1 of each year as to all real estate in the city delinquent for nonpayment of real estate taxes assessed thereon for the next preceding year and the chief financial officer shall check the same and transmit it to the city manager. The city treasurer shall also provide a copy of the list transmitted to the chief financial officer to city council on July 1 of each year.

F. Duty of commissioner of revenue upon ascertaining property, etc., has not been properly assessed. If the commissioner of revenue ascertains that any person or any real or personal property or income or salary has not been assessed for city taxation for any year for which it should have been taxed or

that the same has been assessed at less than the law required for any year or the taxes thereon for any cause have not realized, it shall be the duty of the commissioner to list the same and assess city taxes thereon at the rate prescribed for that year adding thereto interest at the rate set by state law. Where the same was not assessed through no fault of the person charged with the taxes, no interest or penalty shall be charged.

G. Applicability. All the provisions of this section shall be applicable to the assessment and collection of all local taxes.

H. Distress of goods and chattels, payment by tenants or fiduciaries. All goods and chattels of any person against whom taxes for the city are assessed may be distrained and sold for such taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for state taxes. The tenant who pays or from whom payment is obtained, by distress or otherwise, of taxes or levies due the city by person under whom he holds shall have credit for the same against the rents he may owe, except when the tenant is bound to pay such taxes or levies by an express contract with such person. Where taxes or levies are paid to the city by any fiduciary on any estate in lands, such taxes and levies shall be reimbursed to him out of the same estate. (1990, c. 542; 2015, cc. 345, 403)

§ 11.02. License taxes.

A. License tax. Council for the City of Bristol, Virginia, may impose a license tax on any endeavor, occupation, person, business or entity permitted and authorized to be licensed and taxed by the general law of the Commonwealth of Virginia. Council may also require a license and impose a tax therefor on any activity not expressly prohibited to be taxed or licensed by the general law or the Constitution of the Commonwealth of Virginia.

B. Fine or penalty for failure to obtain license. Council may impose by ordinance whatever fine or penalty it deems to be appropriate not in excess of a $1,000 fine or one year in jail, either or both, for carrying on any activity, occupation, or similar endeavor, which is permitted to be licensed hereunder and for which no license is obtained by any person or entity prior to entering into said occupation, activity, or similar endeavor.

C. Fees for issuance of transfer of license. City council may, subject to state law, set a fee to be charged for the issuance or transfer of any license permitted to be issued or imposed and actually required by city council pursuant to an ordinance duly adopted hereunder. (1990, c. 542)

§ 11.03. Special assessments.

A. Generally. All local or special assessments shall be made and assessed by council as council may by ordinance prescribe. Provision shall be made by ordinance for the method of levying and apportioning such special assessments and for the publication and giving to such owners an opportunity to

be heard before the final action. Any person affected by such special or local assessment may appeal the decision of council as to any such assessment against him to the circuit court of the city.

B. Sale for nonpayment of assessment or of expense of abating nuisance or removing weeds. The council may by ordinance provide the method of making sale of any lands, lots or premises for nonpayment of the amount of any local or special assessments thereon, or for the nonpayment of any expense incurred by the city in abating nuisances, cutting and removing weeds, removing junk and debris, or any other expense incurred by the city relative to real property within the city limits of the City of Bristol, Virginia for which said expense may be made a lien on the real property as delinquent taxes are a lien. (1990, c. 542)

Chapter 12. Borrowing.

§ 12.01. General power of council.

The city council may in the name of and for the use of the city, incur indebtedness by issuing its negotiable bonds, notes or other obligations upon the credit of the city or solely upon credit of specific property owned by the city or solely upon the credit of income derived from property used in connection with any public utility or project owned and/or operated by the city. (1990, c. 542)

§ 12.02. Debt limits.

The city's total indebtedness shall not exceed the limitations placed upon municipal indebtedness by the Constitution and the general laws of the Commonwealth of Virginia. City council shall not increase the total indebtedness of the city to the point which would render its bonds, notes and obligations non-tax deductible pursuant to any provisions of the Internal Revenue Code except by ordinance adopted by four-fifths vote. (1990, c. 542)

§ 12.03. Limitations on term of bonds or notes.

No bond, note or obligation of the city shall be issued for a longer period than the probable life of the work or object for which the debt is to be contracted, as certified to city council by the public works director if the bond, note or obligation is issued for such a public improvement. No bond, note or obligation issued for refunding of a previous issue shall be for a greater period than thirty years. (1990, c. 542)

§ 12.04. Purposes for which bonds or notes may be issued.

A. The city may issue its bonds, notes or obligations to finance capital projects, including without limitation, public improvements or utilities; for revolving funds for the provision of consumable personal property such as automobiles, trucks, and similar items; to anticipate the collection of revenue; to provide for emergency expenditures; to refund outstanding bonds; to defray the cost in extension of the boundaries of the city; to purchase machinery or equipment on an installment basis; and for any other legitimate municipal purpose for which the city requires or council in its best judgment believes it

is proper to expend funds, subject to the limitations of the Constitution and the general laws of the Commonwealth and this charter.

B. The credit of the city shall not directly or indirectly, under any device or pretense, be granted to or in aid of any person, association, corporation or any other entity. Nothing contained herein shall prevent the city from issuing bonds through its industrial development authority or otherwise as may be permitted by the general law of the Commonwealth of Virginia and the federal law applicable to such bond issues for whatever proper purpose may be advanced in such a specific program.

C. The council is expressly authorized to execute and issue such certificates, notes, bonds or obligations in the name of the city for the purpose of erecting any public school building, jail or other public building, deemed necessary for the public use and benefit. (1990, c. 542)

§ 12.05. Borrowing in anticipation of revenue; use of proceeds of sale of bonds.

Pending the issuance and sale of any bonds, notes or other obligations by this section authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the city to borrow money temporarily and to issue notes and other evidences of indebtedness therefor, and from time to time to renew such temporary loans, or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations or from city taxes and revenues as the case may be. (1990, c. 542)

§ 12.06. Procedure for passing ordinances authorizing bond issues.

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be in keeping with the general law and the Constitution of the Commonwealth of Virginia and shall address, to the extent permitted by state law, all requisite procedural formalities and protocols for making the bonds of the city tax exempt and as attractive to potential investors as they can be made. The bond ordinance will always state the purpose for which it is being issued, the aggregate amount of all bonds that are going to be issued, the term, single or serial, for which they are to be issued and the maximum rate of interest that is to be paid thereon. All other matters relating to the authorization, issuance or sale of bonds or notes may be provided for by council or resolution, so long as such procedure meets all requisite state and federal law requirements. (1990, c. 542)

§ 12.07. Full faith and credit and revenue bonds.

The provisions of this charter shall be equally applicable to both full faith and credit bonds and to revenue bonds. Council is hereby authorized to adopt by ordinance any different procedure or purpose from that set forth in this charter provided such change is required or permitted by state law and necessary to make the bonds or other evidences of indebtedness of this city subject to the most advantageous federal tax treatment possible under the then current Internal Revenue Codes. Prior to making any such change, council shall obtain a legal opinion from qualified bond counsel that such pro-

cedure or purpose change is required by state law or permissible thereunder and requisite to secure advantageous tax treatment under the Internal Revenue Code then in effect. (1990, c. 542)

§ 12.08. Execution, attestation, etc. of bonds.

Any bonds issued by the city under this charter shall be signed by the mayor and attested by the city clerk and shall be made payable at the office of the city treasurer or other place in or out of the Commonwealth as the council may provide, unless otherwise required by state law. In the event the procedure for execution, attestation and payment of such bonds required by the general law of the Commonwealth of Virginia shall be applicable. (1990, c. 542)

§ 12.09. Sinking funds.

A. There may be set apart annually from the revenues of the city a sinking fund equal to one percent on the aggregate outstanding debt of the city which by its terms is not payable within one year. Council may in its discretion annually or from time to time set aside such additional sinking funds as it may be deemed proper.

B. Such sinking fund shall be used exclusively in the payment or purchase and redemption of the outstanding bonds for the city. When such sinking funds are not required or may not within a reasonable time be required for the payment of any bonds for the city or cannot be used to advantage in the purchase and redemption of any bonds of the city, the same shall be securely invested in any legal investment for a municipality corporation to make. The sinking funds may be used in the payment or purchase and the redemption of serial bonds as well as term bonds.

C. Sinking fund commission. City council may constitute a sinking fund commission for the city or it may appoint a sinking fund commission composed of three freeholders who are residents of the city. Council may by ordinance delegate to such appointed sinking fund commission its powers and duties relating to such sinking fund. The bond of the sinking fund commission shall be fixed.

D. Serial bonds. The city may issue bonds hereafter called serial bonds payable in annual installments, the first of which shall be payable at any time the council may prescribe in the ordinance authorizing the issuance of such bonds and the last of which shall be payable within the period of the probable life of the work or object for which the debt evidenced by such bond was created. (1990, c. 542)

Chapter 13. Land Use - Planning, Zoning and Subdivision Control.

§ 13.01. Comprehensive city plan.

The city council shall, upon recommendation of the planning commission, adopt by ordinance a comprehensive city plan for the physical development of the city to promote health, safety, morals, comfort, prosperity and general welfare. The plan may include without limitation the following:

1. The general location, character and extent of all streets, highways, superhighways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, waterways, landings, terminals, airports and other public places or ways and the removal, relocation, widening, narrowing, vacating, abandonment, change or use or extension thereof;

2. The general location, character and extent of all public buildings, schools and other public property and of utilities for the public or the privately owned, off-street parking facilities and the removal, relocation, vacating, abandonment, change of use, alteration, or extension thereof;

3. The general location, character and extent of slum clearance, housing and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings;

4. A general plan for the control and routing of railways, bus lines and all other vehicular traffic;

5. The general location, character and extent of areas beyond the corporate limits of the city to be annexed thereto. The plan, with accompanying maps, plats, charts and descriptive matter, shall show the council's intention for the development of the territory covered by the plan. In the preparation of such plan, the council and its staff shall make careful and comprehensive surveys and studies of the existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will in accordance with existing or future needs best promote health, safety, morals, comfort, prosperity and general welfare as well as efficiency and economy in the process of development. It shall be the further duty and function of the plan to preserve historical landmarks and to control the design and location of statuary and other works of art which are or may become the property of the city and the removal, relocation and alteration of any such work. (1990, c. 542)

§ 13.02. Recommendation of comprehensive plan by planning commission and adoption by council.

The planning commission may recommend the comprehensive plan to city council as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or topographical divisions of the city or functional subdivisions of the subject matter of the plan and may recommend any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the planning commission shall hold at least one joint public hearing with city council upon at least fifteen days notice of the time and place duly published in a newspaper of general circulation in the city. The adoption of the plan or any part thereof, or an amendment, extension or addition shall be by ordinance of the council. Upon approval of the plan by council by the adoption of an appropriate ordinance referring specifically to the maps and descriptive matter and other matter intended by the

planning commission to form the whole or part of the plan to be adopted, a copy of the plan in whole or in part and each amendment, alteration, extension or addition thereto thereafter adopted, together with the ordinances adopted by council shall be certified to the clerk of the circuit court who shall file the same in his office and shall index the same in the deed index book in the name of the city and under the title, "Comprehensive Plan of the City of Bristol, Virginia." (1990, c. 542)

§ 13.03. Effects of the comprehensive plan.

Whenever the council shall have adopted a comprehensive plan for the city and any amendment or extension of the plan or part thereof or addition thereto and it has been certified and filed as provided in § 13.02, then and thereafter no street, square, park or other public way, ground, open space, public building or structure shall be constructed or authorized in the city or in the planned section of the division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the planning commission. No public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof until and unless this general location but not its character and extent has been submitted to and approved by the commission. Any refusal of approval by the planning commission where required can be overturned by a majority vote of the city council upon direct appeal to it from commission action. (1990, c. 542)

§ 13.04. Zoning.

The city council for the City of Bristol, Virginia, shall adopt and maintain a zoning ordinance in keeping with the general law on zoning in the Commonwealth of Virginia and the comprehensive city plan adopted, as both shall be amended from time to time. (1990, c. 542)

§ 13.05. Subdivision.

City council shall adopt a land subdivision and development ordinance in conformity with state law on land subdivision and development and the comprehensive city plan adopted by city council pursuant to this charter, as the general law of the Commonwealth of Virginia on land subdivision and development and the plan may be from time to time amended. (1990, c. 542)

§ 13.06. Injunctive relief.

In addition to any other penalties imposed by ordinance pursuant to the general laws of the Commonwealth of Virginia for violation of any zoning ordinance or subdivision ordinance adopted by city council pursuant to this charter and the general laws of the Commonwealth, the city may maintain an action in circuit court for the City of Bristol, Virginia, for injunctive relief to cause the cessation of any violation and to remove any improvement or work done in violation of said ordinances, and the circuit court for the City of Bristol, Virginia, shall have jurisdiction and power to order such cessations and removals. (1990, c. 542)

Chapter 14. Public Property and Franchises.

§ 14.01. Sale of public property.

The rights of the City of Bristol in and to its real estate, public improvements and utilities, including but not limited to streets, parks, bridges, gas, water, electric and other works, shall not be sold except by ordinance duly adopted by affirmative vote of four-fifths of all the members elected to council. Any sale made pursuant to this power shall be made subject to the limitations imposed by the Constitution and the general laws of the Commonwealth of Virginia. The city shall sell the property by whatever means in its discretion will most benefit the citizens of the city. The ordinance shall also require publication of notice of the sale for two successive weeks in a newspaper of general circulation in the city and posting of notice at the front door of the courthouse for the same period of time. Any sale made by the city for the purpose of economic development within the city may be made without the restrictions hereinabove set forth if an ordinance to that effect is unanimously adopted by council. When, in any development of a plan for all or any part of the city in the laying out of streets and subdividing of lands pursuant thereto, the best interests of the city will be promoted by exchanging and conveying any property owned by the city for other property or rights-of-way or other valuable considerations, such property owned by the city may be exchanged and conveyed pursuant to ordinance without advertisement or competitive methods as otherwise required by provisions of this section. A sale of property pursuant to this section shall be deemed both a contract and a transaction for purposes of Virginia's conflict of interest statutes. (1990, c. 542; 2000, cc. 949, 976)

§ 14.02. Limitations of grant of franchises, leases, etc.

No franchise, lease or right of any kind to use any public property or easement of any description in a manner not permitted to the general public shall be granted for longer than forty years, except that an easement for air rights together with easements for columns for support may be granted for a period not exceeding sixty years. (1990, c. 542)

§ 14.03. Procedure to grant franchise.

Before granting any franchise or privilege for a term in excess of five years, except for a trunk railway, the city shall after due advertisement receive bids therefor publicly, in such manner as provided by general law and shall act as required by the general law of the Commonwealth of Virginia as the same may be from time to time amended. (1990, c. 542)

§ 14.04. Right of city to purchase or take over plant, etc. at termination of franchise.

Any grant or franchise may provide that upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues and other public places shall thereupon without competition to grantee or upon payment of a fair evaluation thereof, be and become the property of the city or town. The grantee shall not be entitled to any payment for the value of the franchise itself. Any such plant or property acquired by the city may be sold or leased, or maintained, controlled and operated by the city. Every grant shall specify the mode of determining any valuation therein provided for and shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public

service at reasonable rates and the maintenance of the property in good order throughout the term of the grant. (1990, c. 542)

§ 14.05. Transfer of franchises.

No public utility franchise shall be transferable except with the approval of the city council expressed by ordinance and copies of all authorized transfers and mortgages or other documents affecting the title or use of any public utilities shall be filed with the city clerk within ten days after the execution and delivery thereof. (1990, c. 542)

§ 14.06. Reservation of rights to the city.

All grants, renewals, extensions or amendments of public utility franchises whether so provided in an ordinance or not shall be subject to the right of the city:

1. To repeal the same by ordinance at any time for misuse or nonuse or for failure to begin construction within the time prescribed or otherwise to comply with the terms prescribed;

2. To require proper and adequate extension of plants and services and maintenance of the plant and fixtures at the highest practical standard of efficiency;

3. To establish reasonable rates and standards of services and quality of products and prevent unjust discrimination in service of rates;

4. To prescribe the form of accounts and at any time to examine and audit the accounts and other records of such utility; and to require annual and other reports by such public utility; provided that if forms of accounts shall have been prescribed by the State Corporation Commission of Virginia for public utilities throughout the Commonwealth, the form so prescribed shall be controlling as far as they go, but the council may prescribe more detailed forms for the utilities within its jurisdiction;

5. To impose such other regulations as may be conducive to the safety, welfare and convenience of the public. (1990, c. 542)

§ 14.07. Extension of public utilities.

All extensions of public utilities within the city limits shall become a part of the aggregated property of such public utility, shall be operated as such and shall be subject to all obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain such extension shall terminate with the original grant. (1990, c. 542)

§ 14.08. Eminent domain.

The city shall have for the purpose of carrying out its powers and duties all rights of eminent domain as may be granted to it by the general laws of the Commonwealth of Virginia and by other provisions of this charter to condemn property within and without the jurisdiction of the city for the public purposes of its operation as a municipality. (1990, c. 542)

Chapter 15. Miscellaneous Provisions.

§ 15.01. Officer salaries.

Officers provided for in this charter, including mayor and council members, without limitation, shall receive such salaries, compensation, fees and emulences as may be provided by the general laws of the Commonwealth and prescribed by the council, except as otherwise herein prohibited. Such salaries as are set by council, including its own, shall be done by ordinance and in accordance with the provisions of the general laws of the Commonwealth of Virginia. (1990, c. 542)

§ 15.02. Oaths of office, official bonds, power of certain officers to administer oaths.

Except as otherwise provided by general law or by this charter, all officers elected or appointed under the provisions of this charter shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance of the city council, before the clerk of the circuit court of the City of Bristol and file the same with the city clerk before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. The commissioner of revenue, city clerk, city chief financial officer and city manager shall have power to administer oaths and take and sign affidavits in the discharge of their respective official duties. (1990, c. 542; 2015, cc. 345, 403)

§ 15.03. Investigation into city affairs.

City council, the city manager, and the city attorney shall have power to make investigations as to city affairs. For that purpose, city council, the city manager, or the city attorney shall have the power to subpoena witnesses, administer oaths, and compel the production of evidence relating to any person, officer, board, commission, authority or other entity that conducts business with the City of Bristol, Virginia. Any person refusing or failing to attend or to testify or to produce such books and papers may be summonsed by such council, city manager, or city attorney before the judge of the General District Court for the City of Bristol, Virginia, by council, the city manager, or the city attorney making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be found guilty by the judge of the general district court of a Class 2 misdemeanor and fined or jailed accordingly. Such persons shall have the right to appeal to the circuit court of the city any conviction pursuant hereto. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1990, c. 542; 2021 Special Session I, c. 417)

§ 15.04. Permits to be construed as revocable licenses and not as grants.

Every permit given or authorized by the council or city manager to violate the ordinances of the city establishing fire limits or providing for the character of materials which may be used in the construction of buildings within such fire limits and every permit authorized in violation of the ordinances of the city relating to obstructions in, over and under or encroachments on the streets, alleys, parks

and other public grounds and property of the city and every permit authorized in violation of any ordinance of the city shall be deemed to be a license which is revocable and not a franchise or grant, such license therefor being revocable at the will of council without the need for just cause shown. (1990, c. 542)

§ 15.05. Notice of claim of city liability.

No action shall be maintained against the City of Bristol, Virginia, for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or any officer, agent or employee thereof unless a written statement by the claimant, his agent, attorney or representative of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney or with the mayor or city manager within six months after such cause of action shall have accrued. (1990, c. 542)

§ 15.06. Exemption from Washington County taxes.

All property owned directly or indirectly by the City of Bristol located in Washington County, Virginia, or in any other county in the Commonwealth of Virginia, used wholly and exclusively for city purposes, or being held pending determination of a use to be made of the property, shall be exempt from taxation in and by such county or counties or by any district therein. Any property acquired for and in connection with the developmental water supply for the city and which is used or shall be used for the purpose of a home of any one employed by the city to protect and care for such water supply and any property acquired and retained for the protection of such water supply, shall be deemed to be used wholly and exclusively for city purposes. (1990, c. 542)

§ 15.07. Failure of officers to perform duty.

If any officer of the City of Bristol, whether he be elected by vote of the people or by the council, or appointed by the council, by the judge of the circuit court or the city manager, shall intentionally refuse to perform any material duty required of him by this charter or by ordinance or resolution of the city council, he shall by reason thereof forfeit his office and shall be liable for all damages which may accrue to the city or any other person by reason of his failure or refusal to perform his duty. (1990, c. 542)

§ 15.08. Reserved.

§ 15.09. Settlement of controversies between appointed officers and elected officers.

In the event that the city manager or other officer elected by the council, in the administration of their respective duties, shall disagree or have any controversy with any of the officers of the city elected by the voters, such matter in dispute or controversy shall be submitted to the city council for the City of Bristol, Virginia, for review and the decision of the city council with respect thereto shall be final. (1990, c. 542)

§ 15.10. Severability.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1990, c. 542)

§ 15.11. How cited.

This charter for all purposes may be referred to as the Bristol, Virginia Charter of 1989. (1990, c. 542)

§ 15.12. Construction.

Wherever herein the singular shall appear, the plural shall be included and vice versa; and wherever herein the feminine, masculine or neuter shall appear, whether by pronoun or otherwise, such language shall be intended to include the feminine, masculine or neuter and to not be considered gender specific. (1990, c. 542)

Chapter 16. Transitional Provisions.

§ 16.01. Present officers to hold over, contracts, etc. to continue.

The present mayor, councilmembers and all other officers of the City of Bristol shall continue to hold office, and to perform the duties of their respective offices for the city for the terms for which they were elected or appointed and until their successors are elected or appointed to replace them and such replacements are qualified, as herein or elsewhere provided by law; and all liabilities, actions, claims, contracts and prosecutions heretofore existing under the Charter of the City of Bristol shall remain and continue as if this charter had not been passed. (1990, c. 542; 2022, c. 143)

§ 16.02. Ordinances to continue in force.

All ordinances now in force in the City of Bristol not inconsistent with this charter shall be and remain in force until altered, amended, or repealed by the council of the city. (1990, c. 542)

§ 16.03. Repealer.

All acts and parts of acts in conflict with this charter are hereby repealed insofar as they affect the provisions of this charter and former charters and amendments thereto for the City of Bristol are hereby repealed. (1990, c. 542)

§ 16.04. When effective.

This charter shall be effective upon enactment by the General Assembly of the Commonwealth of Virginia. (1990, c. 542)

Broadway, Town of

County of Rockingham

History of incorporation

Incorporated by an 1879-80 Act of Assembly.
Charter, 1879-80, c. 246; repealed, 1885-86, c. 226.
Charter, 1885-86, c. 226; repealed, 1954, c. 563.
Charter, 1954, c. 563; repealed, 1978, c. 836.

Current charter
Charter, 1978, c. 836.

Amendments to current charter
1982, c. 9 (§ 3.2)
2018, cc. 89, 331 (§§ 3.2, 4.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory embraced within the present limits of the town of Broadway, as such limitations are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Broadway, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1978, c. 836)

§ 1.2. Boundaries.

The present boundaries of the town are as follows:

> The identical tract of land as described in Chapter 563 of the Acts of Assembly of 1954, plus (a) the tracts described in the annexation order entered November 28, 1922, by the Circuit Court of Rockingham County, Virginia, which order is spread in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Common Law Order Book 17, at page 132; (b) the tract described in the annexation order entered August 17, 1959, by the Circuit Court of Rockingham County, Virginia, which order is spread in the aforesaid Clerk's Office in Common Law Order Book 24, at page 582, in Deed Book 274, at page 445; and (c) the tract described in the annexation order entered December 28, 1967, by the Circuit Court of Rockingham County, Virginia, which order is spread in the aforesaid Clerk's Office in Common Law Order Book 27, at page 45, and in Deed Book 356, at page 319. (1978, c. 836)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Broadway shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no

enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1978, c. 836)

§ 2.2. Adoption of certain sections of the Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-915.1, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1978, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, insofar as they do not conflict with other power and authority conferred by virtue of this charter, are hereby conferred on and vested in the town of Broadway. (1978, c. 836)

Chapter 3. Council.

§ 3.1. Composition; election and qualification.

The administration and government of the town of Broadway shall be vested in the town council composed of a mayor and six councilmen, all of whom shall be electors of the town. The town shall be governed under the general councilmanic plan. The mayor and councilmen shall be elected from the town at large. (1978, c. 836)

§ 3.2. Terms of office.

All councilmanic elections shall be held in accordance with general law. Commencing in November 2019, and every odd-numbered year thereafter, there shall be elected three councilmen to serve four-year terms. Their terms shall commence January 1 of the year after which the election is held.

Each councilman elected as hereinabove provided shall serve for the term stated or until his successor has been elected and duly qualified in office. No amendment to this section shall affect the term of office of any person holding office as councilman at the time of the adoption of such amendment. (1978, c. 836; 1982, c. 9; 2018, cc. 89, 331)

§ 3.3. Vacancies.

Any vacancy on the town council shall be filled for the unexpired term within thirty days by a majority vote of the remaining members of the town council; provided, however, that if the term of office to be filled does not expire for one year or more after the next regular municipal election following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term.

The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidates receiving the

next highest number of votes shall be entitled to the unexpired term caused by such vacancy. (1978, c. 836)

§ 3.4. Disqualification and expulsion.

The town council shall be judge of the election, qualifications and returns of its members; it may compel the attendance of absent members and fine them for disorderly behavior, and, with the concurrence of two-thirds of the members, expel a member for malfeasance while in office. If any member of the council shall be adjudged by the council disqualified or be expelled, his seat shall be declared vacant and a new election to fill the vacancy shall be held at the same place, on such day as the council may prescribe. (1978, c. 836)

§ 3.5. Absenteeism.

If any member of the council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council, and the unexpired term filled by appointment or election as provided in § 3.3 herein. (1978, c. 836)

§ 3.6. Quorum; reconsideration of action.

Any four councilmen shall constitute a quorum for the transaction of business except as herein or by the general statutes of the Commonwealth otherwise provided. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the town council present as were present when such vote was taken. (1978, c. 836)

§ 3.7. Rules and special meetings.

The council shall by ordinance adopt such rules, regulations and resolutions as it may deem proper for the regulations of its proceedings and shall meet at such time as may be prescribed by ordinance, provided, however, that it shall hold at least one regular meeting each month. The mayor or any other two members of the council, may call a special meeting of the council upon at least twelve hours written notice to each member of the time, place and purpose of such meeting, which notice is to be served personally or left at each member's usual place of business or residence by a town policeman or officer, and no business shall be transacted by the council in such special meetings which has not been stated in the notice, provided, however, that these regulations shall not apply when all members of the council attend such meeting or waive notice thereof, nor shall it apply to an adjourned session from a regular meeting. (1978, c. 836)

§ 3.8. Meetings to be public.

The meetings of the council shall be public, unless the council by a recorded affirmative vote of two-thirds of its members shall declare that the public welfare demands an executive session of the council for any reason as set forth in the Virginia Freedom of Information Act. (1978, c. 836)

§ 3.9. Salaries.

The town council is hereby authorized and empowered by ordinance passed by the affirmative recorded vote of two-thirds of the full membership thereof, to be determined by yeas and nays, to provide and fix salaries for its members, in accordance with the provisions of law in such amounts for each member, as it may determine, to be payable in such amounts and at such time or times as it may direct.

No such ordinance shall be passed by the council on the same day on which it is introduced, nor shall it be valid until at least three days intervene between its introduction and the date of passage.

The council may provide and fix the salaries for its members, on the basis of stated amounts of sums, for each regular meeting of council attended by members, and may prescribe that no member shall receive any compensation for any meeting of the council not attended by such member.

Such salaries, when provided and fixed, shall be payable out of the general funds of the town when approved for payment by the council. Salaries shall not be diminished during the member's term of office. (1978, c. 836)

§ 3.10. Ineligibility to hold certain offices.

No member of the town council during his tenure of office as such shall be eligible to appointment to any remunerative office to be filled by the council. (1978, c. 836)

§ 3.11. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1978, c. 836)

§ 3.12. Journal of proceedings.

A journal shall be kept of the proceedings of the town council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they were read.

The clerk of the council shall keep the journal and shall record the proceedings of the council at large thereon, and keep the same properly indexed. Further, the journal and other minutes and records of the council shall be open for public viewing at any reasonable time upon the request of any citizen. (1978, c. 836)

§ 3.13. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the Constitution and general laws of the Commonwealth of Virginia and by this charter and the recital of special powers and authorities herein shall not be taken to exclude the exercise of

any power and authority granted by the general laws of the Commonwealth to the town councils, but not herein specified. (1978, c. 836)

Chapter 4. Mayor.

§ 4.1. Term of office and salary.

The mayor shall be elected by the qualified electors of the town for a term of four years. In the general election in November 2019, and continuing at the general election each four years thereafter, a mayor shall be elected. His term shall commence January 1 of each year after which the election is held.

His salary shall be fixed by the town council by ordinance in accordance with the provisions of law and shall not be diminished during his term of office.

No such ordinance shall be passed by the council on the same day on which it is introduced, nor shall it be valid until at least three days intervene between its introduction and the date of passage.

No amendment to this section shall affect the term of office of any person holding the office of mayor at the time of the adoption of such amendment. (1978, c. 836; 2018, cc. 89, 331)

§ 4.2. Powers and duties.

The mayor shall be the chief executive officer of the town and it shall be his duty to see that the laws and ordinances thereof are fully executed; further, he shall preside over the meetings of the town council and possess the same power to vote as any councilman on the town council. (1978, c. 836)

§ 4.3. Vice-mayor.

At the first or organizational meeting of the town council held in each year the town council shall elect from its members, by a majority vote of the members elected, a vice-mayor who shall serve for a term of one year. During the absence of the mayor or the inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. (1978, c. 836)

§ 4.4. Absence or inability to act.

If both the mayor and vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1978, c. 836)

§ 4.5. Vacancy in office.

In case a vacancy shall occur in the office of the mayor, the vacancy shall be filled in the same manner provided for filling councilmanic vacancies in § 3.3 of this charter. (1978, c. 836)

§ 4.6. Annual report.

The mayor shall communicate to the town council annually at the beginning of each fiscal year, or more often if he be required by the council, a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper; and may from time to time communicate to the council such suggestions and recommendations as he shall deem expedient. (1978, c. 836)

Chapter 5. Appointive Officers.

§ 5.1. Appointment.

The town council may appoint such officers of the town as it may deem necessary. Such officers may include but shall not be limited to, a town manager, town treasurer, clerk of the council, town attorney, chief of police and such other officers as may be provided for by the town council. The enumeration of officers in this section shall not be construed to require the appointment of any such officers named herein. Officers appointed by the town council shall perform such duties as may be specified in this charter or by the town council.

The council may further appoint such committees of the council and create such boards, departments and commissions of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this charter and the general laws of the Commonwealth. (1978, c. 836)

§ 5.2. Employees' salaries, duties and powers generally.

The council shall by ordinance fix the salaries of all officers and employees of the town appointed by it, or appointed by its authority and may so far as is not inconsistent with the provisions of this charter, define the powers and prescribe the duties of all such officers and employees. To effectuate the powers conferred by general law as well as the powers herein specifically granted, the council may employ all such persons as may be necessary. (1978, c. 836)

§ 5.3. Term of office; removal.

All appointive officers shall serve an indefinite term from the date of their appointment. All officers and employees appointed may be removed by the town council at its pleasure, and where the appointment is by a committee or board, or where such appointment is by the mayor, or head of a department, such removal may be by order of the mayor or head of department. (1978, c. 836)

§ 5.4. Filling two offices.

It shall be lawful for any officer appointed by the council, any committee, municipal board, or the head of any department to fill two or more of the offices, whose incumbents are appointed by the council or by any appointing power designated by the council, subject to the same penalties, liabilities and

requirements as to each of such offices as would apply to the incumbents thereof if held by different persons. (1978, c. 836)

§ 5.5. Vacancies.

Upon the removal, expulsion, death or disability of any appointive officer, the town council shall fill any vacancy in such office as it deems best. (1978, c. 836)

§ 5.6. Town manager; appointment and qualification.

The council of the town of Broadway, may, in its discretion, appoint a town manager who may also serve as town engineer. Upon his appointment, he shall be vested with the administrative powers of the town and shall hold office for an indefinite term. He shall receive such compensation as shall be fixed by the council from time to time. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practices with respect to the duties of his office. (1978, c. 836)

§ 5.7. Town manager; duties.

It shall be the duty of the town manager to:

A. attend all meetings of the town council with the right to speak but not to vote, recommending for adoption such measures as he shall deem expedient;

B. keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable;

C. prepare and submit a tentative annual budget to the town council for each fiscal year and be responsible for its administration after its adoption;

D. prepare and present adequate financial and activity reports as required by the town council;

E. perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the town council or which may be required of a town manager by the general laws of the Commonwealth. (1978, c. 836)

§ 5.8. Clerk.

It shall be the duty of the town clerk to:

A. attend all meetings of the town council and keep permanent records of its proceedings;

B. be custodian of the town seal and affix it to all documents and instruments requiring the seal and attest the same;

C. keep all papers, documents and records pertaining to the town, the custody of which is not otherwise provided for in this charter;

D. give notice to all parties, presenting petitions or communications;

E. give to the proper department or officials ample notice of the expiration or termination of any franchise contract or agreements;

F. publish such records and ordinances as the council is required to publish and such other records and ordinances as it may direct;

G. upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials;

H. perform such other acts and duties as the council may from time to time allow or require. (1978, c. 836)

§ 5.9. Treasurer.

It shall be the duty of the treasurer to:

A. be the disbursing agent of the town and have the custody of all money and all evidences of value belonging to the town or held in trust by the town;

B. receive all money belonging to and received by the town and keep correct accounts of all receipts from all sources and of all expenditures of all departments;

C. collect all taxes and assessments, water rents, electric bills and other charges belonging and payable to the town, and for that purpose he is hereby vested with power similar to those which are now or may hereafter be vested in county and town treasurers for the collection of county, town and State taxes under the general law;

D. keep, disburse and deposit all money or funds in such manner and in such places as may be determined by ordinance or the provisions of the law applicable thereto;

E. pay no money out of the treasury except in the manner prescribed in this charter or by ordinance or the general law;

F. perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and town license taxes and shall have power to administer oaths in the performance of his official duties;

G. make such reports and perform such other duties not inconsistent with the office as may be required by this charter or by ordinance or resolution of the council;

H. execute a bond in such amount and with such security as the council by ordinance may prescribe before entering upon the duties of his office;

I. not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council;

J. be subject to the supervision of the council of the town of Broadway and perform such other duties not inconsistent with his office as may be required of him by the town council. (1978, c. 836)

§ 5.10. Chief of police.

As provided by the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town of Broadway the office of town sergeant. However, if the council should see fit to appoint a chief of police he shall qualify and give bond in such amount as the council may require. He shall be vested with powers of the conservator of the peace and shall have the same powers and discharge the same duties as sheriffs within the corporate limits of the town and to a distance of one mile beyond the same, and shall perform such other duties as may be from time to time prescribed by the council.

The council shall have the additional power and authority to appoint such additional police officers and privates as it may deem necessary or proper. The entire police force shall be under the control of the town council for the purpose of enforcing peace and order and executing the laws of the State and ordinances of the town. (1978, c. 836)

Chapter 6. Financial Provisions.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1978, c. 836)

§ 6.2. Two-thirds vote required for taxes or borrowing.

Notwithstanding the requirements of quorum for the transaction of business as provided in § 3.6 hereinabove, no ordinance or resolution shall be adopted having for its object the levying of taxes or contracting a debt except by a recorded, affirmative vote of two-thirds of the members serving on the council. (1978, c. 836)

§ 6.3. Second reading required for taxes or borrowing.

No ordinance or resolution imposing taxes or authorizing the borrowing of money, shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid until at least three days intervene between its introduction and the date of passage. (1978, c. 836)

§ 6.4. Majority vote required for appropriations.

No ordinance or resolution appropriating money shall be passed except by the recorded, affirmative vote of a majority of all members serving on the council. (1978, c. 836)

§ 6.5. Temporary debt.

The council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the town, such loans to be evidenced by bonds or notes bearing

interest as provided by law; such bonds or notes shall be payable within one year from date of issue out of the current revenue of the year in which the same are issued. (1978, c. 836)

§ 6.6. Sinking fund.

There may be set apart annually from the revenues of the town a sinking fund sufficient in amount to pay the outstanding indebtedness of the town, which by its terms, is payable in not less than one year as it matures, and the council may, in its discretion annually from time to time, set aside such additional sinking fund as may be deemed proper, and invest all of the sinking fund as hereinafter set forth.

All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not within a reasonable time be required for payment of any bond of the town, or cannot be used to advantage in the purchase and redemption of any bonds of the town, which may be outstanding, the same shall be securely invested in interest-bearing municipal, State or government bonds or loaned upon otherwise unencumbered real estate, within the town of Broadway upon the basis hereinabove provided, or invested in any securities approved by the general laws of the Commonwealth for the investment of such funds, or deposited in a bank at a reasonable rate of interest. Such sinking fund may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council. (1978, c. 836)

§ 6.7. Signatures and seal.

All bonds and other evidences of indebtedness of the town shall be signed by the mayor and countersigned by the clerk of the council, and to all bonds the clerk of the council shall affix the corporate seal of the town and attest the same. (1978, c. 836)

Chapter 7. Miscellaneous.

§ 7.1. Electors.

The electors of the town of Broadway shall be the actual residents of the town who are otherwise qualified to vote in State elections. (1978, c. 836)

§ 7.2. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1978, c. 836)

§ 7.3. Oaths and qualifications.

The mayor, councilmen and all municipal officers shall, before entering upon the duties of their respective offices, be sworn and give bond in accordance with the laws of the Commonwealth of Virginia. A record or certificate of the same shall be filed as required by State law. Failure of any officer to qualify as required by State law vacates the office, which vacancy shall be filled as hereinabove provided. (1978, c. 836)

§ 7.4. Duties upon vacating office; penalty.

If any person, having been an officer or employee of the town, shall not within ten days after he shall have vacated or been removed from office or employment, and upon notification or request of the council within such time as it may allow, deliver to his successor in office all property, books and papers belonging to the town or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provision of this charter, or of any ordinances or order of the town council, or any superior officer of the town, shall be deemed the property of the town and appertaining to such office, and the chief officer thereof shall be held responsible therefor. (1978, c. 836)

§ 7.5. Rewards.

The town council shall have the power and authority, where any crime has been committed or attempted to be committed in the town, in its discretion, to offer such reward as it deems appropriate to any person or persons for information leading to the arrest or conviction of any such criminal. (1978, c. 836)

§ 7.6. Shows, circuses, etc.

The town council shall have the power to regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, within the town or within one mile thereof. (1978, c. 836)

§ 7.7. Fire protection.

The town council shall have the power and authority to establish and maintain a fire department for the town, and all powers necessary for the government, management, maintenance, equipment and direction of such fire department and the premises, property and equipment thereof; or the council may contract with other persons, firms, corporations or organizations to furnish for the town such services as are normally provided by a fire department and to provide such regulations as it may determine appropriate to govern such persons, firms, corporations or organizations in the performance of its functions under such contracts. The council may make ordinances as it may deem proper for the prevention and extinguishment of fires, for the regulation of the conduct of persons in attendance at fires, in relation to the powers and duties of the officers and men of the fire department, to require citizens to render assistance to the fire department in case of need, and in relation to the acquisition, use, maintenance and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1978, c. 836)

§ 7.8. Ordinances continued in force.

All ordinances now in force in the town of Broadway, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1978, c. 836)

§ 7.9. Present officers to continue.

The present officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected or appointed and qualified. (1978, c. 836)

§ 7.10. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1978, c. 836)

§ 7.11. Reference.

This act may for all purposes be referred to or cited as the Broadway Charter of 1978. (1978, c. 836)

Brodnax, Town of

Counties of Brunswick and Mecklenburg

History of incorporation

Incorporated by a 1915 Act of Assembly.
Charter, 1915, c. 3; repealed 1977, c. 131 (except § 2).

Current charter

Charter, 1977, c. 131.

Amendments to current charter

2008, cc. 105, 283 (§ 3.1)
2012, cc. 185, 392 (§ 3.8)
2020, cc. 119, 890 (§§ 3.1, 3.8)

Editor's note: The following § 2 is retained from the Charter of 1915 as referenced in § 1.2 of the current charter.

§ 2. The limits of the town shall be as follows:

Beginning at an iron stake at a point in Brunswick county, Virginia, in the center of the track of the Southern railroad, near the "Overland" bridge, three thousand one hundred and forty-three feet, measured along the said railroad track, from the intersection of the main street of the said town, with the center line of the Southern railroad track in Brunswick county, Virginia; thence north fifteen and one-half degrees west three thousand and seventy feet to a corner iron stake on the land of V. J. Smith; thence south sixty-eight degrees west five thousand four hundred and ninety feet to a corner iron stake in Mecklenburg county, Virginia, in the public roads leading from Brodnax to La Crosse; thence south twenty-six and three-quarter degrees east four thousand four hundred and thirty feet to a corner iron stake in Mecklenburg county, Virginia, in the public road leading from Brodnax south; thence north fifty-two degrees east four thousand nine hundred and seventy feet to the point of

beginning; containing in Brunswick county two hundred and ninety-four and one-half acres, and in Mecklenburg county, one hundred and forty-four and one-half acres. (1915, c. 3)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Brodnax, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Brodnax, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1977, c. 131)

§ 1.2. Boundaries.

The boundaries of the town of Brodnax shall be as described in § 2 of Chapter 3 of the Acts of Assembly of 1915. (1977, c. 131)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Brodnax shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1977, c. 131)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-915, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1977, c. 131)

§ 2.3. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of Brodnax. (1977, c. 131)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

The town of Brodnax shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large. Any

person qualified to vote in the town shall be eligible for the office of councilman or mayor. The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for mayor and councilmen shall be held on the first Tuesday in May, nineteen hundred seventy-eight and on the first Tuesday in May of every second year thereafter and take office on the first day of July succeeding their election, provided that the mayor and councilmen elected the first Tuesday in May, nineteen hundred seventy-eight, shall not take office until September one, nineteen hundred seventy-eight, to serve for terms of one year ten months. Thereafter they shall each serve for a term of two years or until their successors have qualified.

However, beginning in 2009, the election for mayor and councilmen shall be held at the time of the November general election with elected members to take office on the first day of January succeeding their election. The terms of council members in office at the time of the November 2009 election shall end on January 1, 2010. The mayor and the three members of town council receiving the highest number of votes in the November 2009 election shall serve four-year terms. The other four persons elected to town council in November 2009 shall serve two-year terms. Thereafter, all council members shall be elected for four-year terms.

Beginning in 2019, the town shall be governed by a town council composed of five councilmen and a mayor. Three councilmen shall be elected to four-year terms at the November 2019 election, and the mayor and two councilmen shall be elected to four-year terms at the November 2021 election. (1977, c. 131; 2008, cc. 105, 283; 2020, cc. 119, 890)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the remaining members of the council. (1977, c. 131)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term from among the qualified voters of the town, including the members of the council, by a majority vote of the council. (1977, c. 131)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1977, c. 131)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town and a member of council. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as

members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1977, c. 131)

§ 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor over the acts of the council. (1977, c. 131)

§ 3.7. Acting mayor.

If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time, but shall not exercise the veto power of the mayor over the acts of the council. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1977, c. 131)

§ 3.8. Meetings of council.

The town council shall fix the time of its stated meetings, and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Three members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any two members of the council, provided that the mayor and all council members are duly notified a reasonable period of time prior to such meetings and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. But no ordinance or

resolution shall be adopted or passed having for its object the levying of taxes except by a concurring vote of two-thirds of the members of council. (1977, c. 131; 2012, cc. 185, 392; 2020, cc. 119, 890)

§ 3.9. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected. (1977, c. 131)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The town council may, in its discretion, appoint a town clerk, a town treasurer, a town sergeant and such other officers, and may create such other boards and departments as may be authorized by law. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties, not inconsistent with general law, as this charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any such officers herein named. (1977, c. 131)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1977, c. 131)

§ 4.3. Term of office.

Appointees hereunder shall serve at all times during the pleasure of the town council and may be dismissed at any time by the council. (1977, c. 131)

§ 4.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1977, c. 131)

§ 4.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1977, c. 131)

§ 4.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1977, c. 131)

§ 4.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for this purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate

it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. The records in his office shall be public records and open to inspection during regular business hours. (1977, c. 131)

Chapter 5. Financial Provisions.

§ 5.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1977, c. 131)

§ 5.2. Powers and duties of town treasurer.

The treasurer shall receive all money belonging to and received by the town and keep a correct account of all receipts from all sources, and expenditures of all departments. He shall collect all taxes, levies, licenses, assessments, fees, water rents and other charges belonging to and payable to the town and for that purpose he is hereby vested with any and all powers which are now or may be hereafter vested in county treasurers, for the collection of county, city, and State taxes under the general law; he shall keep and disburse all monies or funds in such manner and in such places as may be determined by ordinance or the provisions of law applicable thereto. He shall pay no money out of the treasury except in the manner prescribed by ordinance or the general law; he shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and the town license taxes and shall have power to administer oaths in the performance of such duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by the mayor or by resolution and ordinance of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council. (1977, c. 131)

Chapter 6. Miscellaneous.

§ 6.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1977, c. 131)

§ 6.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1977, c. 131)

§ 6.3. Ordinances continued in force.

All ordinances now in force in the town of Brodnax, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1977, c. 131)

§ 6.4. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1977, c. 131)

§ 6.5. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1977, c. 131)

Brookneal, Town of

County of Campbell

History of incorporation

Established as Brooke Neal January 14, 1802, by Chapter 65 of the Acts of Assembly.
Incorporation and charter, 1908, c. 60; repealed 1964, c. 420.
Charter, 1926, c. 287; repealed 1964, c. 420.

Current charter

Charter, 1964, c. 420.

Amendments to current charter

1970, cc. 221, 482 (§§ 3, 8)
1973, c. 46 (§ 3)
1977, c. 118 (§§ 2, 7, 8 [repealed], 15 [repealed])
1985, c. 47 (§ 26 [added])
2003, c. 123 (§ 3)
2007, c. 323 (§ 19)

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Brookneal, or as the same may be hereafter altered or established by law, shall constitute, and continue a body politic and corporate, to be known and designated as the Town of Brookneal, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though all such powers were specifically enumerated herein. (1964, c. 420)

§ 2. The administration and government of the town shall be vested in one principal officer, denominated the mayor, and a council which shall consist of six members, all of whom shall be residents and qualified voters of the town. The council shall elect a vice-mayor from one of their number, who, in the absence of the mayor, shall be responsible for and perform all duties of the mayor. Each councilman may receive a salary for his services as such, the amount thereof to be fixed by the council.

The mayor may receive a salary for his services, the amount to be fixed by the council. In either event no increase in salary for the mayor or members of council shall take effect until an election for such offices has been held and the mayor or councilmen so elected take office. (1964, c. 420; 1977, c. 118)

§ 3. (a) The mayor shall be elected by the qualified voters of the town at the time of the November general election in 2002, and every two years thereafter. The mayor shall take office on the first day of January, after his election. In the event of the death, resignation, removal or disqualification of the mayor for any reason or cause, the vice-mayor shall act as mayor for the remainder of the term of office and until his successor shall be elected and qualified.

(b) Council members shall be elected by the qualified voters of the town to four-year terms at the time of the November general election of every even-numbered year in the manner herein provided. Three council members shall be elected in the municipal election held in November 2002, and in municipal elections held every four years thereafter. Three council members shall be elected in the municipal election held in November 2004, and in municipal elections held every four years thereafter. The members of the council shall take office on the first day of January, after their election.

(c) In the event of death, resignation, removal, or disqualification of a council member for any reason or cause, the council shall elect a person who is a resident and a qualified voter of the town to fill the unexpired term of the said council member. (1964, c. 420; 1970, cc. 221, 482; 1973, c. 46; 2002, c. 123)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' notice shall be given to the other members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. However, in case of an emergency, which is certified to be an emergency by a quorum of the council, a special meeting may be held to handle emergency matters. (1964, c. 420)

§ 5. The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1964, c. 420)

§ 6. The council of the town shall be empowered to borrow such sum or sums of money as may be requisite or necessary, subject to such limitations that are now or may be imposed by the Constitution

of and the Laws of the Commonwealth of Virginia. The council of the town shall be empowered to issue revenue bonds as may be requisite or necessary, in the manner prescribed by law. (1964, c. 420)

§ 7. The council shall appoint a sergeant or a Chief of Police, as determined and designated in the sole judgment of the council, and such other officers as may be requisite who shall qualify as provided by law, and give bond in such amount as the council requires. Those appointed shall be conservators of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to a distance of one mile beyond the same. They shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1964, c. 420; 1977, c. 118)

§ 8. (1964, c. 420; 1970, cc. 221, 482; repealed 1977, c. 118)

§ 9. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the Town of Brookneal and its council shall have the powers set forth in the following sections of this charter. (1964, c. 420)

§ 10. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve at such rates as the council prescribes, any or all of which rates the council may alter at any time without notice.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1964, c. 420)

§ 11. The town is empowered to establish, construct, enlarge and maintain such sanitary sewer lines and sewerage disposal systems as the council deems necessary or expedient, and when the health or development of an area demands, after a public hearing and ordinance duly enacted, require owners or occupiers of real estate within the corporate limits of the town, which fronts or abuts on any such sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer services, the reasonableness of which the council shall be the sole judges. Sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues. (1964, c. 420)

§ 12. The town is empowered to acquire by purchase, condemnation or otherwise property, real or personal, either within or without its corporate limits, as the council deems necessary for the purpose of

establishing, enlarging, maintaining, or operating its water system, sewer system, and for streets, sidewalks, roads, rights-of-way and recreational purposes. (1964, c. 420)

§ 13. Insofar as not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation upon its streets and alleys, of motor vehicles carrying passengers or freight for hire, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town, for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as meets with the approval of the council; and, (c) to prescribe rules and regulations with respect to motor traffic of all kinds, within the town, and the parking of motor vehicles on its streets and alleys. (1964, c. 420)

§ 14. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to impose and collect a license tax for the privilege of doing within the town anything upon which the State imposes a license tax provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such thing, than that imposed by the State on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council. (1964, c. 420)

§ 15. (1964, c. 420; repealed 1977, c. 118)

§ 16. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town by any fence, building, porch, or other projection, and to require the removal of any such encroachment heretofore or hereafter made unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town, no statute of limitation shall run. (1964, c. 420)

§ 17. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed to be placed in suitable conduits, underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1964, c. 420)

§ 18. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals, safety and general welfare of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and by-laws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor, and provided further, that all ordinances, by-laws and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, by-laws or resolution, upon which the same shall become effective. (1964, c. 420)

§ 19. Town manager.

(a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical, and electrical engineering. He need not, when appointed, be a resident of the town, or of the Commonwealth of Virginia, but shall during his term of office, reside within the Commonwealth of Virginia, and shall be appointed for such term as he and the council agree upon, not to exceed town years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no order of suspension or removal shall be made until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council, suspending or removing the town manager, shall be final. The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1964, c. 420; 2007, c. 323)

§ 20. Subdivisions.

The council may provide by ordinance that no plat of any subdivision within the corporate limits of the town or within one mile thereof shall be recorded in the Clerk's Office of Campbell County unless and until it shall have been approved by the council, and the council shall not approve any plat of any

such subdivision unless the streets, alleys or other roadways provided for therein conform to the subdivision control ordinance of said town or any amendment thereto. (1964, c. 420)

§ 21. The council may annually levy a real estate and personal property tax on the property located within the corporate limits of said town and may appoint annually an assessor to assess the real estate and personal property within said town and said assessor may impose a greater or less valuation than that made by the State or county. If no assessor is appointed, the assessment made by the commissioner of revenue of the County of Campbell may be used to determine the value of real estate and personal property located within the corporate limits of said town. (1964, c. 420)

§ 22. The council shall have the authority, unless prohibited by general law, to impose a specific license tax upon all professions, businesses and callings conducted in any way within the corporate limits; to prescribe all pursuits which may not be followed within the corporate limits without a license as a requisite to doing business and to fix the terms upon which the licenses shall issue. (1964, c. 420)

§ 23. The council may levy and assess taxes and charge license fees upon motor vehicles, trailers and semitrailers, located within the corporate limits of said town; the amount of the license fee or tax shall not be greater than that imposed by the State on vehicles of like class. (1964, c. 420)

§ 24. All ordinances now in force in the Town of Brookneal not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town after the effective date of this act. (1964, c. 420)

§ 25. The powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on July 1, 1964, are hereby conferred on and vested in the Town of Brookneal. (1964, c. 420)

§ 26. Notwithstanding any contrary provision of Title 22.1 of the Code of Virginia, the town council shall have the right to appoint one member, and thereafter his successor, from the town to serve on the Campbell County school board. Such member shall serve a four-year term commencing on the first day of July of the year in which appointed. The Campbell County school board shall be increased by one to accommodate the member provided herein. (1985, c. 47)

Buchanan, Town of

County of Botetourt

History of incorporation

Town established, 1811-12.
Buchanan incorporated and combined with the Town of Pattonsburg, 1881-1882.
Charter, 1833, c. 197; repealed 1882, c. 27.
Charter, 1881-82, c. 27; repealed 1898, c. 964.
Charter, 1898, c. 964; repealed 1972, c. 263.

Charter, 1972, c. 263; repealed 1992, c. 29.

Current charter
Charter, 1992, c. 29.

Amendments to current charter
2015, c. 199 (§§ 2.1, 3.1, 3.3, 3.5, 3.6, 5.1)
2018, c. 395 (§§ 3.2, 3.3, 3.4, 4.3, 4.4, 4.6, 4.7, 4.8, 5.3)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Buchanan as such limitations are now, or may hereafter be altered and established by law, shall constitute and be a body politic and corporate, to be known and designated as the Town of Buchanan, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1992, c. 29)

§ 1.2. Boundaries.

The territory embraced within the Town of Buchanan is that territory in the County of Botetourt, Virginia, as set forth in Chancery Order Book 42, at Pages 451, 452 and 453, in the Clerk's Office of the Circuit Court for Botetourt County, Virginia. (1992, c. 29)

Chapter 2. Powers.

§ 2.1. The Town of Buchanan shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.2-1100 through 15.2-1133 of the Code of Virginia of 1950, as amended. (1992, c. 29; 2015, c. 199)

Chapter 3. Council Generally; Mayor; Vice-Mayor; Powers and Duties.

§ 3.1. Legislative powers in council.

The legislative powers of the municipality shall be vested in a council, consisting of five members, one of whom in addition shall be the mayor. (1992, c. 29; 2015, c. 199)

§ 3.2. Town council: composition, terms of office.

Each member of council shall be an elector of the municipality.

The council of the Town of Buchanan shall be elected from the town at large. Council members shall serve for terms of two years. (1992, c. 29; 2018, c. 395)

§ 3.3. Election of council: term of office, mayor and vice-mayor.

On the first Tuesday in May, 1992, and every two years thereafter, there shall be elected by the qualified voters of the town, six electors who shall be denominated council members. In addition thereto, the qualified voters shall elect an additional elector who shall be denominated mayor. They shall enter upon the duties of their offices on the first day of July next succeeding their election. Notwithstanding the provisions of this paragraph, effective January 1, 2017, the number of council members shall be four.

However, in 2016 and 2018, the mayor and four council members shall be elected at the time of the November general election, with terms to commence on January 1 following the election. The mayor and council members who were elected in May, 2014, and whose terms would expire on June 30, 2016, shall continue in office until their successors have been duly elected and have qualified to serve.

In 2018, the two council members elected at the time of the November general election with the lowest total vote counts shall serve a term of one year to commence on January 1, 2019 and expire on January 1, 2020. Beginning in 2019 and every two years thereafter, two council members shall be elected at the time of the November general election, with terms to commence on January 1 following the election. Beginning in 2020 and every two years thereafter, the mayor and two council members shall be elected at the time of the November general election, with terms to commence on January 1 following the election.

Council shall elect from their numbers one who shall be denominated vice-mayor, who shall serve in the absence of the mayor. (1992, c. 29; 2015, c. 199; 2018, c. 395)

§ 3.4. Duties of mayor.

The mayor shall preside at all meetings of the council, and shall be a regular member of council. The mayor shall be recognized as the head of the municipal government for all ceremonial purposes, the purpose of military law and the service of civil process. The mayor shall authenticate by his or her signature such documents and instruments as the council, Constitution, or general laws require. The mayor shall be the chief executive officer of the town, unless and until a manager is appointed as hereafter provided. (1992, c. 29; 2018, c. 395)

§ 3.5. Meetings of council.

Council shall hold at least one regular meeting each month of each calendar year. All meetings of the council shall be public meetings except as provided for by § 2.2-3700 et seq. of the Code of Virginia. No official action shall be taken by the council in executive session. Council may by ordinance adopt such rules as it may deem proper for the regulation of its proceedings, the time of its meetings, and the calling of special meetings. (1992, c. 29; 2015, c. 199)

§ 3.6. Vacancies in office of council member or mayor.

Vacancies in the office of council member or mayor, for whatever cause, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council. If council shall fail to fill a vacancy within sixty days, such vacancy shall be filled by appointment of the judge of the Circuit Court for Botetourt County, Virginia, upon notice to the court by petition filed by the mayor or any council member. (1992, c. 29; 2015, c. 199)

Chapter 4. Appointive Officers.

§ 4.1. Appointment and term of office.

The town council may appoint such officers of the town as they may from time to time deem necessary for the proper government thereof. Officers, deputies and assistants appointed by town council shall serve for a term of two years unless otherwise provided by this charter or by ordinance of the town council. Such terms shall commence upon appointment. The enumeration of officers hereinafter set forth in this chapter of this charter shall not be construed to require the appointment of any such officers herein named. The town council in its discretion may appoint the same person to more than one appointive office. Vacancies in appointive offices shall be filled by town council for the remainder of the unexpired term. (1992, c. 29)

§ 4.2. Duties; appointment of deputies and assistants.

The officers appointed by town council shall perform such duties as may be specified in this charter or as town council may designate. Town council may appoint such deputies and assistants to appointive offices as town council shall deem necessary. (1992, c. 29)

§ 4.3. Town manager.

There may be a town manager who shall be the executive officer of the town responsible to the town council for the proper administration of the town government. The town manager shall be appointed by council for an indefinite term. At the time of appointment, he or she need not be a resident of the town or of the Commonwealth, but during his or her tenure of office he or she shall reside within the town limits. (1992, c. 29; 2018, c. 395)

§ 4.4. Duties.

The town manager shall:

1. Attend all meetings of town council with the right to speak but not to vote.

2. Advise town council of the financial condition and future needs of the town and of all matters pertaining to its proper administration and to make such recommendations as may seem to him or her requisite and proper.

3. Prepare and submit to town council the annual budget and be responsible for the administration of the budget as adopted.

4. Prepare in suitable form and submit to town council each year a comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.

5. Arrange for an annual audit by a certified public accountant previously approved by the town council.

6. Perform such other duties as may be prescribed by the general laws of the Commonwealth, required of him or her by town council or otherwise provided for by this charter.

7. Have the right to attend and participate, but not vote, in the proceedings of all boards, commissions or agencies created by this charter or by ordinance or by resolution of the town council. (1992, c. 29; 2018, c. 395)

§ 4.5. Powers as to employees.

Except those officers and employees appointed by town council pursuant to this charter or the general laws of this Commonwealth, all officers and employees shall be appointed by and may be removed by the town manager, who shall report each appointment or removal to the town council at the next regular meeting thereof following such appointment or removal. (1992, c. 29)

§ 4.6. Acting town manager.

The town council shall designate by ordinance a person to act as town manager in the case of absence, incapacity, death or resignation of the town manager until his or her return to duty or the appointment of his or her successor. (1992, c. 29; 2018, c. 395)

§ 4.7. Town clerk.

The town clerk shall be an employee of the town and shall be clerk of the town council and shall be responsible for maintaining the journal of its proceedings and recording all ordinances and resolutions in the book or books kept for that purpose. The town clerk shall be custodian of the town corporate seal and shall be the officer authorized to use and authenticate it. The town clerk shall perform such other duties and keep such other records as town council and the town manager may require or the general laws of the Commonwealth may require. All records of the office of town clerk shall be public records and open to inspection at all times during regular business hours. (1992, c. 29; 2018, c. 395)

§ 4.8. Town treasurer.

The town manager shall appoint a municipal treasurer, who shall be an employee of the town. The town treasurer shall give such bond as may be prescribed by town council and perform such duties as may be prescribed by the town manager or prescribed by the general laws of this Commonwealth. (1992, c. 29; 2018, c. 395)

Chapter 5. Miscellaneous.

§ 5.1. Eminent domain.

The powers of eminent domain as set forth in Title 15.2 and Title 25.1 of the Code of Virginia, as amended, are hereby conferred upon the Town of Buchanan. (1992, c. 29; 2015, c. 199)

§ 5.2. Fiscal year.

The fiscal year of the town shall begin July one of each year and end June thirty of the following year. (1992, c. 29)

§ 5.3. Rates for services.

The town shall have the power and right to charge a different rate for any utility service rendered or convenience furnished outside the corporate limits from the rates charged for similar services inside the corporate limits. (1992, c. 29; 2018, c. 395)

§ 5.4. Sale or lease of town utilities.

Neither town council nor any town officers or agents shall have the power or authority to sell, lease, rent or otherwise dispose of any public utility owned by the town except by the procedure provided for in the Constitution and general laws of the Commonwealth of Virginia. (1992, c. 29)

§ 5.5. Bonds of officers and employees.

Town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of their respective duties, whether such officers and employees be solely or partly paid by the town. Town council may authorize payment of premium on such bonds from town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town, as its interest may appear, in event of breach of the conditions thereof. (1992, c. 29)

§ 5.6. Ordinances to continue in force.

All ordinances now in force in the Town of Buchanan and not inconsistent with the provisions of this charter shall be and remain in force until altered, amended or repealed by the town council. (1992, c. 29)

§ 5.7. Officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their respective terms and until their respective successors have been duly elected and qualified. (1992, c. 29)

§ 5.8. Applicability of ordinances to lands outside of town.

All ordinances of the town so far as they are applicable shall apply on, in or to all lands, buildings and structures owned by or leased or rented to the town and located outside the town. (1992, c. 29)

§ 5.9. Appointment of commissioners of Redevelopment and Housing Authority.

The council of the Town of Buchanan shall appoint commissioners of the Redevelopment and Housing Authority in the number and pursuant to the terms and conditions set out in § 36-11 of the Code of

Virginia as amended; however, any person who is an officer or employee of the Town of Buchanan, Virginia, may be appointed to serve as a commissioner of the Redevelopment and Housing Authority, or the council of the Town of Buchanan may, by majority vote of council, authorize the council of the Town of Buchanan to act as commissioners of the Redevelopment and Housing Authority of the Town of Buchanan, Virginia. (1992, c. 29)

§ 5.10. Continuation of privileges and property.

All the rights, privileges and property of the town heretofore acquired, now owned or enjoyed shall continue undiminished and remain vested in the Town of Buchanan. (1992, c. 29)

§ 5.11. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1992, c. 29)

Buena Vista, City of

History of incorporation

Incorporated as a town in 1890.
Incorporated as a city in 1952.
Charter, 1892, c. 225; repealed 1952, c. 325.

Current charter

Charter, 1952, c. 325.

Amendments to current charter

1954, c. 361 (§§ 1.3, 2.204, 2.420, 2.427, 3.4, 3.601, 3.604, 3.901, 3.902, 3.923, 3.927 through 3.930, 3.944, 4.14, 4.2, 4.5 [added], 5.1, 5.102 [added], 5.103 [added], 5.2, 5.201 through 5.215 [added], 5.217 through 5.223 [added], 5.3, 5.301 through 5.303 [added], 5.4, 5.5, 5.501 [added], 5.6, 5.7, 5.8 [repealed], 5.9 [repealed], 5.901 through 5.906 [repealed], 8.5, 8.6 [added], 8.7 [added])

1962, c. 164 (§§ 3.3, 3.4, 3.9, 3.902, 3.928, 4.17, 5.201 [repealed])

1972, c. 257 (§§ 3.4, 3.7, 4.5)

1973, c. 82 (§§ 3.4, 6.2, 6.202)

1975, c. 169 (§§ 2.203, 2.208, 2.211, 2.214, 2.311, 2.420, 3.9, 3.906, 3.928 [repealed], 3.942, 4.5, 5.103 [repealed], 5.2 [repealed], 5.202 through 5.215 [repealed], 5.217 through 5.223 [repealed], 5.3 [repealed], 5.301 through 5.303 [repealed], 5.4 [repealed], 5.5 [repealed], 5.501 [repealed], 5.6, 5.7)

1988, cc. 139, 320 (§ 2.214)

1992, cc. 36, 280 (§ 2.214)

1994, c. 91 (§§ 6.1 [repealed], 6.2, 6.201 through 6.203 [repealed], 6.3)
1999, c. 268 (§§ 3.3, 3.4, 3.7).

Article 1. Incorporation.

§ 1.1. Incorporation.

The inhabitants of the territory embraced within the present limits of the City of Buena Vista, as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the City of Buena Vista, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure. (1952, c. 325)

§ 1.2. Form of government.

The municipal government provided by this charter shall be known as the "city manager plan." Pursuant to its provisions and subject only to the limitations imposed by the Constitution and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. (1952, c. 325)

§ 1.3. Boundaries of the City of Buena Vista.

The corporation limits shall remain the same as they now are until changed as provided by law and are described by metes and bounds as follows:

Beginning at a point on the north bank of the Maury River (formerly North River), thence north of center line of what was formerly Richmond & Alleghany Railroad, thence eastward with the same 660 feet to the line of the lands formerly owned by Buena Vista Company and John Dunlop and with their lines to the intersection with the western line of Aspen Ave.; thence with the lines of Aspen Ave. and 41st Street to Juniper Ave.; thence with Juniper Ave. to 36th Street; thence with 36th Street to Woodbine Ave.; thence with Woodbine Ave. to 32nd Street; thence with straight line to the intersection of Birch Ave. and 28th Street; thence with Birch Ave. to Hill Street; thence with Hill Street to Maple Ave.; thence with Maple Ave. to 26th Street; thence with 26th Street to Oak Ave.; thence with Oak Ave. to 25th Street; thence with 25th Street to Hawthorn Ave.; thence with Hawthorn Ave. to 27th Street ; thence with 27th Street to Holly Ave; thence with Holly Ave. to 26th Street; thence with 26th Street to Ash Ave.; thence with Ash Ave. to 24th Street; thence with 24th Street to Hickory Ave.; thence with Hickory Ave. to 20th Street; thence south 37 degrees and 12 minutes west to the northeast corner of Pine Ave. and 11th Street; thence with a straight line to corner of Hazel Ave. and First Street; thence with First Street to the line of the property formerly owned by John E. Laird, thence with the line of the Laird land to the lands known as the Loch Laird Land and Improvement Co. and the extension of the same to the west bank of Maury River (formerly North River) then up said river to a point opposite the

point of beginning and then crossing the said river to the point of beginning, all of said lands being in Rockbridge County, Virginia.

When, in the above description, a street or avenue is mentioned as a boundary line the outside line of said street or avenue shall be taken and held to be such boundary line. The streets and avenues referred to are located on the map and plat of the subdivision of the lands of the Buena Vista Company on file and of record in the Office of the Clerk of the Circuit Court of the City of Buena Vista in Deed Book 2 at Page 107 and on the map or plat of the subdivision of the lands of the Loch Laird Land and Improvement Company on file and of record in the Office of the Clerk of the Circuit Court of Rockbridge County in Deed Book 53 at Page 412. (1952, c. 325; 1954, c. 361)

Article 2. Powers.

§ 2.1. General grant of powers.

The City of Buena Vista shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and the laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by said Constitution and laws and which, in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1952, c. 325)

§ 2.2. Financial powers.

In addition to the powers granted by other sections of this charter the city is empowered: (1952, c. 325)

§ 2.201. To raise annually by levy of taxes and assessments in the city on all property, real and personal, as is now or may be subject to taxation by cities by the laws of this Commonwealth, such sums of money as the council shall deem necessary for the purposes of the city, in the manner as the council shall deem expedient in accordance with the Constitution of this State and of the United States. (1952, c. 325)

§ 2.202. To impose special or local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments. (1952, c. 325)

§ 2.203. To require by ordinance the owner or person having possession of every motor vehicle kept and every motor vehicle regularly used in the city for business purposes, except passenger buses which have a point of origin and destination without the city, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license to operate the same by making application to the city treasurer, or such other person as may be designated by the council to issue said

license, and to require the vehicle owner to pay an annual license fee therefor to be fixed by the council provided that the license shall not exceed the amount charged by the State on the said vehicle. (1952, c. 325; 1975, c. 169)

§ 2.204. To establish, levy, and collect, except when prohibited by general law, a tax or license on any person, firm, or corporation, except motor vehicle carriers liable for and which pay the road tax calculated on gross receipts prescribed by § 58-638 of the Code of Virginia, pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the city, whether a license may be required therefor by the State or not, and may exceed the State license, if any be required, and may provide penalties for nonpayment thereof. (1952, c. 325; 1954, c. 361)

§ 2.205. To establish, levy, and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, lecture, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge. (1952, c. 325)

§ 2.206. To establish, levy, and collect taxes upon the amount paid for the use of water, electricity, gas, telephone or other public utility service used within the city, which taxes may be added to and collected with the bills rendered the purchasers of such service. (1952, c. 325)

§ 2.207. To establish, levy, and collect a tax on all subjects of taxation not prohibited to it by, nor exempted in, the Constitution and general laws of Virginia. (1952, c. 325)

§ 2.208. To establish, levy, and enforce the collection of water and sewage rates and charges, and rates and charges for public utilities, products, or conveniences, operated, rented or furnished by the city; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants. In the event such rates and charges are assessed against the owner or owners such rates and charges, together with such penalties and interest not to exceed eight per centum as the council may by ordinance prescribe, shall constitute and be a lien against the real estate and buildings in or on which such service is rendered and may be filed in the clerk's office of the Circuit Court of the City of Buena Vista and collected in the same manner as delinquent taxes are filed and collected; and in the event such rates and charges shall be assessed against a tenant then the council may by ordinance, require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant. (1952, c. 325; 1975, c. 169)

§ 2.209. To charge and to collect fees for permits to use public facilities and for public services and privileges. The said city shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits. (1952, c. 325)

§ 2.210. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the city government. (1952, c. 325)

§ 2.211. To provide, or aid in the support of, public libraries, public schools, public hospitals, and recreational facilities, and to grant financial aid to charitable or benevolent institutions and organizations whose functions further the public purposes of the city. (1952, c. 325; 1975, c. 169)

§ 2.212. To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting as may be necessary to give full and true accounts of the affairs, resources, and revenues of the city and the handling, use and disposal thereof. (1952, c. 325)

§ 2.213. To provide each fiscal year for the assessment and valuation of all property, real and personal, within the corporate limits of the city, for the purpose of local taxation. The authority hereby vested is not to conflict with any State control of local assessments or valuation, but is to be exercised generally for all other purposes of local taxation and revenue. (1952, c. 325)

§ 2.214. To borrow money, contract debts, and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes, or other obligations, within the limitations prescribed by the Constitution, and in accordance with the provisions of the law concerning bond issues by cities, upon the credit of the city, or solely upon the credit of specific property owned by the city or solely upon the credit of income derived from property used in connection with any public utility owned or operated by the city. Except, that any bonded indebtedness shall be by referendum and passed by a majority of the qualified voters voting in the referendum and all other indebtedness incurred by the city council shall not exceed fifty percent of the previous years taxes levied against real estate, except in case of fire, flood, epidemic or other disaster or act of God in which life and property are in danger. However, the referendum required by this section for bond issuance shall not apply to bonds issued for the sole purpose of constructing a flood control project, provided such bonds are issued before June 30, 1996. (1952, c. 325; 1975, c. 169; 1988, cc.139, 320; 1992, cc. 36, 280)

§ 2.215. To expend the money of the city for all lawful purposes. (1952, c. 325)

§ 2.3. Powers relating to public works, utilities, and properties.

In addition to the powers granted by other sections of this charter, the city is empowered: (1952, c. 325)

§ 2.301. To acquire by purchase, gift, devise, condemnation or otherwise property, real or personal, or any estate therein within or without the city for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, pledge, or otherwise, dispose of the same or any part thereof, including any property now owned by the city. (1952, c. 325)

§ 2.302. To own, operate and maintain waterworks and to acquire in any lawful manner in any county of the State, such water, lands, property rights, riparian rights as the council may deem necessary for the purpose of providing an adequate water supply to the city and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without corporate limits of the city, for the distribution of water to its customers and consumers, both within and without the corporate limits of the city and to charge and collect water rents thereof; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary control over all land comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in this State; to enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the city may exercise within the State all powers of eminent domain provided by the laws of this State. (1952, c. 325)

§ 2.303. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city; and to acquire by condemnation or otherwise, all lands, riparian and other rights, and easements necessary for such improvements, or any of them; either within or without the city; and to construct, maintain, or aid therein, roads and bridges to any property owned by the city and situated beyond the corporate limits thereof, and to acquire the land necessary for the aforesaid condemnation or otherwise. (1952, c. 325)

§ 2.304. To survey, establish, enter, open, widen, extend, grade, construct, pave, maintain, light, sprinkle, and clean public streets, highways, alleys, sidewalks, parkways or parks and to relocate, alter or close the same; to regulate the weight of loads to be hauled or carried over and upon the streets insofar as such regulation of weights of loads does not conflict with general State laws relating to load limits to be carried or transported over State highways; to regulate the use of all such highways, parks, streets, alleys, parkways, and public places; to prevent the obstruction, destruction or injury to any of such streets, alleys or highways in conformity with the general State laws in effect from time to time; to require any railroad company operating a railroad at the place where any highway or street is crossed within the limits of the city to construct and maintain adequate crossings and to erect and maintain at such crossing any style of gate or warning signal deemed proper; to regulate the operation and speed of all cars, motorcycles, bicycles or vehicles upon said streets or highways as well as the speed of all engines, cars, or railroad trains within the city; to permit or prohibit towers, poles or wires for electric, telephone, telegraph, radio, or television purposes to be erected or wires or gas or water lines to be laid in the streets or alleys, and to prescribe and collect an annual charge for such

privileges hereafter granted; to require the owner or lessee of any electric light, telephone, telegraph, radio or television towers, poles, or wires, or the owner or lessee of gas, sewer or water mains or lines, now in use or hereafter erected or constructed to change the location or remove the same; to construct, maintain, and operate bridges, viaducts, subways, tunnels, sewers, and drains; to plant, maintain or remove shade trees along the streets and upon public grounds; and to do all other things whatsoever to make said streets and highways safe, convenient, and attractive. (1952, c. 325)

§ 2.305. To establish, maintain, and regulate the use of parks, golf courses, playgrounds, and public grounds and to keep them lighted and in good order; to construct in such parks, playgrounds, and public grounds, as the city may maintain, or upon any city property, stadia, swimming pools, gymnasia, and recreation or amusement buildings, structures, or enclosures of every character, refreshment stands, restaurants, et cetera; to charge admission for use of the same, and to rent out or lease the privileges of constructing or using such stadia, swimming pools, recreation or amusement buildings, structures, or enclosures of every character, refreshment stands, or restaurants, et cetera. (1952, c. 325)

§ 2.306. To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require the abutting property owners to connect therewith; to establish, construct, maintain and operate sewage disposal plants; to acquire by condemnation or otherwise, within or without the city, all lands, rights of way, riparian and other rights, and easements necessary for the purposes aforesaid; and to charge, assess, and collect reasonable fees, rentals, assessments or costs of service for connection with and using the same. (1952, c. 325)

§ 2.307. To grant franchises for public utilities subject to the provisions of the Constitution and general laws of Virginia and this charter; provided, however, the city shall at any time have the power to contract for, own, operate, manage, sell, encumber or otherwise dispose of, either within or without the city any and all public utilities for the city and to sell the services thereof, existing franchise to the contrary notwithstanding. (1952, c. 325)

§ 2.308. To own, operate and maintain electric light and gas works, either within or without the corporate limits of the city and to supply electricity, and gas whether the same be generated or purchased by said city, to its customers and consumers both without and within the corporate limits of the said city, at such price and upon such terms as it may prescribe, and to that end it may contract and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient. (1952, c. 325)

§ 2.309. To establish, maintain and operate a landing field or airport within or without the city and for such purpose to acquire real estate by gift, lease, purchase or condemnation; to lease such landing field or airport to others to be used for any lawful purposes; to erect and maintain buildings and appurtenances necessary for the use of such landing field or airport and to prescribe and enforce rules and

regulations not in conflict with the laws, rules and regulations prescribed by the State of Virginia and the federal governments, for the use and protection of such landing field or airport. (1952, c. 325)

§ 2.310. To give names to or alter the names of streets, and to establish and maintain a system of house numbering. (1952, c. 325)

§ 2.311. To acquire in any lawful manner for the purpose of encouraging commerce, industry, and manufacture, lands within or without the city and from time to time to sell or lease the same or any part thereof for industrial or commercial uses and purposes. (1952, c. 325; 1975, c. 169)

§ 2.312. To acquire, construct, own, maintain and operate, within and without the city, places for parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots, garages, buildings, and other land, structures, equipment and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places. (1952, c. 325)

§ 2.313. To accept, by ordinance, or to refuse the dedication of streets, alleys, easements or other public use or purpose unless the title to the same be acquired in fee simple in accordance with any subdivision regulations adopted under the provisions of Article 7. (1952, c. 325)

§ 2.314. To exercise the power of eminent domain within this State with respect to lands and improvements thereon, for any lawful purpose of the city.

Provided, however, that the provisions of § 25-233 of the Code of Virginia 1950, shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act. (1952, c. 325)

§ 2.4. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.

In addition to the powers granted by other sections of this charter, the city shall have power to pass and enforce by-laws, rules, regulations, and ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth for the preservation of the safety, health, peace, good order, comfort, convenience, morals, and welfare of its inhabitants, and among such powers, but not in limitation thereof, the city is empowered: (1952, c. 325)

§ 2.401. To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to make reasonable charges therefor; to acquire and operate reduction or any other

plants for the utilization or destruction of such materials; to contract for or regulate the collection and disposal thereof. (1952, c. 325)

§ 2.402. To inspect, test, measure and weigh any commodity or commodities, or articles of consumption for use within the city; and to establish, regulate, license and inspect weights, meters, measures and scales. (1952, c. 325)

§ 2.403. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them, within the city. (1952, c. 325)

§ 2.404. To compel the abatement and removal of all nuisances within the city or upon property owned by the city beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the city, to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof; and to collect said expenses by suit or motion or by distress and sale; to pass and enforce any ordinance that may be necessary to the public safety for the control of dogs; to regulate, or prevent slaughter houses or other noisome or offensive business within the city, the keeping of hogs, or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke, dust, vapor, odor, stench, industrial waste, residue, refuse or radioactive substance; and prevent radio interference and unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, advertising, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetic sensibilities, safety, convenience and welfare of the inhabitants of the city; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow. (1952, c. 325)

§ 2.405. To extinguish and prevent fires, and to establish, regulate and control a fire department or division; to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and conveniences may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure or other causes may have become dangerous to life or property, or which may be erected contrary to law; after September 1952 to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired and to direct that any or all future buildings within such limits shall be

constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements. (1952, c. 325)

§ 2.406. To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gun powder, nitroglycerine, liquid petroleum, kerosene oil or other like materials, to regulate the discharge of firearms, and the making of bonfires in the streets and yards; to prohibit the sale and use of fireworks. (1952, c. 325)

§ 2.407. To provide for regular and safe construction of houses in the city for the future; and to provide building, plumbing and electrical codes for the city, and setback lines on the streets and alleys. (1952, c. 325)

§ 2.408. To provide for the preservation of the general health of the inhabitants of the city, make regulations to secure the same, inspect all foodstuffs, and prevent the introduction and sale in the city of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the city limits, and if necessary to the suppression of disease, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the use of the people of the city. (1952, c. 325)

§ 2.409. To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive or penal institutions. (1952, c. 325)

§ 2.410. To prevent fowls and animals being kept in or running at large in the city, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper. (1952, c. 325)

§ 2.411. To prevent the riding or driving of horses or other animals at an improper speed, to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to property owners or passersby, and to prohibit and punish the abuse of animals. (1952, c. 325)

§ 2.412. To control, regulate, limit and restrict insofar as not prohibited by general law, the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the city; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the city to be used by motor vehicle carriers operating in and through the city and prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to

prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare. (1952, c. 325)

§ 2.413. To exercise full police powers and establish and maintain a department or division of police. (1952, c. 325)

§ 2.414. To restrain and punish drunkards, vagrants and street beggars, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in the city; to expel therefrom persons guilty of such conduct who have not resided therein as much as one year. (1952, c. 325)

§ 2.415. To prohibit and punish for mischievous, wanton or malicious damage to school and public property, as well as private property. (1952, c. 325)

§ 2.416. To offer and pay rewards for the apprehension and conviction of criminals. (1952, c. 325)

§ 2.417. To prohibit begging, soliciting, or the peddling or hawking of any article for sale on the streets of the city. (1952, c. 325)

§ 2.418. To punish for contempt of court, releasing or attempting to release a prisoner, or interfering in any manner with an officer in the exercise of his official duties. (1952, c. 325)

§ 2.419. To make and enforce ordinances to regulate, control, license and tax the manufacture, bottling, sale, distribution, handling, advertising, possession, dispensing, drinking and use of alcohol, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation or otherwise; provided, however, that no such ordinance shall be in conflict with any of the provisions of the Alcoholic Beverage Control Act or the general laws of this Commonwealth with respect to such alcoholic beverages, liquids, and articles. (1952, c. 325)

§ 2.420. To provide for the protection of the city's property, real and personal, the prevention of the pollution of the city's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, cemeteries, airports and other public property, whether located within or without the city, provided, however, the City of Buena Vista shall have the power and authority to condemn such land situate in Rockbridge County, Virginia, as may be necessary for the reasonable and orderly expansion of the cemetery presently owned by the said municipality and being more particularly described and designated as the Green Hill Cemetery, and further provided that the Board of Supervisors, or other governing body of Rockbridge County, Virginia, shall be made parties to any such condemnation proceedings. For the purpose of enforcing such regulations all city property wheresoever located shall be under the police jurisdiction of the city. Any member of the police force of the city or employee thereof appointed as a special policeman shall have power to make arrests for violations of any ordinance, rule or regulation adopted pursuant to this section and the General District Court of the City of Buena Vista shall have exclusive original jurisdiction in all cases arising thereunder within the

city or within one mile of the corporate limits of the city as provided by general law. (1952, c. 325; 1954, c. 361; 1975, c. 169)

§ 2.421. To prescribe the location in, under or over, and grant permits for the use of, streets, alleys, and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, sewers, areas and cellars; to require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated whether permanently or temporarily; charge and collect compensation for the privileges so granted and prohibit such use of the streets, alleys and other public places of the city without the consent of the council. (1952, c. 325)

§ 2.422. To prevent any obstruction of or encroachment over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment, remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes; to require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, and recover possession of any street, alley, sidewalk or other public place or any other property of the city by suit or action. (1952, c. 325)

§ 2.423. To regulate, in the interest of public health, the production, preparation, distribution, and sale of milk, other beverages and foods for human consumption, and the places in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, and the sanitation of swimming pools; compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; to prevent the connecting of roof drains and storm sewers to the sanitary sewer system; to regulate or prohibit the use of garbage disposal units connected to the sanitary sewer system; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases. (1952, c. 325)

§ 2.424. To regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same. (1952, c. 325)

§ 2.425. To enjoin and restrain the violation of any city ordinance or ordinances, although a penalty is provided for conviction of such violation. (1952, c. 325)

§ 2.426. To prescribe penalties for the violation of any city ordinance, rule, or regulation, not exceeding five hundred dollars or twelve months' imprisonment in jail, or both, but not exceeding any penalty established by the Commonwealth for a similar offense. (1952, c. 325)

§ 2.427. To make and adopt a comprehensive plan for the city, and to that end all plats and replats hereafter made subdividing any land within the city or within two miles thereof, into streets, alleys, roads, and lots or tracts shall be submitted to and approved by the council or such official or board, including the Planning Commission, as the council designates in any regulations controlling the orderly subdivision of land it may adopt before such plats or replats are filed for record or recorded in the office of the clerk of the Circuit Court of the City of Buena Vista. (1952, c. 325; 1954, c. 361)

§ 2.428. To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the city, or its inhabitants. (1952, c. 325)

Article 3. Administration and Government.

§ 3.1. The administration and government of the City of Buena Vista shall be vested in the common council and in such other officers and boards as are hereinafter provided for or may be appointed by the common council or prescribed by State laws for cities of this class. There shall be two wards, as there now exists, until such time as it may be changed in the manner prescribed by law. (1952, c. 325)

§ 3.2. All contracts and obligations of the City of Buena Vista heretofore made by the present council and government while in office, not inconsistent with this charter and the general laws and Constitution of this State, shall be and are hereby declared to be valid and legal obligations of the City of Buena Vista. (1952, c. 325)

§ 3.3. The council of the City of Buena Vista shall consist of a body of seven members, including the mayor, elected at large, all of whom shall be residents of the City of Buena Vista and the State of Virginia for one year and are qualified to vote in the City of Buena Vista. (1952, c. 325; 1962, c. 164; 1999, c. 268)

§ 3.4. The council shall be elected in the manner prescribed by law, as follows:

At the regular municipal election to be held on the first Tuesday in May, 1972, three councilmen shall be elected, each for a term of four years beginning on the first day of July next following their election.

At the regular municipal election to be held on the first Tuesday in May, 1974, and every four years thereafter, four councilmen shall be elected each for a term of four years beginning on the first day of July next following their election. Each councilman elected as hereinabove provided shall serve for the term stated or until his successor shall have been elected and qualified. Those three councilmen elected during the regular municipal election in 1968, or their successors, shall complete their term of

office as of June 30, 1972. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of any of its members. If membership of the council shall for any reason be reduced to three or less members, the clerk of the council shall notify the Circuit Court of the City of Buena Vista which shall order a special election to be held within thirty days, and all vacancies shall be filled for the unexpired terms at such election.

Notwithstanding the above provisions, beginning with the regular municipal election to be held in May 2000, the council shall be elected as follows:

In the year 2000, there shall be elected two council members for terms of four years and a mayor for a term of two years.

In the year 2002, there shall be elected three council members for terms of four years, one council member for a term of two years, and a mayor for a term of two years. The candidate for council receiving the fourth highest number of votes shall serve the two-year term.

Thereafter, all council members shall be elected for terms of four years, except for the mayor, who shall be elected for a term of two years. (1952, c. 325; 1954, c. 361; 1962, c. 164; 1972, c. 257; 1973, c. 82; 1999, c. 268)

§ 3.5. All other vacancies shall be filled within thirty days, for the unexpired term, by majority vote of the remaining members, provided that if the term of office to be filled does not expire for two years or more after the next regular election for councilman following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period remaining until such election and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidate receiving the next highest of votes shall be entitled to the unexpired term caused by such vacancy. (1952, c. 325)

§ 3.51. Any member of the council who shall have been convicted of a felony while in office shall thereby forfeit his office. (1952, c. 325)

§ 3.6. All powers of the city and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this charter, the council is empowered to : (1952, c. 325)

§ 3.601. Appoint and remove the city manager, the clerk of the council, the city attorney, justices of the peace, medical examiner, and officers of the volunteer fire department. (1952, c. 325; 1954, c. 361)

§ 3.602. Adopt the budget of the city. (1952, c. 325)

§ 3.603. Inquire into the conduct of any office, department or agency of the city, make investigations as to municipal affairs and shall have the power to subpoena witnesses and require the production of records. (1952, c. 325)

§ 3.604. Appoint the members of The School Board of the City of Buena Vista and fill any vacancies thereon. Appoint the members of the Planning Commission, the Board of Zoning Appeals, and the Recreation Commission, and fill any vacancies thereon. (1952, c. 325; 1954, c. 361)

§ 3.605. Create a housing authority. (1952, c. 325)

§ 3.606. Adopt and modify the official map of the city. (1952, c. 325)

§ 3.607. Enact and adopt all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the Commonwealth and of this charter and may from time to time amend, reamend or repeal any or all of its ordinances for the proper regulation, management and government of the city and impose fines and penalties for the violation or nonobservance thereof. (1952, c. 325)

§ 3.608. To compel the attendance of its members, and to punish its members for disorderly behavior and by vote of two-thirds of the whole council, expel a member for good cause. (1952, c. 325)

§ 3.609. To be the judge of the election and qualifications and returns of its members and for such purpose shall have the power to subpoena witnesses and require the production of records. (1952, c. 325)

§ 3.610. To require and secure such bonds for any of the city employees as it may deem necessary. (1952, c. 325)

§ 3.611. To keep a journal of its proceedings, which journal shall be open to public inspection. (1952, c. 325)

§ 3.612. To fix the salaries and wages of all officers and employees of the city as herein specifically provided. (1952, c. 325)

§ 3.7. At the regular municipal election to be held on the first Tuesday in May 2000, the same time members of council are to be elected, and at each regular municipal election thereafter, there shall be elected a mayor. The mayor shall preside over meetings of the council, have the same right to vote therein as other members and have a vote but no veto. He shall be recognized as the head of the city government for all ceremonial purposes, the purpose of military law, and the service of civil process.

On the first day of July 2000, and on the first day of July every second year thereafter, the council shall choose by a majority vote of all its members thereof one of the number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor. In the event of a vacancy in the office of mayor, the vice-mayor shall become mayor for the unexpired term. In the absence or disability of both the mayor and vice-mayor, the council shall, by

majority vote of those present, choose one of their number to perform the duties of mayor. (1952, c. 325; 1972, c. 257; 1999, c. 268)

§ 3.8. The salaries of the mayor and councilmen shall be fixed by a commission to be appointed by the judge of the Circuit Court of the City of Buena Vista, after September 1956, notwithstanding the fact that at the special election held on the 5th day of December 1950, a majority of the qualified voters of the City of Buena Vista voting therein, voted that the councilmen shall serve without compensation. (1952, c. 325)

§ 3.9. The council is empowered, subject to the provisions of the charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall not be less frequently than once each month. They shall also provide for the calling of special meetings by the mayor or by any four members of the council and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meetings except by the unanimous consent of all the members of the council. The meetings of the council shall be open to the public, except when the Virginia Freedom of Information Act would otherwise permit. A majority of the council shall constitute a quorum for the transaction of business. (1952, c. 325; 1962, c. 164; 1975, c. 169)

§ 3.901. Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or resolution, and all ordinances, except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. (1952, c. 325; 1954, c. 361)

§ 3.902. The enacting clause of all ordinances passed by the council shall be: "Be it ordained by the council of the City of Buena Vista." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than seven days apart, unless the requirement of such reading has been dispensed with by the affirmative vote of five of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of its members. (1952, c. 325; 1954, c. 361; 1962, c. 164)

§ 3.903. All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by the affirmative vote of two-thirds of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no

measure providing for the sale or lease of city property, or making a grant, renewal, or extension of a franchise or other special privilege or regulating the rate to be charged for its services by any public utility, shall be so passed as an emergency measure. (1952, c. 325)

§ 3.904. Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the clerk of the council. (1952, c. 325)

§ 3.905. Every member, when present, when a question it put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. (1952, c. 325)

§ 3.906. At the first meeting in July following each councilmanic election, or as soon thereafter as practicable the council shall appoint: (1952, c. 325; 1975, c. 169)

§ 3.907. A city manager who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the city or the Commonwealth but during his tenure of office shall reside within the city. He shall be appointed and hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He may be bonded as the council may deem necessary. During the absence or disability of the city manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment as hereinafter provided, of any person to office by the city manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. The city manager shall have the authority and it shall be his duty: (1952, c. 325)

§ 3.908. To see that all laws, ordinances, resolutions, and by-laws of the council are faithfully enforced. (1952, c. 325)

§ 3.909. To appoint such officers and employees, as the council shall determine and authorize as are necessary for the proper administration of the affairs of the city with the power to discipline and remove any such officer or employee, but he shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the city manager and confirmed by the

council shall have the power to discipline his subordinates and with the approval of the city manager to discharge any subordinate for just cause. (1952, c. 325)

§ 3.910. To attend all meetings of the council, with the right to take part in the discussion, but having no vote. (1952, c. 325)

§ 3.911. To recommend to the council for adoption such measures as he may deem necessary or expedient. (1952, c. 325)

§ 3.912. To make reports to the council from time to time upon the affairs of the city and to keep the council fully advised of the city's financial condition and its future financial needs. (1952, c. 325)

§ 3.913. To prepare and submit to the council a tentative budget for the next fiscal year as provided by the general law and by this charter. (1952, c. 325)

§ 3.914. To make all contracts on behalf of the city pursuant to a resolution or an ordinance of the council and to act as city purchasing agent. (1952, c. 325)

§ 3.915. To supervise and control all encumbrances, expenditures and disbursements and to insure that budget appropriations are not exceeded. (1952, c. 325)

§ 3.916. To protect the interests of the city by causing to be withheld the payment of any claim or demand by any person, firm, or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall have first been settled and adjusted. (1952, c. 325)

§ 3.917. To perform such other duties as may be prescribed or requested by council. (1952, c. 325)

§ 3.918. The council shall also appoint a clerk of the council, for an indefinite term. The clerk so appointed shall receive such compensation as shall be provided by the council by ordinances or resolution. The clerk shall have the following duties: (1952, c. 325)

§ 3.919. To be the custodian of the corporate seal. (1952, c. 325)

§ 3.920. To give notice of council meetings. (1952, c. 325)

§ 3.921. To keep a journal of council proceedings. (1952, c. 325)

§ 3.922. To authenticate by signature and record in full in a book kept for that purpose all ordinances and resolutions. (1952, c. 325)

§ 3.923. The council of the City of Buena Vista shall appoint a city attorney for an indefinite term and such officer shall be a duly qualified and practicing attorney at law. Provided, however, such officer shall receive such compensation as shall be determined and fixed by the council of the said city, and further provided, such officer shall be vested with the following authority and powers and shall perform the following duties: (1952, c. 325; 1954, c. 361)

§ 3.924. To be the legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city, including the school board, in all matters affecting the interests of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties. (1952, c. 325)

§ 3.925. To prepare, at the request of the city manager or any member of council, ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof. (1952, c. 325)

§ 3.926. To draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest. (1952, c. 325)

§ 3.927. To represent the city as counsel in any civil case, or in any criminal case arising under and by virtue of the ordinances of the city, when the city attorney shall be of the opinion that such representation is necessary and proper and is in the public interest. (1952, c. 325; 1954, c. 361)

§ 3.928. (1952, c. 325; 1954, c. 361; 1962, c. 164; repealed 1975, c. 169)

§ 3.929. The council of the City of Buena Vista shall during the month of April, 1954, and during the same month each year thereafter, appoint the fire department officers as provided in § 27-13, Code of Virginia. (1952, c. 325; 1954, c. 361)

§ 3.930. There shall be elected by the qualified voters of said city on Tuesday after the first Monday in November, 1953 and every four years thereafter, the following officers: a city treasurer, a commissioner of the revenue, an attorney for the Commonwealth, and a city sergeant for said city who shall hold their offices for four years from the first day of January following their election. The foregoing officers shall serve until their successors are duly elected and qualified unless sooner removed from office and there shall be elected as prescribed by the General Assembly of this State one clerk of the Circuit Court of the City of Buena Vista who shall hold office for eight years. All of said elections shall be conducted under the general laws of the Commonwealth of Virginia and when two or more persons are running for the same office the one receiving the highest number of votes shall be declared elected. The council may at its discretion combine in one person an elective and an appointive office, where the duties of such office do not conflict. (1952, c. 325; 1954, c. 361)

§ 3.931. The councilmen and all elective officers before entering upon the duties of their respective offices shall be sworn according to the laws of the Commonwealth of Virginia by anyone authorized to administer oaths under the laws of this State. If any person elected or appointed to any office in said city shall neglect to take the oath of office required of him for sixty days after receiving notice of his election or appointment or neglect to give bond as required of him, he shall be considered as having declined such office and the same may be declared vacant and the vacancy filled as provided in this act. (1952, c. 325)

§ 3.932. The city treasurer shall be elected every four years in the manner and the time hereinbefore mentioned. He shall give bond in such sum as the council may prescribe with surety to be approved by the council, conditioned upon the faithful discharge of his official duties in relation to the revenue of the city, and of such other official duties as may be imposed on him by the charter and the ordinances of the city. The city treasurer shall be responsible for the collection of taxes, licenses and levies due to the city, as well as water taxes or rents. He shall have authority to appoint and remove his deputy or clerk when he deems it necessary. Delinquent taxes and levies shall be transferred from his office into the hands of a special collector when in the discretion of the council it shall be proper to do so. He shall receive all money belonging to the city which it is his duty to collect from persons, firms and corporations owing the same to the city, or which it is the duty of other officers to collect and pay over to him, and pay the same out as the ordinances of the city and State law prescribe; to keep such monies safe and account therefor and pay all drafts and orders made in conformity with the city ordinances and State laws. (1952, c. 325)

§ 3.933. The funds of the city shall be deposited by the treasurer in such bank or banks as the council may direct. He shall keep books showing accurately the state of his accounts and the money and he is hereby expressly prohibited from using directly or indirectly the money of the city or State in his custody and any violation of this provision shall subject him to immediate removal from office. (1952, c. 325)

§ 3.934. The books and accounts of the city treasurer and all papers relating to accounts and transactions of the city, shall be at all times, during business hours, subject to the inspection of the city manager, the city councilmen, the mayor and such persons as the council may appoint to examine the same and all such books and accounts, together with any balance or moneys on hand shall be transferred by the treasurer to his successor or be delivered up as the council may require. (1952, c. 325)

§ 3.935. The city treasurer shall render an account to the city manager and the council each month showing the state of the financial condition of the city up to the end of the previous month and the balance of money on hand, and he shall furnish such other information as the city manager or council may direct. (1952, c. 325)

§ 3.936. The city treasurer shall render an annual account to the city manager and the council at the first meeting of each new fiscal year and account for all money taken in and money paid out during the previous fiscal year. (1952, c. 325)

§ 3.937. All taxes, levies or other sums of money received by the treasurer belonging to the city shall be credited by the treasurer on his books to the City of Buena Vista. (1952, c. 325)

§ 3.938. All money received on special assessments shall be held by the treasurer in a special fund, to be applied to the payment to the account for which the assessment was made and said moneys shall be used for no other purpose. (1952, c. 325)

§ 3.939. The treasurer shall perform such other duties as may be required of him by the council not inconsistent with State laws. (1952, c. 325)

§ 3.940. The treasurer shall receive for his services the compensation allowed by the ordinances of the city and the Compensation Board of the State of Virginia. (1952, c. 325)

§ 3.941. The commissioner of the revenue shall be elected for four years at the time and in the manner hereinbefore provided. He shall give bond of such type and amount as the council may prescribe, conditioned for the faithful performance of all his duties under this charter, the ordinances of the City of Buena Vista and the laws of the Commonwealth of Virginia. The commissioner of revenue shall perform all duties in relation to the assessment of property for the purpose of levying taxes that may be ordered by the city council and such other duties as the council may prescribe or direct. He shall keep his office in the courthouse building and shall keep therein such books, schedules, and records and other papers which shall be subject to inspection and examination by the city manager, members of the city council or any committee thereof. He shall receive for his services the compensation allowed by the Compensation Board of the State of Virginia and the ordinances of the City of Buena Vista. He shall assess all real estate and personal property in accordance with the laws of the Commonwealth of Virginia and the ordinances of the City of Buena Vista. (1952, c. 325)

§ 3.942. The city sheriff shall be elected for four years at the time and in the manner hereinbefore provided. Before entering upon his duties he shall give bond as may be prescribed by the laws of the Commonwealth of Virginia and the ordinances of the City of Buena Vista, conditioned for the faithful discharge of his duties as such officer. The city sheriff shall attend the terms of the circuit court of said city and shall act as an officer of the said court and shall have the authority and powers and jurisdiction which is granted to sheriffs of other cities of the class of Buena Vista by the general laws of the Commonwealth of Virginia and the ordinances of the City of Buena Vista and he shall perform such duties as may be prescribed by the State laws and the ordinances of the City of Buena Vista. The city sheriff is to be conservator of the peace and in criminal matters or offenses shall have jurisdiction for one mile beyond the city limits of Buena Vista in enforcing the criminal laws of the Commonwealth of Virginia. (1952, c. 325; 1975, c. 169)

§ 3.943. The attorney for the Commonwealth shall be elected for four years at the time and in the manner hereinbefore provided, and shall hold office until his successor be elected and qualified. He shall represent the Commonwealth in the courts of the said city in all Commonwealth cases where he is required by law to act. He shall receive such compensation as prescribed by the Compensation Board of the State of Virginia and the ordinances of the City of Buena Vista. (1952, c. 325)

§ 3.944. The clerk of the Circuit Court of the City of Buena Vista shall be elected for eight years as prescribed by the laws of this State and shall have the same powers and duties as provided by the laws of the Commonwealth of Virginia in respect to clerks of the circuit courts of the several cities of this

class and shall receive such fees as are provided by law for such clerks and in addition, such compensation as the council may provide. (1952, c. 325; 1954, c. 361)

Article 4. Financial Administration.

§ 4.1. Budgets and appropriations. (1952, c. 325)

§ 4.11. The fiscal year of the city shall begin on the first day of July and end on the thirtieth day of June of the succeeding year. (1952, c. 325)

§ 4.12. Between the first and thirtieth day of April, the city manager shall submit to the council separate current expense budgets for the general operation of the city government, hereinafter referred to as the general fund budget, and for each utility operated by the city and a capital budget. (1952, c. 325)

§ 4.13. The general fund and/or utility budgets shall contain: (1952, c. 325)

§ 4.131. An itemized statement of the appropriations recommended with comparative statements in parallel columns showing appropriations made for the current and next preceding year. (1952, c. 325)

§ 4.132. An itemized statement of the taxes and/or utility service charges required and of the estimated revenues of the city and/or utilities from all other sources for the ensuing year, with comparative statements in parallel columns of the taxes and other sources of revenue for the current and next proceeding year and of the increases or decreases estimated or proposed. (1952, c. 325)

§ 4.133. A statement of the financial condition of the city and/or utilities. (1952, c. 325)

§ 4.134. A budget message relative to the condition, reasons, etc., connected with the estimates for the ensuing year together with a work program showing the undertakings to be begun and those to be completed during the next year. (1952, c. 325)

§ 4.135. Such other information as may be requested by council. (1952, c. 325)

§ 4.14. At the same time that the city manager shall submit a general fund and/or utility budget he shall introduce appropriation ordinances listing the appropriation for each department, utility, branch, board or commission, and such budget, or budgets, shall act as the supporting schedules for the appropriation ordinances. (1952, c. 325; 1954, c. 361)

§ 4.15. A public hearing on the budget plan as a whole shall be held by the council within thirty days after its submission to the council but not until a resume of the proposed budgets and notice of such hearing shall have been published at least one time in a newspaper of general circulation within the city at least ten days prior to such hearing. After the conclusion of the public hearing the council may insert new items of expenditure or may increase, decrease, or strike out any item of expenditure in the budgets except that for debt service. (1952, c. 325)

§ 4.16. Within forty days, but in no event later than the thirty-first day of May, the council shall approve, upon the affirmative vote of a majority of the membership of the council, a general fund and/or utility budget and adopt appropriation ordinances. If for any reason the council fails to approve the budgets on or before such date, then the budgets as submitted by the city manager shall be the budgets for the ensuing year and the appropriation ordinances recommended by the city manager shall have the same force and effect as if the same had been adopted by the council. (1952, c. 325)

§ 4.17. The council may, after referring to the city manager for a recommendation, make additional appropriations during the fiscal year upon the affirmative vote of four members of the council. (1952, c. 325; 1962, c. 164)

§ 4.18. Any portion of an annual appropriation, except for capital expenditures, remaining unexpended and unencumbered at the close of the fiscal year, shall lapse. (1952, c. 325)

§ 4.19. The capital budget shall contain a program previously acted upon by the city planning commission, as provided in § 7.101 of this charter, of proposed capital improvement projects, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year but, except in the case of emergency as provided in Article 3 of this charter, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation for such project is included in the capital budget as adopted by it. The council shall take final action on the capital budget not later than the twenty-eighth day after the date prescribed for the adoption of the general fund budget. No appropriation for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and the next capital budget. Nothing herein contained shall be construed to limit the power of the city council to originate or initiate capital improvements. (1952, c. 325)

§ 4.2. Bids and purchases.

At least two bids shall be secured on all purchases involving more than two hundred dollars except, when the council orders a different procedure; when only one bid can be secured; and in cases of emergency. The fact that bids are received does not make it mandatory that the low bid be accepted in all cases. The council must approve purchase before placing order if low bid is not accepted. (1952, c. 325; 1954, c. 361)

§ 4.3. Independent audit.

Prior to the end of each fiscal year the council shall designate qualified certified public accountants or the Auditor of Public Accounts of the Commonwealth of Virginia, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the city government and shall mail a copy of their report to each member of the city council and to the city manager. The auditors shall postaudit the books and documents kept by the treasurer and any separate or subordinate accounts kept by any other office, department or agency of the city government. (1952, c. 325)

§ 4.4. Liens.

A lien shall exist on all real estate and personal property within the corporate limits for taxes, levies, and assessments in favor of the city, together with all penalties and interest at the rate of six per centum due thereon from the end of the year for which the same were assessed and the procedure for collecting said taxes, for selling real estate for city taxes and for the redemption of real estate sold for city taxes shall be the same as provided in the general law for the State to the same extent as if the provisions of said general law were herein set out at length. The said city and its treasurer shall have the benefit of other and additional remedies for the collection of city taxes which are now or hereafter may be granted or permitted under the general law. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels or real estate shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession. (1952, c. 325)

§ 4.5. Tax rate or levy.

The council of the City of Buena Vista shall, prior to the thirty-first day of December of each year, or at its option prior to the first day of July if a fiscal year of July one to June thirty be adopted, adopt and fix the rate of taxation or levy on all personal property situate within the said city which is classified as machinery, tools, motor vehicles, or mobile trailers, and shall likewise prior to said date adopt and fix the rate of taxation or levy on all public service corporation property situate within the said city, and upon the value of the shares of stock of all banks situate within the said city, as provided by general law for the calendar year commencing on the first day of January of the year next succeeding.

The council for the City of Buena Vista shall, prior to the thirtieth day of June of each year, adopt and fix for the ensuing fiscal year the rate of taxation or levy on all real property situate within the said city, as provided by general law for the fiscal year commencing on the first day of July of the next succeeding year. (1954, c. 361; 1972, c. 257; 1975, c. 169)

Article 5. Administration of Justice.

§ 5.1. The Circuit Court of the City of Buena Vista as presently created and established by the general laws of the Commonwealth of Virginia shall be continued and the said circuit court shall have the

jurisdiction, authority and powers now or hereafter conferred upon and vested in the circuit courts of the several counties and cities, and the corporation courts of the several cities, by the general laws of the said Commonwealth. (1952, c. 325; 1954, c. 361)

§ 5.102. Compensation. The City of Buena Vista shall pay such annual salary unto the Judge of the Circuit Court of the City of Buena Vista as shall be fixed by the council of the said city and the same shall be paid in addition to the pro rata portion or share of the regular salary of such judge allocated unto the said city by the general laws of the Commonwealth of Virginia. Provided, however, the foregoing annual salary shall not be reduced or diminished during the term of office of the said judge. (1954, c. 361)

§ 5.103. (1954, c. 361; repealed 1975, c. 169)

§ 5.2. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)

§ 5.201. (1954, c. 361; repealed 1962, c. 164)

§§ 5.202 through 5.215. (1954, c. 361; repealed 1975, c. 169)

§ 5.216. No section with this number.

§§ 5.217 through 5.223. (1954, c. 361; repealed 1975, c. 169)

§ 5.3. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)

§ 5.301. (1954, c. 361; repealed 1975, c. 169)

§ 5.302. (1954, c. 361; repealed 1975, c. 169)

§ 5.303. (1954, c. 361; repealed 1975, c. 169)

§ 5.4. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)

§ 5.5. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)

§ 5.501. (1954, c. 361; repealed 1975, c. 169)

§ 5.6. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)

§ 5.7. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)

§ 5.8. (1952, c. 325; repealed 1954, c. 361)

§ 5.9. (1952, c. 325; repealed 1954, c. 361)

§§ 5.901 through 5.906. (1952, c. 325; repealed 1954, c. 361)

Article 5A. Police Department. (1954, c. 361)

§ 5.907. Police force.

The police force shall be composed of a superintendent or chief of police and of such officers, patrolmen and other employees as the council may determine. The superintendent or chief of police shall have the immediate direction and control of the said force, subject, however, to the supervision of the city manager and to such rules, regulations and orders as the said city manager may prescribe. The superintendent or chief of police shall issue all orders, rules and regulations for the government of the whole force. In case of the disability of the superintendent or chief of police to perform his duties by reason of sickness, absence from the city or other cause, the city manager shall designate some member of the police force to act as superintendent or chief of police during such disability, and the officer so designated shall serve without additional compensation. The members of the police force shall be appointed and may be removed by the city manager. Each member of the said force, both rank and file shall have issued to him a warrant of appointment signed by the city manager, in which the date of his appointment shall be stated, and such warrant shall be his commission. Each member of the said force shall, before entering upon the duties of his office, take and subscribe an oath before the clerk of the circuit court that he will faithfully without fear or favor perform the duties of this office, and such oath shall be filed with the clerk of said court and preserved with the records of his office. And in addition, the several officers of the said force shall, if so required by the council, give bond in such penalty and with such security as the council may by ordinance prescribe. (1952, c. 325)

§ 5.908. No person except as otherwise provided by general law or by this charter shall act as special police, special detective or other special police officer for any purpose whatsoever, except upon written authority from the city manager; such authority when conferred, shall be exercised only under the direction and control of the superintendent or chief of police and for a specified time, provided, however, that the council may from time to time designate the maximum number of such special police, special detectives or other special police officers. (1952, c. 325)

§ 5.909. The officers and privates constituting the police force of said city shall be, and they are, hereby vested with all of the power and authority which pertains to the office of constable at common law in taking cognizance of and in enforcing criminal laws of the State and the ordinances and regulations of said city and it shall be the duty of each such officer and private to use his best endeavors to prevent the commission within the said city of offenses against the laws of said State, and against the ordinances and regulations of said city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of said city and to secure the inhabitants thereof from violence and the property therein from injury. Such policemen shall have no power or authority in civil matters, but shall execute any criminal warrant or warrant of arrest and summons in criminal cases that may be placed in his hands, by any justice of the city and shall make due return thereof. (1952, c. 325)

§ 5.910. The city manager shall prescribe the uniforms and badges for the members of the police force, and direct the manner in which a member of said force shall be armed. Any person other than a

member of said force who shall wear such uniform or badge as may be prescribed as aforesaid, may be subjected to such fine or imprisonment, or both, as may be prescribed by the council by ordinance. (1952, c. 325)

Article 6. Schools.

§ 6.1. (1952, c. 325; repealed 1994, c. 91)

§ 6.2. Members of school board: Election or appointment of school board members, terms of members and expiration of present terms.

The school board shall consist of seven members who shall be elected from the city at large.

In compliance with a November 2, 1992, referendum, members of the school board shall be elected or appointed in the manner as hereinafter set forth.

The terms of the five members of the present school board which are now scheduled to expire on June 30, 1994, and June 30, 1995, shall all expire on June 30, 1994. The remaining two members of the present school board whose terms expire on June 30, 1996, shall remain in office until June 30, 1996. The other five members whose terms will expire on June 30, 1994, shall be replaced in a manner as hereinafter set forth.

The present term of the at-large member expires on June 30, 1994. At that time the city council shall appoint an at-large member to serve on the school board for a term expiring on June 30, 1996.

At the regular municipal election to be held on the first Tuesday in May 1994, and every four years thereafter, four school board members shall be elected for a term of four years beginning on the first day of July next following their election.

At the regular municipal election to be held on the first Tuesday in May 1996, and every four years thereafter, three school board members shall be elected for a term of four years beginning on the first day of July next following their election. (1952, c. 325; 1973, c. 82; 1994, c. 91)

§ 6.201. (1952, c. 325; repealed 1994, c. 91)

§ 6.202. (1952, c. 325; 1973, c. 82; repealed 1994, c. 91)

§ 6.203. (1952, c. 325; repealed 1994, c. 91)

§ 6.3. General Provisions.

The establishment, maintenance, and operation of a system of free public schools within the City of Buena Vista shall be under the control of the school board, appointed by the city council or elected in accordance with the provisions of this charter, the Constitution of Virginia, the laws of the Commonwealth, and the regulations of the state board of education; and said board shall have all the rights, privileges, powers, and duties granted or empowered by the said provisions, Constitution, laws,

and regulations; and nothing in this charter shall negate any rights, privileges, powers, or duties granted or empowered to the school board by said provisions, Constitution, laws, and regulations; and neither shall the school board have any such rights, privileges, powers, and duties not provided by said provisions, Constitution, laws and regulations. (1952, c. 325; 1994, c. 91)

Article 7. Planning--Zoning--Subdivision Control.

§ 7.1. The city council, in addition to any other powers, shall have and may exercise all other powers which now or may hereafter apply to cities under the Constitution and general laws of this State as pertains to the following: (1952, c. 325)

§ 7.101. The power to adopt, administer, and enforce by ordinance a master plan for the comprehensive long-range development of the city, provided however that any such master plan so adopted shall first have been subjected to a thorough study of not less than one year by a planning commission or board appointed for that specific purpose; and, provided further that such master plan after adoption shall not be later altered except by referendum following at least one year of study by a planning commission or board appointed by the city council for that specific purpose. (1952, c. 325)

§ 7.102. The power to adopt, administer and enforce, by ordinance, a comprehensive zoning plan for the control of location, type, use, height, area, bulk, and arrangement of all structures, buildings, improvements to land and premises, and to provide for a zoning board of appeals. (1952, c. 325)

§ 7.103. The power to adopt, administer and enforce, by ordinance, a comprehensive plan for the regulation of all subdivisions of land within the city, or outside the city when served by the city with utilities including any of the following:

Water, sewage lines, fire protection or safety protection. (1952, c. 325)

§ 7.104. The power to adopt, administer and enforce, by ordinance, any building code, and/or electrical, plumbing, heating, ventilating, fire safety or other code for the safety, uniformity, appearance, convenience, and construction, alteration, or repair of any building, or structure used by the public or for private use within the city unless otherwise provided for in this charter. (1952, c. 325)

Article 8. General Provisions.

§ 8.1. Officers to hold over until their successors are appointed and qualified.

Whenever under the provisions of this charter any officer of the city or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer or member shall continue to hold office until his successor is appointed and qualified. (1952, c. 325)

§ 8.2. Present ordinances and rules and regulations continued in effect.

All ordinances of the city and all rules, regulations, contracts and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1952, c. 325)

§ 8.3. General powers.

The City of Buena Vista and all the officers thereof elected or appointed in accordance with the provisions of this act shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this act. (1952, c. 325)

§ 8.4. Constitutionality.

If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1952, c. 325)

§ 8.5. Citation of act.

This act and all amendments thereto may for all purposes be referred to or cited as the City of Buena Vista Charter of 1952. (1952, c. 325; 1954, c. 361)

§ 8.6. The reference herein to any section of the Code of Virginia shall be construed to mean such section as it existed January1, 1952, provided that this shall not apply as to any section referred to in any subsequent amendment of this charter when any such section of the Code of Virginia is referred to as amended, in which event such section shall be construed to mean such Code section as it exists on January 1 of the year in which the reference is made. (1954, c. 361)

§ 8.7. Reference to charter sections.

All references to a specific section or subsection of the City of Buena Vista Charter of 1952, herein contained shall be construed to refer to such specific section or subsection as the same may be now or hereafter amended. (1954, c. 361)

Burkeville, Town of

County of Nottoway

History of incorporation

Incorporated by an 1877 Act of Assembly.
Charter, 1877, c. 157; repealed 1930, c. 163.
Charter, 1930, c. 163; repealed 1972, c. 755.

Current charter

Charter, 1972, c. 755.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Burkeville, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Burkeville, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1972, c. 755)

§ 1.2. Boundaries.

The boundaries of the town shall be the boundaries of the town of Burkeville, its predecessor, as described in § 3 of Chapter 163 of the Acts of the General Assembly of the State of Virginia of 1930, as approved March 20, 1930. (1972, c. 755)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Burkeville shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (1972, c. 755)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-915, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1972, are hereby conferred on and vested in the town of Burkeville. (1972, c. 755)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.1 and Title 25, Chapter 1.1 and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town of Burkeville subject to the provisions of § 25-233, and acts amendatory thereof, of the Code of Virginia.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed

with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the town. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town manager. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of §§ 33.1-119 through 33.1-129, inclusive, of the Code of Virginia, as amended, shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1972, c. 755)

§ 2.4. License tax: utilities, etc.

The town of Burkeville may impose a license tax upon any utility. public service corporation or quasi-public corporation, including telephone and telegraph companies, for the privilege of doing business therein. Such license tax shall not exceed one-half of one percent of the gross receipts of such business, accruing to such corporation from such business within the town. (1972, c. 755)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The town of Burkeville shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected. An election for mayor and councilmen shall be held on the first Tuesday in May, 1972 and every two years thereafter. The mayor and councilmen elected on the first Tuesday in May, 1972 shall enter upon their duties on the first day of September, 1972 and shall serve until their successors have qualified. The mayor and councilmen

elected on the first Tuesday in May, 1974 and thereafter, shall enter upon their duties on the first day of July next succeeding his or their election, and shall each serve for a term of two years, or until their successors have qualified. (1972, c. 755)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the members of the council. (1972, c. 755)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term from among the qualified voters of the town by a majority vote of the members of the council. (1972, c. 755)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (1972, c. 755)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor for the purpose of enforcing peace and good order and executing the laws of the State and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary; and shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1972, c. 755)

§ 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor over the acts of the council. (1972, c. 755)

§ 3.7. Acting mayor.

If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time but shall not exercise the veto power of the mayor over the acts of the council. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1972, c. 755)

§ 3.8. Meetings of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month, and except as herein provided, the council shall establish its own rules of procedure. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. (1972, c. 755)

§ 3.9. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected. (1972, c. 755)

Chapter 4. Town Manager.

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be designated the town manager, who shall, under the control of the council, have general charge and management of the administrative affairs and work of such town and shall perform such other duties as may be required of him by the town council. He shall receive such salary or compensation as shall be allowed him by such council and may be dismissed at any time by the council. (1972, c. 755)

§ 4.2. Acting town manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death, inability to act or resignation of the town manager, until his return to duty or the appointment of his successor. (1972, c. 755)

Chapter 5. Appointive Offices.

§ 5.1. Appointments.

The town council may appoint a town clerk, a chief of police, a town sergeant, a municipal judge, a town attorney or such other officers as they may deem necessary. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. (1972, c. 755)

§ 5.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive officers as they may deem necessary. (1972, c. 755)

§ 5.3. Term of office.

Appointees hereunder shall serve at and during the pleasure of the town council. (1972, c. 755)

§ 5.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1972, c. 755)

§ 5.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1972, c. 755)

§ 5.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1972, c. 755)

§ 5.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for this purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1972, c. 755)

Chapter 6. Courts.

§ 6.1. Authority to establish municipal court; jurisdiction of court.

The town council may establish by ordinance a municipal court, which shall be known as the Municipal Court of Burkeville. Jurisdiction of such court in criminal matters shall be as provided in §§ 16.1-124 and 16.1-125 of the Code of Virginia, as amended, and such court shall have original jurisdiction in the trial of all cases involving the violation of town ordinances, and in the collection of town taxes or assessments, or other forms of debt owing to the town. (1972, c. 755)

§ 6.2. Judge of municipal court; substitute judge.

The judge of the municipal court shall be appointed by the town council. He shall serve at the pleasure of the town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. The municipal judge and substitute municipal judge need not be residents of the municipality. The mayor may be appointed to serve as municipal judge or substitute municipal judge and receive a salary therefor in addition to his salary as mayor. (1972, c. 755)

§ 6.3. Clerk of municipal court.

A clerk of such court shall be appointed by the town council, to serve at the pleasure of the town council. (1972, c. 755)

§ 6.4. Jurisdiction of county court if municipal court not created or if municipal court abolished.

If the town council shall elect not to establish a municipal court, as provided in § 6.1 of this charter, or if the town council shall, by ordinance, abolish such a municipal court after its having been established, the County Court of Nottoway County, Virginia, or its successor, shall have jurisdiction within the town of Burkeville as the municipal court would otherwise have had. In such instance the town council may enter into such contracts or agreements as it may deem necessary to permit the trial in said county court, or its successor, of cases or causes of action arising within the town or within the jurisdiction of said town. (1972, c. 755)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

Prior to July 1, 1973, the fiscal year of the town shall begin on January 1st. On and after July 1, 1973, the fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1972, c. 755)

Chapter 8. Miscellaneous.

§ 8.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1972, c. 755)

§ 8.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1972, c. 755)

§ 8.3. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1972, c. 755)

§ 8.4. Ordinances continued in force.

All ordinances now in force in the town of Burkeville, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1972, c. 755)

§ 8.5. Succession to rights and duties.

The town of Burkeville shall succeed to all the rights, duties, obligations and contracts of the town of Burkeville, its predecessor. (1972, c. 755)

§ 8.6. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1972, c. 755)

§ 8.7. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1972, c. 755)

Cape Charles, Town of

County of Northampton

History of incorporation

Cape Charles House Company, incorporated, and made body politic and corporate, to erect buildings and improvements on lands situated at Cape Charles, 1852, c. 297.
Incorporated by an 1886 Act of Assembly.
Charter, 1886, c. 315; repealed 1938, c. 367.
Charter, 1938, c. 367; repealed 1974, c. 340.

Current charter

Charter, 1974, c. 340.

Amendments to current charter

2002, c. 125 (§§ 1.2, 2.2, 2.3, 3.1, 3.5, 4.1, 4.4, 4.5, 4.8, 4.9, 5.2 [added], 6.1 [repealed])

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Cape Charles, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Cape Charles, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1974, c. 340)

§ 1.2. Boundaries.

The territory embraced within the town of Cape Charles is that territory in the county of Northampton, Virginia, established in Chapter 367 of the Acts of Assembly of 1938, pages 582-609, and that territory added by the orders in the annexation proceedings in the Circuit Court of Northampton County, Virginia, entered on November 13, 1957, and recorded in the Common Law Order Book 19, at pages 107-108 in the Clerk's Office of said Court; such order of annexation entered on September 24, 1965, and recorded in the Common Law Order Book 20, at page 341, in the Clerk's Office of said Court; and an order of annexation entered on November 21, 1991, and recorded in the Civil Common Law Order Book, at page 619, in the Clerk's Office of said Court. (1974, c. 340; 2002, c. 125)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Cape Charles shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (1974, c. 340)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, as in force on January 1, 2002, and as may hereafter be amended, are hereby conferred on and vested in the town. (1974, c. 340; 2002, c. 125)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.2; Chapter 1.1 (§ 25-46.1 et seq.) of Title 25; and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town treasurer. Such certificates shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for streets, water, sewers, and related matters, whether within or without the town.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or canceled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificates as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1974, c. 340; 2002, c. 125)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The town of Cape Charles shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town to be elected from the town at large.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until their successors are elected and qualified. An election for mayor and councilmen shall be held on the first Tuesday in May 2002. The mayor so elected shall serve a term of four years with subsequent mayoral elections to be held at four-year intervals thereafter. In order to provide for staggered terms of council members, the three candidates elected receiving the highest number of votes shall serve a term of four years. The three candidates so elected receiving the next highest number of votes shall serve a term of two years. Thereafter, there shall be an election on the first Tuesday in May of each even-numbered year at which three council members shall be elected to serve terms of four years. Terms of office for mayor and council members shall begin on the first day of July next following their election. (1974, c. 340; 2002, c. 125)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council; persons so elected to fill vacancies must be qualified voters of the town. (1974, c. 340)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council; the person so elected to fill the vacancy must be a qualified voter of the town. (1974, c. 340)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (1974, c. 340)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this Charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary; shall authenticate by his signature, such documents or instruments as the council, this Charter or the laws of the Commonwealth shall require. (1974, c. 340; 2002, c. 125)

§ 3.6. Vice mayor.

The town council shall elect from its members, by a majority of the members present, a vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice mayor may vote as a member of the town council. (1974, c. 340)

§ 3.7. Meetings of council.

The town council shall fix the time of their stated meetings and they shall meet at least once a month. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified in writing a reasonable period of

time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (1974, c. 340)

§ 3.8. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. (1974, c. 340)

§ 3.9. Acting mayor.

In the absence or inability to act of both the mayor and vice mayor, any member of the town council may act with all the powers of the mayor upon the request so to do by the town council, but only during the period of such dual absence and inability. (1974, c. 340)

§ 3.10. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this Charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1974, c. 340)

Chapter 4. Appointive Officers.

§ 4.1. Appointment.

The town council may appoint such officers of the town as they deem necessary. Such officers may include, but shall not be limited to, a town manager, a town clerk, a town attorney, a town treasurer, a chief of police and special police officers. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this Charter, by the laws of the Commonwealth, or by the town council. (1974, c. 340; 2002, c. 125)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. (1974, c. 340)

§ 4.3. Term of office.

Officers and deputies and assistant officers appointed by the town council shall serve at the will and pleasure of the town council. (1974, c. 340)

§ 4.4. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, at the discretion of the town council, subject to such limitations as are set forth in the Constitution of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time. (1974, c. 340; 2002, c. 125)

§ 4.5. Qualifications and duties of the town manager.

The town manager shall be the executive officer of the town, and shall be responsible to the town council for the proper administration of the town government. It shall be the duty of the town manager to:

(a) Attend all meeting of the town council, with the right to speak but not to vote.

(b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.

(c) Prepare and submit the annual budget of the town council and be responsible for its administration after its adoption.

(d) Prepare in suitable form for publication and submit to the town council at the next regular meeting following the end of each fiscal year, a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.

(e) Present adequate financial and activity reports as required by the town council.

(f) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

(g) Perform such other duties as may be prescribed by this Charter, or required of him in accordance therewith by the town council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the town, except those appointed by the town council, pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. The town council shall designate by ordinance a person to act as town manager in the case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. Until such time as the town council appoints any such town manager, the duties and powers outlined herein shall be given the mayor, or such other person as may be designated by the town council. All employees and officers of the town, including those appointed by the town council, shall be under the management, control and supervision of the town manager. (1974, c. 340; 2002, c. 125)

§ 4.6. Duties of the town clerk.

The town clerk shall be the clerk of the town council. He shall keep the journal of the proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council may specify or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1974, c. 340)

§ 4.7. Duties of the town attorney.

The town attorney shall be the legal adviser of the town council. He shall represent the town in all legal affairs as may be requested by the mayor, town council, or by an officer of the town appointed under the provisions of this Charter. (1974, c. 340)

§ 4.8. Duties of the town treasurer.

The town treasurer shall collect the town taxes and licenses, and shall have the power to levy and sell for collection as given to county treasurers. The town treasurer shall work cooperatively with the town manager to provide full financial disclosure and reporting as requested by the town council. The town treasurer shall perform such other duties, not inconsistent with his office, as the town council or town manager may direct. (1974, c. 340; 2002, c. 125)

§ 4.9. Powers and duties of the chief of police and special policemen.

The chief of police shall be a conservator of the peace, and vested with the full powers of a constable within the limits of the town. He, and any special police officers, who may be appointed by the mayor with the advice and consent of a majority of the members of the town council, shall have all the powers given to special police officers under the laws of the Commonwealth. The police force of the town shall be under the control of the chief of police for the purpose of enforcing peace and good order and executing the laws of the Commonwealth and all the ordinances of the town. He shall assist the treasurer in the collection of town taxes, and may distrain and sell therefor in like manner for which State taxes and county levies are distrained. (1974, c. 340; 2002, c. 125)

§ 4.10. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1974, c. 340)

§ 4.11. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1974, c. 340)

§ 4.12. Residence of officers and employees.

Any appointive officers or employees of the town may be appointed and serve whether or not the appointee be a resident or nonresident of the town. (1974, c. 340)

Chapter 5. Raising of Revenue.

§ 5.1. Assessment of taxes.

The council shall have the power to assess and tax real or personal property within the town, levy taxes, impose licenses and collect the same to any extent not prohibited by laws of the Commonwealth. (1974, c. 340)

§ 5.2. Other revenue-generating activity.

The town council shall have the power to engage in other revenue-generating activities to any extent not prohibited by the laws of the Commonwealth. (2002, c. 125)

Chapter 6. Schools.

§ 6.1. (1974, c. 340; repealed 2002, c. 125)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year, and end on June 30 of the year following. (1974, c. 340)

Chapter 8. Miscellaneous.

§ 8.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1974, c. 340)

§ 8.2. Applicability outside town.

All ordinances of the town so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1974, c. 340)

§ 8.3. Ordinances continued in force.

All ordinances now in force in the town of Cape Charles, not inconsistent with the Charter, shall be and remain in force until altered, amended or repealed by the town council. (1974, c. 340)

§ 8.4. Severability of provisions.

If any clause, sentence, paragraph or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1974, c. 340)

§ 8.5. Disclosure of interest.

The town council is hereby empowered to adopt a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1974, c. 340)

Capron, Town of

County of Southampton

History of incorporation

1914, Acts of Assembly, c. 188, calls Capron a village (prohibits sale of cider, etc., within one mile of the public school building).

Incorporation, Circuit Court of Southampton County, December 15, 1926 (Common Law Book 12, p. 403); repealed 2019, c. 315.

Current charter

Charter, 2019, c. 315

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

A. Be it enacted by the General Assembly of Virginia that the Town of Capron, in the County of Southampton, as the same has heretofore been or may hereafter be laid off in lots, streets, and alleys, has been made a town corporate by the name of the "Town of Capron," and by that name has exercised the powers conferred upon towns by the General Assembly and the Code of Virginia, and is subject to all the provisions of said Code, and to all laws now in force, or which may hereafter be enacted in reference to the government of towns of less than 5,000 inhabitants, so far as the same are not inconsistent with the provisions of this act. (2019, c. 315)

B. The inhabitants of the territory comprised within the present limits of the Town of Capron, hereinafter referred to as "Town," as such limits are now or may hereafter be altered and established by law, constitutes and continues a body politic and corporate, known and designated as the "Town of Capron," and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and have a corporate seal that it may alter, renew, or amend at its pleasure by proper ordinance. (2019, c. 315)

§ 1.2. Boundaries.

The territory embraced within the Town is that territory in the County of Southampton, Virginia, established in the Acts of the General Assembly, and all Acts amendatory thereof, by annexation and by the order of the Circuit Court of Southampton County as follows, beginning at a point on the Courtland road about 70 yards northeast of the intersection of said road with Main Street; thence in a westerly direction along said Courtland road to the northeast corner of J.N. Applewhite's residence lot; thence along said Applewhite's lot in a westerly direction a straight line a distance of 70 yards; thence in a southerly direction parallel with Main Street and 70 yards distance from same to a point within 70

yards of the northern line of the Southern Railway's right-of-way; thence westerly parallel with the said right-of-way and 70 yards north of same to Church Street; thence westerly across said Church Street and along the northern boundary of said right-of-way to a point 140 yards west of said Church Street; thence in a southeasterly direction across said right-of-way, parallel with Church Street and 140 yards west of same to a point 140 yards west of the intersection of Church and Main Streets; thence south in a line 140 yards west of the western boundary of Main Street and parallel with the same to the new road; thence easterly along said new road across Main Street to a point 140 yards east of the eastern boundary of Main Street and opposite the intersection of the new road and Main Street; thence in a northerly direction along a line parallel with Main Street and 140 yards east of the eastern boundary of same to a point within 140 yards of Elm Avenue; thence in a easterly direction parallel with Elm Avenue and 140 yards opposite a culvert in said Avenue, thence in a northerly direction across said Avenue at culvert to the north side of the Southern Railway's right-of-way; thence westerly along said right-of-way to a point 70 yards east of the eastern boundary line of Main Street; thence in a northerly direction parallel with said Main Street and 70 yards east of same to the Courtland road, the point of beginning. (2019, c. 315)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the Town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now pertaining to and incumbent on the Town as a municipal corporation. (2019, c. 315)

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of this Charter include specifically, but are not limited to, all powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia. (2019, c. 315)

Chapter 3. Mayor and Town Council.

§ 3.1. Composition of Town Council; election qualification and term of office of Mayor and Council Members.

The Town shall continue to be governed by a Mayor and a Town Council composed of six Council Members, all of whom shall be qualified electors of the Town and shall serve for terms of two years and until their successors are appointed or elected and qualified as provided by law. (2019, c. 315)

§ 3.2. When terms of office to begin.

Terms of office for Mayor and Council Members shall begin on the first day of July next following their election. (2019, c. 315)

§ 3.3. Oath of office.

The Mayor and Council Members shall each, before entering upon the duties of their office, make oath or affirmation that they will truly, faithfully, and impartially discharge the duties of their office to the best of their abilities, so long as they shall continue therein. The Clerk of the Circuit Court of Southampton County, Virginia, shall administer such oath. (2019, c. 315)

§ 3.4. Election and term of Vice Mayor.

The Town Council, by a majority vote at the first meeting following each council election, shall elect from its members a Vice Mayor who shall serve at the discretion of the Town Council. (2019, c. 315)

§ 3.5. Vacancies in office of Mayor and Council Members.

Vacancies in the office of the Mayor and Council Members shall be filled for the unexpired portion of the term by a majority vote of the Council Members within 90 days after the vacancy occurs. Persons so elected to fill vacancies shall be qualified voters and residents of the Town. (2019, c. 315)

§ 3.6. Town Council a continuing body.

The Town Council shall be a continuing body, and no measures pending before such body or any contract or obligation incurred shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (2019, c. 315)

§ 3.7. Powers and duties of Mayor and Vice Mayor.

The Mayor shall be the chief executive officer of the Town and shall have and exercise all power and authority conferred by general law not inconsistent with this Charter. The Mayor shall be recognized as the head of the Town government for all ceremonial purposes. The Mayor shall preside over the meetings of the Town Council and perform such other duties as may be prescribed by this Charter, Town ordinances, the general laws, and such as may be imposed by the Town Council consistent with the office. The Mayor shall be entitled to vote upon measures pending before the Town Council only in the event of a tie. The Mayor shall see that the duties of the various Town officers are faithfully performed. The Mayor shall see that peace and order are preserved and that persons and property are protected within the Town and the corporate limits thereof. The Mayor may issue all warrants charging violation of any ordinances of the Town. During the absence of the Mayor or the inability of the Mayor to act, the Vice Mayor shall possess the powers and discharge the duties of the Mayor. (2019, c. 315)

§ 3.8. Absence or inability of Mayor and Vice Mayor.

If both the Mayor and Vice Mayor are absent or unable to act, the Town Council shall, by a majority vote of the members present, elect from its members a person to serve as acting Mayor at that meeting or until either the Mayor or Vice Mayor is present and able to act. Whenever it is necessary to elect an acting Mayor pursuant to this section, the acting Mayor shall possess the powers and discharge the

duties of the Mayor from the time of election until the Mayor is present and able to act. The Town Clerk or acting Town Clerk shall call the meeting of the Town Council to order and shall preside until an acting Mayor is elected. This shall not be construed to vest in the Town Clerk any of the powers and duties of the Mayor, except as expressly stated in this section. (2019, c. 315)

§ 3.9. General powers and duties of the Town Council.

A. The Town Council shall be responsible for the determination of all matters of policy for the Town and for ensuring the implementation thereof.

B. The Town Council shall have the full powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth of Virginia and by this Charter.

C. The Town Council shall have the power to make motions, adopt ordinances and resolutions, enforce the same, and exercise all powers granted by this Charter and by the laws of the Commonwealth of Virginia.

D. The Town Council may create and appoint such boards, bodies, departments, officers, or consultants, define their duties, and set compensation as may be permitted or required by this Charter, Town ordinances, or the general laws of the Commonwealth of Virginia.

E. The Town Council shall have the power to establish rules for the collection of garbage and other debris and the disposal of offal, ashes, leaves, limbs, garbage, carcasses of unclaimed dead animals, and other refuse; to make reasonable charges therefor; to acquire and operate equipment for the disposal of such materials; to ensure that operators are legally licensed to operate such equipment; and to contract and regulate the collection and disposal thereof.

F. The Town Council shall have the power to acquire by purchase, gift, devise, condemnation, or otherwise property, real or personal, or any estate therein within or without the Town for any legal purpose of the Town and to hold, improve, lease, sell, or otherwise dispose of the same or any part thereof, including any property owned by the Town.

G. The Town Council shall have the power to construct, maintain, regulate, and operate Town property of all kinds, including municipal and other buildings.

H. The Town Council shall have the power to grant franchises for public utilities in accordance with the provisions of the Constitution of Virginia, Town ordinances, and general laws, provided, however, that the Town shall at all times have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the Town, any and all public utilities for the Town and to sell the services thereof, any existing franchises notwithstanding.

I. The Town Council shall have the following powers to regulate and prohibit public nuisances:

1. To regulate and compel the abatement and removal of nuisances within the Town, or upon property owned by the Town beyond its limits, at the expense of the person or persons causing

the same or of the owner or occupant of the grounds or premises whereon the same may be, and to collect said expenses by suit or motion, or by distress and sale, including transportation through streets, smoke and dust, noise, things detrimental to public health, and sidewalks.

2. To require all lands, lots, and other premises within the Town to be kept clean, sanitary, and free from stagnant water, weeds, filth, and unsightly deposits, to make them so at the expense of the owners and occupants thereof, and to collect said expenses by suit, lien, and by distress and sale.

3. To regulate and prohibit animals being kept or running at large in the Town or any portion thereof.

4. To regulate or prohibit the conduct of any dangerous, offensive, or unhealthful business, trade, or employment; the transportation of any offensive substance; the manufacture, storage, transportation, possession, and use of any explosive or flammable substance; and the use and exhibition of fireworks and the discharge of firearms. The Town Council may regulate the maintenance of safety devices on storage equipment for such substances or items as provided by the Constitution of Virginia and § 15.2-1113 of the Code of Virginia, as amended from time to time.

5. To prohibit indecent and disorderly conduct within the Town limits.

6. To prohibit and punish for mischievous, wanton, or malicious damage to public property and private property.

J. The Town Council shall have the power to offer and pay rewards for the apprehension and conviction of criminals.

K. The Town Council shall have the power to provide fire protection, suppression, and public safety.

L. The Town Council shall have the power to name or alter the names of streets within the Town limits.

M. The Town Council shall have the power to establish, regulate, and maintain parks, playgrounds, and public grounds and to keep them lighted and in good repair.

N. The Town Council shall have the power to plant, maintain, or remove shade trees and shrubs along the streets and upon such public grounds to prevent the obstruction of such streets and highways.

O. The Town Council shall have the power to take such actions as to promote the beautification of the Town.

P. The Town Council shall have the power to extend or contract the corporate limits of the Town as provided by the Constitution and general laws of the Commonwealth of Virginia in force at the time.

Q. The Town Council shall have the power to put into force and effect by ordinance any and all of the foregoing powers and any other powers and authorities of the said council given by this Charter, Town ordinances, or any state law, or any amendments thereto; and to prescribe punishment for the violation of any Town ordinance, rule, or regulation, or of any provision of this Charter.

R. The Town Council shall have the power to regulate the size and improvement of lots or parcels of land within the Town limits, including the authority to adopt zoning ordinances and appoint a planning commission, a board of zoning appeals, and a zoning administrator as permitted by the Constitution and general laws of the Commonwealth of Virginia.

S. The Town Council shall have the power to own, operate, and regulate a water system, sewage system, or both.

T. The Town Council shall have the power to own, operate, and regulate a Town cemetery, a Town dump, and other lands outside the Town limits. (2019, c. 315)

§ 3.10. Meetings of Town Council.

The Town Council shall hold at least one public meeting each month with a time and date being fixed by ordinance. A journal shall be kept of its official proceedings. The Town Clerk upon the request of the Mayor or any three Council Members shall call special meetings. Reasonable notice of such special meeting shall be given to each Council Member and the Mayor as set forth in the Constitution of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time. (2019, c. 315)

§ 3.11. Rules of order and procedure.

The Town Council shall establish its own rules of order and procedure and may punish its own members and other persons for violations thereof. (2019, c. 315)

§ 3.12. Town Council to fix salaries.

The Mayor and Town Council may receive a stipend for each regular monthly meeting attended or a per diem allowance for services, the amount thereof to be fixed by the Town Council during the budget process of an election year. (2019, c. 315)

Chapter 4. Appointive Officers.

§ 4.1. Appointment.

The Town Council may appoint such officers of the Town as it deems necessary. Such officers may include, but shall not be limited to, a Town Clerk, a Town Treasurer, a Supervisor of Public Works, and a Town Sergeant. Officers appointed by the Town Council shall perform such duties as may be specified in this Charter, by the laws of the Commonwealth of Virginia, by Town ordinances, and by the Town Council. (2019, c. 315)

§ 4.2. Terms of office.

Officers, deputies, and assistant officers appointed by the Town Council shall serve at the will and pleasure of the Town Council. (2019, c. 315)

§ 4.3. Appointment of one person to more than one office.

The Town Council in its discretion may appoint the same person to more than one appointive office, subject to such limitations as are set forth in the Constitution of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time. (2019, c. 315)

§ 4.4. Residence of officers and employees.

Any appointive officer or employee of the Town may be appointed and serve whether the appointee be a resident or nonresident of the Town. (2019, c. 315)

Chapter 5. Financial Provisions.

§ 5.1. Fiscal year.

The fiscal year of the Town shall begin July 1 of each year and end on June 30 of the year following, but the same may be changed by action of the Town Council where not inconsistent with the laws of the Commonwealth of Virginia. (2019, c. 315)

§ 5.2. Assessment of taxes.

A. The Town Council shall provide to Southampton County's Commissioner of Revenue current Town tax rates for personal and real estate property within the Town limits and collect the same to any extent not prohibited by the laws of the Commonwealth of Virginia, such rates to be established by the Town Council. (2019, c. 315)

B. The Town shall have the power to impose a business license fee and shall collect a percentage of gross sales reported to the Town Clerk by each business annually, such rate to be established by the Town Council. (2019, c. 315)

§ 5.3. Registration of motor vehicles.

The Town shall have the power to impose license requirements and collect the same to any extent not prohibited by the laws of the Commonwealth of Virginia. (2019, c. 315)

§ 5.4. Other revenue-generating activity.

The Town shall have the power to engage in other revenue-generating activities to any extent not prohibited by the laws of the Commonwealth of Virginia. (2019, c. 315)

§ 5.5. Actions against the Town for damages, etc.

The Town Council is authorized and empowered to compromise any claim for damages or any suit or action brought or threatened against the Town. (2019, c. 315)

§ 5.6. Creation of debt; election on issuance of bonds.

The Town Council shall have the power to borrow money, encumber the assets of the Town, and issue bonds under any provisions of the Constitution of Virginia and general laws of the Commonwealth of Virginia. (2019, c. 315)

§ 5.7. Bonds of officers and employees.

The Town Council may require any or all Town officers and employees to give bond for the faithful and proper discharge of their duties. As used herein, "officers and employees" shall include officers, employees, and consultants paid solely or partly by the Town. The Town may pay a premium on such bonds from the Town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the Town as its interest may appear in the event of a breach of the conditions thereof. (2019, c. 315)

Chapter 6. Miscellaneous.

§ 6.1. Elections governed by state law.

All Town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (2019, c. 315)

§ 6.2. Present ordinances continued in effect.

All ordinances now in force in the Town, not inconsistent with this Charter, shall be and remain in force until altered, amended, or repealed by the Town Council. (2019, c. 315)

§ 6.3. Applicability outside the Town.

All ordinances of the Town, so far as they are applicable, shall apply on, in, or to all land, buildings, and structures owned by or leased or rented to the Town and located outside the Town. (2019, c. 315)

§ 6.4. Severability of provisions.

If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (2019, c. 315)

Cedar Bluff, Town of

County of Tazewell

History of incorporation

Incorporated by a 1901 Act of Assembly.
Charter, 1912, c. 6, repealed 1971, c. 113.

Current charter

Charter, 1971, c. 113.

Amendments to current charter
1984, c. 166 (§ 1-3)
1985, c. 374 (§ 1-3)
1993, c. 360 (§ 6-12)
1995, c. 166 (§§ 2-426, 3-91)
2012, c. 461 (§ 3-2)

Article I. Incorporation.

§ 1-1. Incorporation.

The inhabitants of the territory embraced within the present limits of the town of Cedar Bluff as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Cedar Bluff, and as such have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure, and shall have and exercise all the powers conferred by, and be subject to all the laws of the State of Virginia for the government of towns of the State of Virginia. (1971, c. 113)

§ 1-2. Form of government.

The municipal government provided by this charter shall be known as the "Town Manager Plan." Pursuant to its provisions, and subject to the Constitution and general laws of the Commonwealth, all powers of the town shall be vested in an elected council hereinafter referred to as the "Council," which shall enact local legislation, adopt budgets, determine policies and appoint the town manager, who shall execute the laws and administer the government of the town. (1971, c. 113)

§ 1-3. Boundaries.

The boundaries of the town shall be as established by Chapter 6 of the Acts of Assembly of 1912, approved January 27, 1912, as follows:

> BEGINNING at the southwest side of the Norfolk and Western railroad, at the west end of the first tunnel east of the Cedar Bluff station, thence an easterly direction to the dividing line between W. J. Higginbotham's and J. Marion McGuire's land, and with said line northward to the top of the spur north of dry branch, thence a straight line a westwardly direction to the northeast corner of the lands of W. F. Birklebach, thence including his land, a westwardly direction to the northeast corner of E. B. Scott's land, near Jones's chapel, thence including the said Scott's land a westwardly course with his north line to the southwest side of the Norfolk and Western right-of-way, thence with the said right-of-way an eastwardly direction to a point on the said right-of-way at the white sulfur spring, thence an eastwardly direction to and including the lands of E. H. and E. B. Scott, in the sulphur spring hollow at the mouth of said hollow, thence a straight line to the BEGINNING. (1971, c. 113; 1984, c. 166; 1985, c. 374)

Article II. Powers.

§ 2-1. General grant of powers.

The town of Cedar Bluff shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and the laws of the Commonwealth, and all other powers pertinent to the town government the exercise of which is not in conflict with the said Constitution and the laws of the Commonwealth of Virginia, and which, in the opinion of the council are necessary or desirable to promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1971, c. 113)

§ 2-2. Financial powers.

In addition to the powers granted by other sections of this charter, the town is empowered: (1971, c. 113)

§ 2-201. To raise annually by levy of taxes and assessments in the town on all property, real and personal, as it now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council shall deem necessary for the purposes of the town, in the manner as the council shall deem expedient in accordance with the Constitution of this State and of the United States. (1971, c. 113)

§ 2-202. To impose special or local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments. (1971, c. 113)

§ 2-203. To require the owner of every motor vehicle kept or habitually used in the town, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license to operate the same by making application to the Town Treasurer, or such other persons as may be designated by the town council to issue such license, and to require the vehicle owner to pay an annual license fee therefor to be fixed by the council, provided that the license shall not exceed the amount charged by the State on such vehicle. (1971, c. 113)

§ 2-204. To establish, levy and collect, except when prohibited by general law, a tax or license on any person, firm or. corporation pursuing or, conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundary of the town, whether a license may be required therefor by the State or not, provided that such license fee therefor shall not exceed the amount charged by the State for such license, if the State requires a license for such trade, business, profession, occupation, employment or calling, and may provide penalties for the nonpayment thereof,

which penalties may include, among other things, the right to prohibit such person, firm or corporation, from pursuing or conducting such trade, business, profession, occupation, employment or calling within the boundaries of said town unless and until such license shall have been paid. (1971, c. 113)

§ 2-205. To establish, levy and collect taxes for admission to or other charges for any public amusement, entertainment, performance, exhibition, lecture, sport or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge. (1971, c. 113)

§ 2-206. To establish, levy and collect taxes upon the amount paid for the use of water, sewage facilities, electricity, gas, telephone or other public utilities service used within the town, which public utility service is wholly owned, operated and controlled by the town or an agency, board or commission of the town, which taxes may be added to and collected with the bills rendered to the purchasers of such service. (1971, c. 113)

§ 2-207. To establish, levy and collect a tax on all subjects of taxation not prohibited to it by, or exempted in, the Constitution and general laws of Virginia. (1971, c. 113)

§ 2-208. To establish, levy and enforce the collection of water and sewage rates and charges, and rates and charges for public utilities, products or conveniences operated, rendered or furnished by the town; and to assess or cause to be assessed, after reasonable notice to the owner or owners, water, sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants. In event such rates or charges are assessed against the owner or owners, such rates and charges, together with such penalties, and interest not to exceed six percent, as the council by ordinance may prescribe, shall constitute and be a lien against the real estate and buildings in or on which such service is rendered, and may be filed in the Clerk's Office of the Circuit Court of Tazewell County and collected in such manner as delinquent taxes are filed and collected. In the event such rates and charges shall be assessed against a tenant, then the council may by ordinance require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant. The town shall have the right and power to charge a different rate for water or sewage service rendered or furnished to citizens without the corporate limits from the rates charged for similar services furnished to citizens within the corporate limits. (1971, c. 113)

§ 2-09. To charge and collect fees for permits to use public facilities and for public services and privileges. The said town shall have the right and power to charge a different rate for any service, facility or privilege rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar services, facilities or privileges rendered or conveniences furnished to citizens within the corporate limits. (1971, c. 113)

§ 2-210. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers, rights, duties and functions of the town government. (1971, c. 113)

§ 2-211. To provide, or add to the support of public libraries, public schools, public hospitals, public parks, public museums, and public recreation facilities. (1971, c. 113)

§ 2-212. To provide for the control and management of the fiscal affairs of the town, and to prescribe and require the adopting and keeping of such books, records, accounts and systems of accounting as may be necessary to give full and true accounts of the affairs, resources and revenues of the town, and the handling, use and disposal thereof. (1971, c. 113)

§ 2-213. To borrow money, contract debts, make and issue, or cause to be issued as evidences thereof, bonds, notes, or other obligations within the limitations prescribed by the Constitution, and in accordance with the provisions of the law concerning bond issues by towns, upon the credit of the town, or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from property, facilities or services in connection with any public utility owned or operated by the town. (1971, c. 113)

§ 2-214. To expend the money of the town for any and all lawful purposes. (1971, c. 113)

§ 2-3. Powers relating to public works, utilities and properties.

In addition to the powers granted by other sections of this charter, the town is empowered: (1971, c. 113)

§ 2-301. To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein within or without the town for any purposes necessary in carrying out any of the functions of the town or the government of the town; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof, including any property now owned by the town. (1971, c. 113)

§ 2-302. To own, operate and maintain waterworks; to acquire in any lawful manner in any county of the State such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing an adequate water supply to the town and of piping and conducting the same; to lay, erect and maintain all necessary means and service lines either within or without the corporate limits of the town, for the distribution of water to customers and consumers, both within and without the corporate limits of the town, and to charge and collect water rates therefor; to erect and maintain all necessary dams, storage basins or tanks, filtration plants, purification plants, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and of protecting the same from pollution; and for this purpose to exercise full police powers and sanitary control over all land owned or leased by the town and within the limits of the watershed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction or any other appropriate legal process any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof for adequate water supply;

and to carry out the powers herein granted, the town may exercise, within this State all powers of eminent domain provided by the laws of this State. (1971, c. 113)

§ 2-303. To construct, maintain, regulate and operate public improvements of all kinds, including, among other things, but not limited to, municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town, and for the comfort, welfare and benefit of the citizens; to acquire by condemnation or otherwise, as may be provided by law, all lands, riparian and other rights, easements, rights of way and privileges as may be necessary for such improvements, or any of them, either within or without the town; and to construct, maintain or aid therein, roads, streets, highways, bridges, underpasses and overpasses to any property owned by the town and situate beyond the corporate limits thereof, and to acquire the land necessary by condemnation or otherwise as may be provided by law. (1971, c. 113)

§ 2-304. To survey, establish, enter, open, widen, extend, grant, construct, pave, maintain, repair, light, sprinkle and clean public streets, highways, alleys, sidewalks, parkways, and parks, and relocate, alter or close the same; and in relocating, altering or closing any public street, alley, sidewalk, parkway or park, to have the power to agree to a substitution of a new location in whole or in part, in the place and stead of such street, alley, sidewalk, parkway or park, or portions thereof relocated, altered or closed, and to execute such agreements, releases or deeds in connection therewith as may be deemed expedient or proper in carrying the same into effect; and also to have the power to ratify and approve the substitution and new locations, in whole or in part, in the place of a public street, alley, sidewalk, parkway or park, or portions thereof previously relocated, altered or closed, in whole or in part, and all approving and ratifying agreements, releases or deeds previously executed by said town in connection therewith and carrying the same into effect at the time thereof, if deemed expedient and proper; to regulate the weight of loads to be hauled or carried over and upon the streets, alleys, sidewalks and parkways, insofar as such regulation of weights and loads does not conflict with general State laws relating to load limits to be carried or transported over state highways; to regulate the use of all such highways, parks, streets, sidewalks, alleys, parkways and public places; to prevent the obstruction, destruction or injury to any such streets, highways, alleys, parkways, parks, sidewalks or public places; in conformity with and subject to the provisions of Articles 3 and 6 of Chapter 13 of Title 56 of the Code of Virginia, 1950, as amended, to require any railway company operating a railroad at the place where any highway, street or alleyway or sidewalk is crossed within the limits of the town, to construct and maintain adequate crossings and to erect and maintain at such crossing any style of gate or warning signal deemed proper by council; to regulate the operation and speed of all cars, motorcycles, bicycles, or vehicles of any nature whatsoever upon said streets or highways, as well as the speed of all engines, cars and rolling stock of railroad trains within the town; to permit or prohibit towers, poles, conduits, cables, or wires for electric, telephone, telegraph, radio or television purposes

to be erected, wired, or constructed; to construct, maintain, repair and operate bridges, sidewalks, subways, tunnels, sewers, and drains or to permit the construction, maintenance, repair and operation thereof; to plant, maintain or remove shade trees along the streets and upon public grounds; and to do all other things whatsoever to make said streets and highways safe, convenient and attractive. (1971, c. 113)

§ 2-305. To establish, maintain, regulate the use of parks, golf courses, playgrounds, stadia, recreation areas and public grounds, and to keep them lighted and in good order; to construct in such parks, golf courses, playgrounds and public grounds as the town may maintain or upon any town property, stadia, swimming pools, gymnasia and recreation or amusement buildings, structures, or enclosures of every character, refreshment stands, restaurants and the like; to charge admission for the use of such grounds, and to rent out or lease the privileges of such constructing or using such parks, golf courses, playgrounds, public grounds, swimming pools, stadia, recreation or amusement buildings, structures or enclosures of every character, refreshment stands, restaurants and the like. (1971, c. 113)

§ 2-306. To establish, construct, repair and maintain sanitary sewers, sewer lines and systems, and to require all property owners within the town to connect therewith; to establish, construct, repair, maintain and operate sewage disposal plants; to acquire by condemnation or otherwise, within or without the town, all lands, rights of way, riparian and other rights, and easements necessary for the purposes aforesaid; and to charge, assess and collect reasonable fees, tap fees, rentals, assessments and costs of service for connection with and using the same. (1971, c. 113)

§ 2-307. To grant franchises for public utilities subject to the provisions of the Constitution, the general laws of Virginia and this charter; provided the town shall at any time have the power to contract for, own, operate, manage, sell, lease, encumber or otherwise dispose of, either within or without the town, any and all public utilities for the town and to sell the services thereof, subject to existing franchises, but no utility shall be sold except by an express consent of the citizens by referendum. (1971, c. 113)

§ 2-308. To own, operate, repair and maintain electric light and gasworks, either within or without the corporate limits of the town, and to supply electricity and gas whether the same be generated, produced or purchased by the town, to its customers and consumers both within and without the corporate limits of said town, at such prices and upon such terms as the Council may deem advisable; the town shall have the right and power to charge a different rate for any service rendered for electricity or gas furnished to citizens without the corporate limits of the town from the rates charged for similar services, electricity and gas to citizens within the corporate limits; and to that end the town may contract and purchase electricity and gas upon such terms as it may deem expedient. (1971, c. 113)

§ 2-309. To establish, maintain and operate landing fields or airports within or without the corporate limits of the town and for such purposes to acquire real estate by gift, lease, purchase or condemnation; to lease such landing fields or airports to others to be used for any lawful purpose; to sell, encumber, or otherwise dispose of the same as the Council may deem expedient; to erect and maintain buildings and appurtenances necessary for the use of such landing fields and airports and to prescribe and enforce rules and regulations not in conflict with the laws, rules and regulations prescribed by the State of Virginia and the Federal Government for the use and protection of the citizens and for such landing fields or airports. (1971, c. 113)

§ 2-310. To give names to and to change and alter the names of streets and alleys. (1971, c. 113)

§ 2-311. To acquire, construct, own, maintain and operate within and without the corporate limits of the town, places for the parking or storage of vehicles by the public, which shall include but shall not be limited to, parking lots, garages, buildings or other lands, structures, equipment and facilities, when in the opinion of the Council they are necessary to relieve congestion in the use of streets, roads and alleys, and to reduce hazards incident to such use; to provide for their management and control by a department of the town government or by a board, commission or agency especially established by ordinance for that purpose; to authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the Council may prescribe by appropriate ordinance or resolution; and to charge or authorize the charging of compensation for the parking or storage of vehicles, or other services at or in such places. (1971, c. 113)

§ 2-312. To accept or to refuse, by ordinance or resolution, the dedication of streets, roads, parks, parkways and alleys, easements or lands for other public use or purpose, unless the title to the same be acquired in fee simple in accordance with any subdivision regulation adopted under the provisions of Article VII. (1971, c. 113)

§ 2-313. To exercise the power of eminent domain within the town for any lawful purpose of the town; and without the corporate limits of the town for any property required for any of the public services or utilities of the town. (1971, c. 113)

§ 2-4. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the town and its inhabitants.

In addition to the powers granted by other sections of this charter, the town shall have power to pass and enforce by-laws, rules, regulations and ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth, for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the town and of its inhabitants, and among such powers, but not a limitation thereof, the town is empowered: (1971, c. 113)

§ 2-401. To collect and dispose of sewage, offal, ashes, garbage, trash, carcasses of dead animals and other refuse, and to make reasonable charges therefor, and to provide such facilities for citizens

living without the corporate limits of said town and to make reasonable charges therefor; to acquire and operate dumps, land fills, reduction plants, or any other plants for the utilization or destruction of such materials; and to contract for or regulate the collection and disposal thereof. (1971, c. 113)

§ 2-402. To inspect, test, measure and weigh any commodity or commodities, or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures and scales; to provide standards of purity, in conformity with existing state and federal laws and regulations for milk, foods and foodstuffs sold within the corporate limits of the town. (1971, c. 113)

§ 2-403. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and other similar shows or fairs or to prohibit the holding of the same or any of them within the town. (1971, c. 113)

§ 2-404. To compel the abatement and removal of all nuisances within the town or upon property owned by the town without the corporate limits at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be and to collect said expense by suit or motion or by distress or sale; to require that all lands, lots and other premises within the town be kept clean and sanitary and free from stagnant water, weeds, filth, junk and unsightly deposits, or to make them so at the expense of the owners or occupants thereof; to control and regulate junk yards and automobile parts yards to the end that such junk yards or automobile parts yards shall not be unsightly, and the town may require by appropriate ordinance that all such junk yards or automobile parts yards be so fenced or screened that the same will be hidden from public view; and in the event it is necessary for the town to do any work in connection with keeping the property or lands sanitary and free from stagnant water, weeds, filth, junk or other unsightly deposits or controlling such junk yards or automobile parts yards as above set forth, the town shall have the right to collect monies expended by it from the owner or operator by suit or motion or by distress and sale; to pass and enforce any ordinance that may be necessary for the public safety for the control of dogs, cats and other pets; to regulate or prevent slaughter or other noisome or offensive business within the town, the keeping of hogs or other animals, poultry or other fowl therein or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through and upon the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed to regulate the location, construction, operation and maintenance of billboards, signs and advertising; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetic sensibilities, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary and free from all weeds, filth, junk, unsightly deposits, ice and snow. (1971, c. 113)

§ 2-405. To extinguish and prevent fires and to establish, maintain, regulate and control a fire department or division; to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or require to be reconstructed any building, structure, or addition thereto which, by reason of dilapidation, defect of structure or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to. enlarged or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, steel or other fireproof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainment or amusements. (1971, c. 113)

§ 2-406. To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, kerosene oil or other like materials; to regulate the discharge of firearms, and the making of bonfires in the streets and yards; to prohibit the sale and use of fireworks. (1971, c. 113)

§ 2-407. To provide for regular and safe construction of houses in the town for the future; and to provide a building code for the town, and setback lines on the streets. (1971, c. 113)

§ 2-408. To provide for the preservation of the general health of the inhabitants of the town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in the town of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally, to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the use of the people of the town. (1971, c. 113)

§ 2-409. To provide and maintain, either within or without the town, charitable, recreative, curative, corrective, detentive or penal institutions. (1971, c. 113)

§ 2-410. To prevent fowls and animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper. (1971, c. 113)

§ 2-411. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets

which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals. (1971, c. 113)

§ 2-412. To control, regulate, limit and restrict, insofar as not prohibited by general law, the operation of motor vehicles carrying passengers for hire upon the streets and alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through the town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare. (1971, c. 113)

§ 2-413. To exercise full police powers and establish and maintain a department or division of police. (1971, c. 113)

§ 2-414. To restrain and punish drunkards, vagrants and street beggars; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in the town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year. (1971, c. 113)

§ 2-415. To prohibit and punish for mischievous, wanton or malicious damage to school and public property, as well as private property. (1971, c. 113)

§ 2-416. To offer and pay rewards for the apprehension and conviction of criminals; to compel persons sentenced to confinement in the jail of the town for any misdemeanor or other violation of the laws or ordinances of said town to work on the public streets, parks or other public works of the town; and on the requisition of the mayor, or other person acting as judge of the municipal court, it shall be the duty of the police of the town to deliver such person to the duly authorized agent of the town for such purposes from day to day as he may be required. For the purpose of carrying into effect the police regulations of said town, the town may, subject to the provisions of general law, be allowed the use of the jail of Tazewell County or the jails of other counties or municipalities, or the use of the facilities of Bland Correctional Farm, for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under an ordinance of said town; provided, however, the town shall pay the cost of keeping such persons in such jails or at such correctional farm. (1971, c. 113)

§ 2-417. To prohibit begging, and to prohibit or regulate the soliciting by any person, group of persons, firm, corporation, charitable organization and the like, and the peddling or hawking of any article for sale within the town, provided that such prohibition or regulation shall not be applied with respect to persons duly licensed and regulated exclusively by the Commonwealth of Virginia; the town, however, shall have the right to require the purchase of a local license at a cost not exceeding the cost of a similar state license, from any person, firm or corporation hawking or peddling any article for sale within the town. (1971, c. 113)

§ 2-418. To punish for releasing or attempting to release a prisoner, or interfering in any manner with an officer in the exercise of his official duties. (1971, c. 113)

§ 2-419. To make and enforce ordinances to regulate, control, license and tax the manufacture, bottling, sale, distribution, handling, advertising, possession, dispensing, drinking, and use of alcohol, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation or otherwise; provided, however, that no such ordinance shall be in conflict with any of the provisions of the Alcoholic Beverage Control Act or the general laws of this Commonwealth with respect to such alcoholic beverages, liquids, and articles. (1971, c. 113)

§ 2-420. To provide for the protection of the town's property, real and personal, the prevention of the pollution of the town's water supply, and the regulation of the use of parks, playgrounds, playflelds, recreational facilities, cemeteries, airports and other public property, whether located within or without the town. For the purpose of enforcing such regulations all town property wherever located shall be under the police jurisdiction of the town. Any member of the police force of the town, or employee thereof appointed as a special policeman, shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section and the police justice shall have jurisdiction in all cases arising thereunder within the town, and the county court of the county wherein the offense occurs shall have jurisdiction of all cases arising thereunder without the town. (1971, c. 113)

§ 2-421. To prescribe the location in, under or over, and grant permits for the use of, streets, alleys, and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, sewers, areas and cellars; require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted and prohibit such use of the streets, alleys and other public places of the town, and no such use shall be made of the streets, alleys or other public places of the town without the consent of the council. (1971, c. 113)

§ 2-422. To prevent any obstruction of or encroachment on, over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment; remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroached, and collect the sum charged in any manner provided by law for the collection of taxes; require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, and recover possession of any street, alley, sidewalk or other public place or any other property of the town by suit or action. (1971, c. 113)

§ 2-423. To regulate, in the interest of public health, the production, preparation, distribution, and sale of milk, other beverages and foods for human consumption, and the places within the town in which

they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets; and the sanitation of swimming pools; compel the use of sewers, the connection of premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; to prevent the connecting of roof drains and storm sewers to any sanitary sewer system; to regulate or prohibit the use of garbage disposal units connected to the sanitary sewer system; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the town from contagious, infectious or other diseases. (1971, c. 113)

§ 2-424. To regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same. (1971, c. 113)

§ 2-425. To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided for conviction of such violation. (1971, c. 113)

§ 2-426. To prescribe penalties for the violation of any town ordinance, rule, or regulation, not exceeding two thousand five hundred dollars or twelve months imprisonment in jail, or both, but not exceeding any penalty established by the Commonwealth for a similar offense. (1971, c. 113; 1995, c. 166)

§ 2-427. To make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within the town or within two miles thereof, into streets, alleys, roads, and lots or tracts shall be submitted to and approved by the council or such official or board, including the Cedar Bluff Planning Commission, as the council designates in any regulations controlling the orderly subdivision of land it may adopt, before such plats or replats are filed for record or recorded in the office of the Clerk of Tazewell County, Virginia. (1971, c. 113)

§ 2-428. To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town, or its inhabitants. (1971, c. 113)

§ 2-429. To declare the practice of going in and upon private residences in the town of Cedar Bluff by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking, to be a nuisance and punishable as such as a misdemeanor, provided that the power referred to in this section shall not apply with respect to persons duly licensed and regulated by the Commonwealth of Virginia. (1971, c. 113)

§ 2-430. To create a Sinking Fund Commission to have full power and control over and administration of a sinking fund or funds for the redemption of bonds, issued heretofore or issued hereafter, in conformity with general law. (1971, c. 113)

§ 2-431. The powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1971, are hereby conferred on and vested in the Town of Cedar Bluff, Virginia. (1971, c. 113)

Article III. The Council.

§ 3-1. Creation and composition.

The governing body of the town of Cedar Bluff shall consist of a mayor and six councilmen elected at large. All of them shall be residents and qualified voters of the town. (1971, c. 113)

§ 3-2. Nominations and elections.

Primary elections or mass meetings may be held for the nomination of candidates for mayor and council but not required. The mayor and six councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May, 1972, three councilmen to be elected for a term of two years and three councilmen to be elected for a term of four years, and every two years thereafter in the manner prescribed by law for terms of four years each, and the mayor to be elected for a term of four years for any term beginning after December 31, 2012, and shall serve until their successors have been elected and qualified. However, beginning in 2012, the municipal election shall be held on the Tuesday following the first Monday in November with terms to commence on the following January 1. The mayor and those members of council whose terms expire on June 30, 2012, or June 30, 2014, shall have their terms extended by six months until their successors have been elected and qualified. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of or removal of any of its members. (1971, c. 113; 2012, c. 461)

§ 3-3. Vacancies.

Vacancies in the council shall be filled for the unexpired term by a majority of the remaining members. The present council shall continue in office until the expiration of the terms for which they were elected. (1971, c. 113)

§ 3-4. Powers.

All powers of the town and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this charter, the council is empowered to: (1971, c. 113)

§ 3-401. Appoint and remove the town manager, the town clerk, the town attorney, the police justice, issuing justices and officers of the volunteer fire department. (1971, c. 113)

§ 3-402. Adopt the budget of the town. (1971, c. 113)

§ 3-403. Inquire into the conduct of any office, department or agency of the town and make investigations as to municipal affairs. (1971, c. 113)

§ 3-404. Appoint the members of the planning commission, the board of zoning appeals, and the recreation commission, and fill any vacancies thereon. (1971, c. 113)

§ 3-405. Create a housing authority. (1971, c. 113)

§ 3-406. Adopt and modify the official map of the town. (1971, c. 113)

§ 3-407. Pass all laws and ordinances relating to its municipal affairs subject to the Constitution and general laws of the Commonwealth and of this charter and may from time to time amend, reamend, or repeal any or all of its ordinances for the proper regulation, management, and government of the town and impose fines and penalties for the violation or nonobservance thereof. (1971, c. 113)

§ 3-408. To compel the attendance of its members and to punish its members for disorderly behavior and by a vote of two-thirds of the whole council expel a member. (1971, c. 113)

§ 3-409. To require and secure such bonds for any of the town employees as it may deem necessary. (1971, c. 113)

§ 3-410. To keep a journal of its proceedings, which journal shall be open to public inspection. (1971, c. 113)

§ 3-411. To fix the salaries and wages of all officers and employees of the town as herein otherwise specifically provided. (1971, c. 113)

§ 3-5. Mayor.

On the first day of July,1972, and on the first day of July every second year thereafter, or if such day shall fall on Sunday then to the following Monday, the council shall choose by a majority vote of all the members thereof one of their number to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council, have the same right to speak therein as other members and shall vote only in case of a tie but no veto. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, and, if a vacancy shall occur in the office of mayor, shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor. (1971, c. 113)

§ 3-6. Compensation.

The council may from time to time fix and adjust the compensation for the services of the mayor, council and clerk. (1971, c. 113)

§ 3-7. Rules of procedure.

The council is empowered, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall not be less frequently than once each month. They shall also provide for the calling of special meetings by the mayor or any three members of the council and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meetings except by the unanimous consent of all the members of the council. The meetings of the council shall be open to the public, except when the public welfare, in the opinion of four-fifths of the council, requires secrecy. A majority of the council shall constitute a quorum for the transaction of business. (1971, c. 113)

§ 3-8. Ordinances.

Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. (1971, c. 113)

§ 3-81. The enacting clause of all ordinances passed by the council shall be "Be it ordained by the council of the town of Cedar Bluff." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than seven days apart unless the requirement of such reading has been dispensed with by the affirmative vote of four of the members of the council. No ordinance or section thereof shall be revised or amended by its title section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the members. (1971, c. 113)

§ 3-82. All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by the affirmative vote of two-thirds of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of town property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed. No measure increasing a tax or license, or providing for any new form of tax shall be adopted until notice has been published thirty days previous to its passage in a paper of general circulation in the town. (1971, c. 113)

§ 3-83. Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose and shall be authenticated by the signature of the presiding officer and the town clerk. (1971, c. 113)

§ 3-84. Every member, when present, when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. (1971, c. 113)

§ 3-9. Appointees.

At the first meeting in September following each councilmanic election or as soon thereafter as practicable the council shall appoint: (1971, c. 113)

§ 3-91. A Town Manager who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He may be bonded as the council may deem necessary. During the absence or disability of the town manager or in case of a vacancy the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the town manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. The town manager shall have the authority and it shall be his duty: (1971, c. 113; 1995, c. 166)

§ 3-911. To see that all laws, ordinances, resolutions, and by-laws of the council are faithfully enforced. (1971, c. 113)

§ 3-912. To appoint such officers and employees as the council shall determine and authorize as are necessary for the proper administration of the affairs of the town with the power to discipline and remove any such officer or employee, but he shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the town manager and confirmed by the council shall have the power to discipline his subordinates and with the approval of the town manager to discharge any subordinate for just cause. Any officer or employee so removed shall have the right of appeal to the council within thirty days after his removal and after notice to the town manager. The action of the council on such appeal shall be final. (1971, c. 113)

§ 3-913. To attend all meetings of the council, with the right to take part in the discussion, but having no vote. (1971, c. 113)

§ 3-914. To recommend to the council for adoption such measures as he may deem necessary or expedient. (1971, c. 113)

§ 3-915. To make reports to the council from time to time upon the affairs of the town and to keep the council fully advised of the town's financial condition and its future financial needs. (1971, c. 113)

§ 3-916. To prepare and submit to the council a tentative budget for the next fiscal year as provided by general law and by this charter. (1971, c. 113)

§ 3-917. To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent. (1971, c. 113)

§ 3-918. To supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded and to appoint, or upon resolution of the council to act as, the town treasurer with the following duties: (1971, c. 113)

§ 3-9181. To be the collector and custodian of all funds belonging to the town and to deposit such funds in such depositories as may be designated by the council. (1971, c. 113)

§ 3-9182. To have custody of all investments and invested funds of the town in a fiduciary capacity. (1971, c. 113)

§ 3-9183. To disburse by check all monies payable by the town. If the treasurer is a person other than the town manager, all checks shall be countersigned by the town manager. (1971, c. 113)

§ 3-9184. To protect the interest of the town by withholding the payment of any claim or demand by any person, firm or corporation against the town until any indebtedness or other liability due from such person, firm, or corporation shall first have been settled and adjusted. (1971, c. 113)

§ 3-919. To perform such other duties as may be prescribed or requested by council. (1971, c. 113)

§ 3-92. A Town Clerk, who also may be the town manager, for an indefinite term. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He shall have the following duties: (1971, c. 113)

§ 3-921. To be custodian of the corporate seal. (1971, c. 113)

§ 3-922. To give notice of council meetings. (1971, c. 113)

§ 3-923. To keep a journal of council proceedings. (1971, c. 113)

§ 3-924. To authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions. (1971, c. 113)

§ 3-925. To prepare all statements for monies owed the town for supplies or services rendered. (1971, c. 113)

§ 3-926. To perform such other duties as may be prescribed or requested by council. (1971, c. 113)

§ 3-93. A Town Attorney, for an indefinite term, who shall be an attorney at law licensed to practice under the laws of the Commonwealth, and shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. He shall have the following powers and duties: (1971, c. 113)

§ 3-931. To be legal advisor of the council, the town manager and all departments, boards, commissions and agencies of the town, in all matters affecting the interests of the town and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties. (1971, c. 113)

§ 3-932. To prepare, at the request of the town manager or any member of the council, ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof. (1971, c. 113)

§ 3-933. To draw or approve all bonds, deeds, leases, contracts or other instruments to which the town is a party or in which it has an interest. (1971, c. 113)

§ 3-934. To represent the town as counsel in any civil case in which it is interested and in criminal cases when so requested by the town council. (1971, c. 113)

§ 3-94. A Police Justice, as provided in Article V. (1971, c. 113)

§ 3-95. Issuing Justice, as provided in Article V. (1971, c. 113)

Article IV. Financial Administration.

§ 4-1. Budgets and appropriations: (1971, c. 113)

§ 4-11. The fiscal year of the town shall begin on the first day of September and end on the thirty-first day of August of the succeeding year. (1971, c. 113)

§ 4-12. At the regular July meeting of the council, the town manager shall submit to the council separate current expense budgets for the general operation of the town government, hereinafter referred to as the general fund budget, including a budget for each utility operated by the town, and a capital budget. (1971, c. 113)

§ 4-13. The general fund and/or utility budget shall contain: (1971, c. 113)

§ 4-131. An itemized statement of the appropriations recommended with comparative statements in parallel columns showing appropriations made for the current and next preceding year. (1971, c. 113)

§ 4-132. An itemized statement of the taxes and/or utility services charges required, and of the estimated revenue of the town and/or utilities from all other sources for the ensuing year, with comparative statements in parallel columns of the taxes and other sources of revenue for the current and next preceding year and of the increases or decreases estimated or proposed. (1971, c. 113)

§ 4-133. A statement of the financial condition of the town and/or utilities. (1971, c. 113)

§ 4-134. A budget message relative to the conditions, reasons, etc., connected with the estimates for the ensuing year together with a work program showing the undertakings to be begun and those to be completed during the next year. (1971, c. 113)

§ 4-135. Such other information as may be requested by the council. (1971, c. 113)

§ 4-14. At the same time that the town manager shall submit a general fund and/or utility budget he shall prepare for introduction appropriation ordinances listing the appropriation for each department, utility, branch, board or commission which ordinance shall also fix the tax rate on real and personal property; on bank stock for the ensuing fiscal year; and service charges on utilities. Said budgets shall act as the supporting schedules for the appropriation ordinances. (1971, c. 113)

§ 4-15. A public hearing on the budget plan as a whole shall be held by the council within thirty days after its submission to the council, but not until a resume of the proposed budgets and notice of such hearing shall have been published at least one time in a newspaper of general circulation within the town at least ten days prior to such hearing. After the conclusion of the public hearing the council may insert new items of expenditure or may increase, decrease, or strike out any item of expenditure in the budgets except that for debt service. (1971, c. 113)

§ 4-16. The council shall approve not later than September 30th upon the affirmative vote of the majority of the membership of the council, a general fund and/or utility budget and adopt appropriation ordinances. (1971, c. 113)

§ 4-17. The council may, after referring to the town manager for a recommendation, make additional appropriations during the fiscal year upon the affirmative vote of two-thirds of the membership of the council. (1971, c. 113)

§ 4-18. Any portion of annual appropriation, except for capital expenditures, remaining unexpended and unencumbered at the close of the fiscal year, shall lapse. (1971, c. 113)

§ 4-19. The capital budget shall contain a program previously acted upon by the town planning commission as provided in § 6-135 of this charter, of proposed capital improvement projects, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendation as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year, but, except in the case of emergency as provided in § 3-82 of this charter,

the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation for such project is included in the capital budget as adopted by it. The council shall take final action on the capital budget not later than the twenty-eighth day after the date prescribed for the adoption of the general fund budget. No appropriation for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and the next capital budget. Nothing herein contained shall be construed to limit the power of the town council to originate or initiate capital improvements. (1971, c. 113)

§ 4-2. Bids and purchases.

The council may fix the requirements under which purchases of equipment, materials and supplies are to be made. (1971, c. 113)

§ 4-3. Independent audit.

Prior to the end of each fiscal year the council shall designate the Auditor of Public Accounts, or qualified certified public accountants, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the town government and shall mail a copy of their report to each member of the town council and to the town manager. The auditors shall post-audit the books and documents kept by the treasurer and any separate or subordinated accounts kept by any other office, department or agency of the town government. (1971, c. 113)

§ 4-4. Liens.

A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, together with all penalties and interest at the rate of six per centum due thereon from the commencement of the year for which the same were assessed, and the procedure for collecting said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession. (1971, c. 113)

Article V. Administration of Justice.

§ 5-1. Police justice.

There is hereby created the office of Police Justice for the town of Cedar Bluff. (1971, c. 113)

§ 5-11. Appointments. Said police justice shall be appointed by the council at the first meeting or as soon thereafter as practicable and hold office during the pleasure of the council. Before entering upon the discharge of duties as police justice, the person so appointed shall subscribe the oath prescribed for State officers, and shall give such bond as may be required by the council. The mayor, or any citizen residing in the town, may be appointed as police justice. If the mayor is appointed as police justice he shall discharge such duties as the police justice of the town under this charter and not as the mayor of the town, in addition to the duties of mayor imposed upon him by this charter; and his powers, duties, authority and jurisdiction as such police justice shall be as hereinafter provided for the police justice. (1971, c. 113)

§ 5-12. Absence or Vacancy in Office. During the absence or disability of the police justice the mayor shall serve in the capacity of substitute police justice, or if the mayor has been appointed as police justice, then during the absence or disability, the vice-mayor shall act as substitute police justice, but no additional oath and no bond shall be required of any such substitute police justice as a prerequisite to his authority to act. The substitute police justice shall receive for his services such per diem compensation as may be prescribed by the council. (1971, c. 113)

§ 5-13. Jurisdiction. The police justice is hereby vested with original and exclusive jurisdiction of all offenses against any ordinance of the town of Cedar Bluff, Virginia, which violation occurs within the corporate limits of said town. (1971, c. 113)

§ 5-14. Appeals and Warrants. Appeals from the decision of the police justice shall be as provided in Title 16.1 of the Code of Virginia, as amended, and all cases appealed from the police justice shall be appealed to the Circuit Court of Tazewell County, Virginia. Should a warrant be issued charging a violation of a town ordinance and it should develop prior to trial, or at any time during trial, prior to the imposition of sentence, that the alleged offense involved a. felony, then, in lieu of final disposition by the police justice, the case may be certified by the police justice to the County Court of Tazewell County, Virginia, to be there dealt with as provided by law, and it may be there tried on the original warrant, the same as though said warrant had charged the violation of State law and had been issued by a person authorized to issue State warrants. In the event a warrant should be issued charging a violation of a town ordinance, and it should for any reason appear prior to trial, or at any time during trial, prior to the imposition of sentence, that the police justice is for any reason without jurisdiction to try the same, said warrant may be certified to the proper court for trial where the same may be tried upon the original warrant. The police justice shall also have jurisdiction to issue original warrants charging violation of town ordinances; to issue subpoenas or to issue and/or try any other processes incidental to the jurisdiction herein granted; power to admit to bail prior to trial in cases involving violation

of town ordinances, or to admit to bail subsequent to trial, upon an appeal; power to take bond as security for the payment of fines and costs; power to issue search warrants; and shall have the same powers in matters of contempt as are granted or limited by § 16.1-26 of the Code of Virginia, and shall be a conservator of the peace within the corporate limits of the town of Cedar Bluff and for one mile beyond the corporate limits thereof. (1971, c. 113)

§ 5-15. Compensation and Clerical Assistant. A salary to compensate the police justice shall be fixed by the town council. The council may also appoint such clerk or clerks as may, in their discretion, be necessary, and require of such clerk or clerks such bond as it may deem proper, provide just compensation therefor and provide necessary records. (1971, c. 113)

§ 5-16. County Court. Nothing herein contained shall be construed as affecting the provisions of § 16.1-75 of the Code of Virginia. (1971, c. 113)

§ 5-17. Necessity of Warrant. Nothing contained in this charter relating to the issuance of warrants shall be construed as affecting or altering the provisions of § 16.1-129.1 of the Code of Virginia. (1971, c. 113)

§ 5-2. Issuing justice.

There is hereby created the office of Issuing Justice for the town of Cedar Bluff. (1971, c. 113)

§ 5-21. Appointment. The council may appoint at its first meeting or as soon thereafter as is practicable, to serve during the pleasure of the council, one or more issuing justices who are qualified voters within the town and who already may be employees of any department of the town, provided holding the two offices is not contrary to the laws of the State. (1971, c. 113)

§ 5-22. Jurisdiction. The issuing justices so appointed shall have power to issue warrants for violation of town ordinances; the power to issue subpoenas or other processes the same as could be issued by the police justice and the power to admit to bail in any case where the police justice could admit to bail, but any warrant, summons or process issued by such issuing justices shall be returnable before the police justice for action thereon. (1971, c. 113)

§ 5-23. Compensation. Compensation shall be paid to any such issuing justices by the town as provided by council. All costs collected shall be paid into the town treasury. (1971, c. 113)

§ 5-3. Fines and Costs. (1971, c. 113)

§ 5-31. Amounts Assessable. The police justice shall assess such fines and impose such punishment for violation of any ordinance as may be prescribed by the council, not to exceed the fines or punishment provided by general law for similar offenses, and shall assess as cost against the violator of any ordinance such fees and costs as may be prescribed by the council, provided such fees and costs shall not exceed the amount assessable under the general laws of the State for similar service incident to the trial of criminal cases. (1971, c. 113)

§ 5-32. How Fines and Costs Paid. All costs collected by the police justice and all fines for violations of all laws and ordinances of the town shall be paid into the town treasury for the use and benefit of the town. (1971, c. 113)

Article VI. Planning, Zoning, and Subdivision Control.

§ 6-1. Power to adopt a master plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a master plan for the physical development of the town to promote health, safety, morals, comfort, prosperity, and the general welfare. The master plan may include but shall not be limited to the following: (1971, c. 113)

§ 6-101. The general location, character and extent of all streets, highways, avenues, boulevards, roads, lanes, alleys, walks, parks, squares, playfields, playgrounds, recreational facilities, stadia, swimming pools, airports and other public places or ways, change of use or extension thereof. (1971, c. 113)

§ 6-102. The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof. (1971, c. 113)

§ 6-103. A comprehensive zoning plan for the control of the height, area, bulk, location and use of buildings and premises. (1971, c. 113)

§ 6-11. Town Planning Commission. There shall be a town planning commission consisting of seven members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with his term in the council. One member shall be the town manager appointed for a term concurrent with his term in such capacity. There shall be five citizen members, who shall be qualified voters of the town appointed for a term of four years, one of whom may be a member of the Board of Zoning Appeals and who shall hold office for a term concurrent with his term on said board. Vacancies on the commission shall be filled by the council. Members of the town planning commission shall serve as such without compensation. (1971, c. 113)

§ 6-12. Organization and Expenditures of Planning Commission. The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for reelection, and appoint a secretary. The Commission shall hold at least one regular meeting every two months, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Four members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects

and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor. (1971, c. 113; 1993, c. 360)

§ 6-13. Powers and Duties of the Planning Commission. The Town Planning Commission shall have the following powers and duties: (1971, c. 113)

§ 6-131. To make and adopt a master plan which with accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs which will, in accordance with existing and future needs, best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development. (1971, c. 113)

§ 6-132. To act as a zoning commission as provided in § 6-221. (1971, c. 113)

§ 6-133. To promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. (1971, c. 113)

§ 6-134. To authorize members of the commission to attend planning conferences or meetings of planning institutes or to attend hearings upon pending planning legislation or to visit other communities, and the commission may by resolution pay the reasonable traveling expenses incident to such attendance or visit from funds appropriated for the use of the commission. (1971, c. 113)

§ 6-135. To prepare and revise annually a program of capital improvement projects for the ensuing five years and submit the same annually to the town manager, at such time as he shall direct, together with its recommendations, and estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year and in the next four years, as the basis of the capital budget to be submitted to the council by the town manager. (1971, c. 113)

§ 6-136. To make an annual report to council concerning its activities. (1971, c. 113)

§ 6-137. To preserve historical landmarks and to control the design and location of statuary and other works of art which are or may become the property of the town, and the removal, relocation and alteration of any such work; and to consider and suggest the design of bridges, via-ducts, airports, stadia, arenas, swimming pools, street fixtures and other public structures and appurtenances. (1971, c. 113)

§ 6-14. Adoption of Master Plan by the Commission. The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the town, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or

extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the town. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby, shall be certified to the council, and to the Clerk of the Circuit Court of Tazewell County who shall file the same in his office. (1971, c. 113)

§ 6-15. Legal Status of Master Plan. Whenever the commission shall have adopted a master plan for the town or one or more parts thereof, geographical, topographical or functional, and the master plan or such part or parts thereof shall have been approved by the council and it has been certified and filed as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure shall be constructed or authorized in the town or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the town or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission; and no ordinance giving effect to or amending the comprehensive zoning plan as provided in § 6-2 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council, which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the town as well as the acquisition by the town of any land within or without the town for public purposes, or the sale of any land then held by the town shall be subject to similar approval and in case the same is disapproved such disapproval may be similarly overruled. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way. (1971, c. 113)

§ 6-2. Zoning powers.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets, secure safety from fire, panic and other danger, promote health, sanitation and general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provision for schools, parks, playgrounds, and other public improvements and requirements. The comprehensive zoning plan shall include the division of the town into districts with such boundaries as the council deems necessary to carry out the purposes of this charter and shall provide for the regulation and restriction of the use of land, buildings and structures in the respective districts and may include but shall not be limited to the following: (1971, c. 113)

§ 6-201. It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses. (1971, c. 113)

§ 6-202. It may restrict the height, area and bulk of buildings and structures in the districts. (1971, c. 113)

§ 6-203. It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces. (1971, c. 113)

§ 6-204. It may restrict the portion of the area of lots that may be occupied by buildings and structures. (1971, c. 113)

§ 6-205. It may prescribe the area of lots and the space in buildings that may be occupied by families. (1971, c. 113)

§ 6-206. It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-streets loading or unloading of vehicles. (1971, c. 113)

§ 6-207. It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district, or districts in which they are situated, in any event within a reasonable period of time to be specified in the ordinance. (1971, c. 113)

§ 6-21. Conformity of Regulations. The regulations and restrictions shall be uniform and shall apply equally to all land, buildings and structures and to the use and to each class or kind thereof throughout such district but the regulations and restrictions applicable in one district may differ from those provided for other districts. (1971, c. 113)

§ 6-22. Effecting and Changing of Regulations. The council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of time and place of such hearing shall be published once in a paper of general circulation in said town; provided, however, that where each proposed change in, or amendment or supplement to, any such regulation, restriction, or boundary, if initiated within the. council, shall be first referred by the council to the planning commission for report and recommendation, and where said commission makes such report and recommendation to the council after a public hearing in relation thereto held by said commission pursuant to one notice published at least five days prior to such hearing in a paper of general circulation in the town, the public hearing by the council in relation to such change, amendment or supplement may be held after at least ten days' notice of time and place of hearing published once in a paper of general circulation in the town. In case, however, of a protest against any change in such regulations signed by the owners of twenty per centum or more, either of the lots included in each proposed change, or of those adjacent in the rear thereof, or of those directly opposite thereto, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the council. The provisions of this section relative to public hearings and official notice shall apply equally to all changes and amendments. (1971, c. 113)

§ 6-221. The town planning commission acting as the zoning commission shall recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report or reports and hold public hearings thereon before submitting its final report, and the council of the town of Cedar Bluff shall take such action on said preliminary report or reports, and also on the final report of the commission, as it shall deem necessary. (1971, c. 113)

§ 6-23. Board of Zoning Appeals. The council may appoint a Board of Zoning Appeals, and in the regulations and restrictions adopted pursuant to the authority of this act, may provide that the board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. (1971, c. 113)

§ 6-231. The board of zoning appeals shall consist of five members, each of whom shall be appointed for a term of two years. Any member of the board may be removed for cause by the council upon written charges and after a public hearing. Vacancies shall be filled by the council for the unexpired term of any member. (1971, c. 113)

§ 6-232. The board shall select a chairman, a vice-chairman, and a secretary, and shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act. Meetings of the board shall be held at the call of the chairman and such other times as the board may determine. Such chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board, and shall be a public record. (1971, c. 113)

§ 6-233. Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of zoning appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application, and notice to the officer from whom the appeal is taken and on due cause shown. (1971, c. 113)

§ 6-234. The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney. (1971, c. 113)

§ 6-24. Power of Board of Zoning Appeals. The board shall have the following powers: (1971, c. 113)

§ 6-241. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or any ordinance adopted pursuant thereto. (1971, c. 113)

§ 6-242. To hear and decide uses permissible on appeals and other special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance. (1971, c. 113)

§ 6-243. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in exceptional and peculiar hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. (1971, c. 113)

§ 6-25. Decisions by the Board of Zoning Appeals. In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall act by formal resolution which shall set forth the reason for its decision and the vote of each member participating therein which shall be spread upon its records and shall be open to public inspection. The board may, upon the affirmative vote of three members, reconsider any decision made and, upon such reconsideration, render a decision by formal resolution. Every decision of the board shall be based upon a finding of fact which may be based on sworn testimony which finding of fact shall be reduced in writing and preserved among its records. (1971, c. 113)

§ 6-26. Appeals from Decisions of Board of Zoning Appeals. Any person or persons, jointly or severally, aggrieved by any decision of the board of zoning appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board. (1971, c. 113)

§ 6-261. Upon filing of the petition the court may cause a writ of certiorari to issue directed to the board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from which writ shall be served upon any member of the board. The issuance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, give notice to the board and, upon due cause shown, issue a restraining order. The board shall not be required to produce the original record and documents but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents the board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, certified by affidavit. (1971, c. 113)

§ 6-262. The court shall review the record, documents and other matters produced by the board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part,

when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. Unless it is made to appear that the decision is contrary to law or is arbitrary and constitutes an abuse of discretion the court shall affirm the decision. If the court finds that the testimony of witnesses is necessary for a proper disposition of the matter it may hear evidence. (1971, c. 113)

§ 6-27. Proceedings Against Violator of Zoning Ordinance. Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with § 6-22 the town may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property. (1971, c. 113)

§ 6-28. Penalties for Violations. Said regulations shall be enforced by a building and zoning inspector who shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist in violation of any provision of the regulations made under authority of this or the preceding section. Any person convicted of violating any rule or regulation enacted by ordinance under the zoning powers granted the council by this charter and general law shall be guilty of a misdemeanor and upon conviction shall be subject to such penalties as may be prescribed by the council. (1971, c. 113)

§ 6-3. Subdivision control.

In order to provide for the orderly subdivision of land within the town and within two miles of the corporate limits thereof there is hereby conferred upon the town and the county in which the area outside the town but within two miles thereof is included, the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: the location, size, and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the master plan; access for fire fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks, and playgrounds, planting of shade trees and shrubs; naming and designation of streets and other public places; laying out and constructing sidewalks; procedure for making variations in such regulations and restrictions; requirements for plats and subdivisions and their size, scale, contents and other matters; the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines; the extent to which and the manner in which new streets shall be graded, graveled or otherwise improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the council or its designated agents may

accept a bond, in an amount and with surety or conditions satisfactory to the council or its designated agents, providing for such securing to the council, the actual construction and installation of such improvements and utilities within a period specified by the council or designated agents. (1971, c. 113)

§ 6-31. Hearing on Subdivision Ordinance. The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been published once a week for two successive weeks in a newspaper of general circulation in the town. The notice shall specify the time, not less than ten days after final publication, and the place at which persons affected may appear before the council and present their views. (1971, c. 113)

§ 6-32. Adoption of Subdivision Regulations. After hearing as above provided the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the town and may adopt such regulations and restrictions applicable in an area outside such limits, provided that such regulations and restrictions applicable in any area outside such town limits shall not be adopted or become effective or applicable except in the manner and to the extent provided by the general laws of the Commonwealth. (1971, c. 113)

§ 6-33. Filing of Regulations. When such regulations have been adopted, a certified copy thereof and all amendments thereto shall be filed in the office of the building and zoning inspector and in the office of the Clerk of the Circuit Court of Tazewell County. (1971, c. 113)

§ 6-34. Making and Approval of Plats. Any owner or any proprietor of any tract of land situated within the corporate limits of the town of Cedar Bluff, who subdivides the same shall cause a plat of such subdivision with reference to known or permanent monuments to be made and recorded in the office of the Clerk of the Circuit Court of Tazewell County. No such plat of subdivision shall be recorded unless and until it shall have been submitted and approved by the town council or its designated agent in accordance with regulations adopted under this act and so certified by the person authorized to make such certificate. (1971, c. 113)

§ 6-35. Recording of Plats of Subdivision. From and after the date on which such regulations and restrictions became effective in the town or in any area outside the town but within two miles thereof, no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in the preceding section. No owner of land in the town or outside area in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided and admitted to record in the office of the Clerk of the Circuit Court of Tazewell County. (1971, c. 113)

§ 6-36. Transfer of Portion for Public Use. The recordation of the plat shall operate to transfer in fee simple to the town or the county in which the land lies such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose, and to create a public right of passage over or use of the same. The owner or owner of the land subdivided may construct, reconstruct, operate and maintain with the consent of the town or the county where the land lies, sewers, gas and water pipes or electric lines along or under the streets, alleys, easements or other land devoted to public use, provided that it shall not obstruct or hinder the passage over the streets, alleys or other property devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate and maintain such works. (1971, c. 113)

§ 6-37. Vacation of Recorded Plats. Any plat or part thereof recorded may be vacated, with the consent of the council or of the governing body of the county wherein the land lies, or both where the plat has been approved by both, by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated which shall be duly executed, acknowledged and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements and other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat or part thereof may be vacated upon the application of the owners of the lots in the plat and with the approval of the council or governing body of the county, or both where the plat has been approved by both, and shall not be vacated otherwise. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated" and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded. (1971, c. 113)

§ 6-38. Violation of Subdivision Regulations. In case of any violation or attempted violation of the provisions of this act, or of any of the provisions of the regulations adopted as authorized in this act, the council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such violation or attempted violation, to restrain, correct. or abate such violation or attempted violation, or to prevent any act which would constitute such a violation. Any owner or proprietor of any tract of land who subdivides such tract of land and who violates any of the provisions of the regulations adopted under the authority of this act shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars and not more than two hundred and fifty dollars, and each day after the first, during which violation shall continue, shall constitute a separate violation. (1971, c. 113)

Article VII. General Provisions.

§ 7-1. Officers to hold over until their successors are appointed and qualified.

Whenever under the provisions of this charter any officer of the town or member of any board or commission is elected or appointed for a fixed term except the mayor and vice-mayor, such officer or member shall continue to hold office until his successor is appointed and qualified. (1971, c. 113)

§ 7-2. Present ordinances and rules and regulations continued in effect.

All ordinances of the town and all rules, regulations and orders legally made by any department, board, commission or officer of the town, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1971, c. 113)

§ 7-3. General powers.

The town of Cedar Bluff and all the officers thereof elected or appointed in accordance with the provisions of this act shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this act. (1971, c. 113)

§ 7-4. Constitutionality.

If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1971, c. 113)

§ 7-5. All contracts and obligations heretofore or hereafter made by the Council of the town of Cedar Bluff, while in office, not inconsistent with this charter, or the Constitution or the general laws of this State shall be, and are hereby, declared to be valid and legal. (1971, c. 113)

§ 7-6. Citation of act.

This act may for all purposes be referred to or cited as the town of Cedar Bluff Charter of 1971. (1971, c. 113)

Charlotte Court House, Town of

County of Charlotte

History of incorporation

Previously called The Magazine (1756), Daltonsburgh (1759), Marysville (1836), and Smithfield (1874) (*The Heritage of Virginia*, Hagemann).
Name changed from Marysville to Smithville in 1874, c. 253.
Incorporation as the Town of Smithville and charter, 1874, c. 253.
Name changed from Smithville to Charlotte Courthouse in 1901-2, c. 32.
Name changed from Charlotte Courthouse to Charlotte Court House in 1989, c. 117.
Charter, 1874, c. 253; repealed 1989, c. 117 (except § 2 [relating to boundaries], 1874, c. 253, 1901-2, c. 32).

Current charter
Charter, 1989, c. 117.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Charlotte Courthouse in Charlotte County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Charlotte Court House, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with and may have a corporate seal which it may amend at its pleasure. (1989, c. 117)

§ 1.2. Boundaries.

The boundaries of the town will remain the same as shown in the charter approved in 1874, and seen in Chapter 253 of the Acts of Assembly of Virginia, which states as follows: The boundaries of said town shall be embraced within the limits of one mile each way from the courthouse building, in said town, extending east, west, north and south, making an area of two miles square. (1989, c. 117)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Charlotte Court House shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1989, c. 117)

§ 2.2. Adoption of powers granted by Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia. (1989, c. 117)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for mayor and council.

The Town of Charlotte Court House shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in a manner provided by law from the town at large. The councilmen and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for

which they were elected or until their successors are duly elected and qualified. An election for six councilmen and mayor shall be held on the first Tuesday in May, 1990. Elections shall be held on the first Tuesday in May every four years thereafter. The councilmen and mayor so elected shall take office on the following July 1. The councilmen shall serve for a term of four years, and the mayor shall serve for a term of four years or until their successors are elected and qualified. (1989, c. 117)

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council. (1989, c. 117)

§ 3.3. Council a continuing body.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1989, c. 117)

§ 3.4. Mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all the privileges and authority conferred by general law, not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak therein but shall not vote except in the case of a tie vote. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1989, c. 117)

§ 3.5. Vice mayor.

The town council, by a majority of all its members, shall elect a vice mayor from its membership at its first meeting to serve for a term of four years; in the absence of or during the disability of the mayor, the vice mayor shall preside and possess the powers and discharge the duties of the mayor when serving as mayor. (1989, c. 117)

§ 3.6. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least one each month, and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be opened to the public in accordance with the laws of the Commonwealth of Virginia. Four members of the council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be

called at any time by the mayor in writing or by any four members of the council provided that the members of the council are given reasonable notice of such meetings, and no business shall be transacted at a special meeting except that for which it shall be called. If the mayor and all members of the council are present, this provision requiring prior notice for special meeting is waived. (1989, c. 117)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The Council may appoint: a town manager, who shall be responsible to the council for the proper administration of all affairs of the town, for the control and supervision of all town departments, employees, and property, for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council; a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia and actively practicing in Charlotte County; a town sergeant, who shall be the conservator of the peace; a town clerk; a town treasurer, who may also be the town clerk; and any other officers that shall be deemed necessary and proper. (1989, c. 117)

§ 4.2. Term of office.

Appointees under this charter shall serve at the pleasure of the council. (1989, c. 117)

§ 4.3. Bonds.

Appointees may be required to execute such bonds as the council may deem necessary. (1989, c. 117)

§ 4.4. Boards and commissions.

The council, in its discretion, may appoint such boards and commissions as it deems necessary and as may be authorized by the laws of the Commonwealth of Virginia. (1989, c. 117)

Chapter 5. Miscellaneous.

§ 5.1. Ordinances continued.

All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council. (1989, c. 117)

§ 5.2. Severability.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter. (1989, c. 117)

Charlottesville, City of

History of incorporation

Charter, 1899-1900, c. 1012; repealed, 1946, c. 384.

Charter, 1922, c. 109; c. 411; repealed, 1946, c. 384.

Current charter
Charter, 1946, c. 384.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

§ 1. Body politic and corporate name.
The inhabitants of the territory comprised within the present limits of the City of Charlottesville as hereinafter described, or as the same may be hereafter altered and established as provided by law, shall continue to be one body politic and corporate in fact and its name shall be the City of Charlottesville. The City of Charlottesville shall have and may exercise all the powers which are now or hereafter may be conferred upon or delegated to cities under the Constitution and the general law of the Commonwealth of Virginia as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive. Additionally, the City of Charlottesville shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations pertaining to and incumbent upon the City of Charlottesville as a municipal corporation, and the said City of Charlottesville, as such, shall have perpetual succession, may sue and be sued, may contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The present boundaries of the City of Charlottesville shall be as described in Chapter 384 of the Acts of the Assembly of 1946, as enlarged by subsequent orders of the Circuit Courts of Albemarle County and the City of Charlottesville or as otherwise provided by law. (1946, c. 384; 2020, cc. 813, 814)

§ 2. (1946, c. 384; repealed, 2020, cc. 813, 814)

§ 3. Same--University of Virginia excluded.
The grounds, walks, driveways and all the land which on January 1, 1939, belonged to "Rector and Visitors of the University of Virginia" a corporation, although embraced within the boundaries of the City of Charlottesville as described in § 2, shall nevertheless be deemed to be excluded therefrom and shall be, remain and continue in all respects and for all purposes a part of the county of Albemarle; provided that this exception shall not apply to any of the lands now used and embraced within the streets and roads known as West Main Street, Fry's Spring Road, the old Lynchburg Road, Rugby Road, State Highway No. 250, State Highway No. 29, nor any sidewalks on such roads, nor to any portion of the right of way of the Chesapeake and Ohio Railroad, and all of said streets, roads and rights of way within the boundary lines set out in § 2 hereof shall be in and a part of the City of Charlottesville. (1946, c. 384; 1948, c. 124)

§ 4. Wards.

The said city shall be divided into wards as now constituted, but the number of wards may be hereafter increased or diminished and the boundaries thereof changed by the city council as authorized by law. (1946, c. 384)

§ 5. Elective officers; qualifications and terms of certain officers; form of government; corporate powers vested in city council.

(a) The municipal authorities of the said city shall consist of a council of five members, one of whom shall be mayor, as hereinafter set forth, unless and until this form be changed in manner prescribed by law, a clerk of the circuit court, an attorney for the Commonwealth, a treasurer, a sheriff, and a commissioner of revenue, who shall be elected by the qualified voters of the City of Charlottesville at elections held at the intervals and on the day prescribed for such elections by the laws of the State. All persons who are qualified voters of the City of Charlottesville shall be eligible to any of the said offices. The terms of offices of all of said officers shall begin and continue for such length of time as is prescribed by law. All the corporate powers of said city shall be exercised by said council, or under its authority, except as otherwise provided herein.

(b) The form of government for said city shall be the city manager plan as follows: All corporate powers and legislative and executive authority vested in the City of Charlottesville by law shall be and are hereby vested in a council of five members to be elected at large from the qualified voters of the city, except as hereinafter provided.

(c) Each of said councilors shall receive an annual salary from the city for their services to be set by the council in accordance with the general laws of the Commonwealth.

(d) In accordance with the general laws of the Commonwealth, the election of councilors shall be held in November of 2021 and biennially thereafter. At the election in November of 2021 there shall be elected two members of council and at the election in November of 2023, there shall be elected two members of council to fill vacancies occurring on the first of January in the years following the year in which they are elected. Councilors shall serve terms of four years. The members of the council on the effective date of this charter amendment are hereby confirmed in office until the thirty-first day of December in the final year of the term of office for which they were elected.

(e) The council shall elect a city manager, at the salary to be fixed by the council, who shall serve at the pleasure of the council.

In all other respects the said council shall have and be vested with the same authority heretofore exercised by the council, and in all other respects their duties and liabilities shall be regulated by the general laws of the Commonwealth, not in conflict therewith. (1946, c. 384; 1950, c. 413; 1962, c. 463; 1964, c. 137; 1972, c. 184; 1974, c. 7; 2020, cc. 813, 814)

§ 5.01. City manager.

Subject to general control by the council as provided in § 4 (b) hereof, the city manager shall have full executive and administrative authority and shall have the right to employ and discharge all employees under his control. All departments of city government, including the fire department and police department, shall be under the general supervision of the city manager. The city manager shall give a bond for the faithful performance of his duties in such sum as the council may require. Subject to the general power of the council as provided in § 5 (b) hereof and except as the council may by ordinance otherwise provide, the city manager shall have the powers vested in city managers in accordance with the general laws of the Commonwealth. (2020, cc. 813, 814)

§ 5.02. Director of finance; audit.

The council shall appoint a director of finance, who shall serve at the pleasure of the council. The director of finance shall have general management and control of the fiscal affairs of the city, including the city's accounting, purchasing, collection, risk management, debt management, financial reporting, and real estate assessment functions. The city manager shall provide supervision of the director of finance.

The director of finance shall contract with a certified public accountant to conduct an audit of the city's and each constitutional officer's accounts and records by June 30 of each year in accordance with standards established by the Commonwealth's Auditor of Public Accounts. The certified public accountant shall provide a detailed written report of the city's audit to the council by December 1 of each year. A copy of the audit shall be available for inspection by the public. (2020, cc. 813, 814)

§ 5.1. The council shall have authority to order, by resolution directed to the circuit court of the city, the submission to the qualified voters of the city for an advisory referendum thereon any proposed ordinance or amendment to the city charter. Upon the receipt of such resolution, the circuit court of the city shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten per centum of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding submission of the petition, each signature to which has been witnessed by a person whose affidavit to that effect is attached to the petition, is filed with the clerk of the circuit court of the city, they shall forthwith certify that fact to the court. Upon the certification of such petition, the circuit court of the city or the judge thereof in vacation, shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such

election approve the proposed amendment such result shall be communicated by the clerk of the circuit court of the city to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

Nothing contained in this section shall be construed as affecting the provisions of § 14 of this charter. (1960, c. 327; 1962, c. 332; 2020, cc. 813, 814)

§ 6. Clerk of council; minutes; ordinance book.

The council shall elect a clerk of council to serve at the pleasure of the council. The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have custody of the seal of the city.

At each regular meeting of the council, the minutes of the last regular meeting and all intervening called meetings shall be presented by the clerk of council, and thereupon be corrected, if erroneous, and signed by the mayor. The clerk shall record the minutes in the council's journal of proceedings.

The council shall also require to be kept by its clerk a separate book, termed the General Ordinance Book, in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and open to public inspection. Other documents or papers in the possession of the clerk of the council that may affect the interest of the city shall not be exhibited nor copies thereof furnished, except as may be required by the general laws of the Commonwealth.

There may be elected by the council additional officers and clerks as the council deems proper and necessary, who shall serve at the pleasure of council, and any one or more of said offices may be held and exercised by the same person. It may be competent for the council, in order to secure the services of a suitable person, to elect non-residents, but such officer, other than the clerk of the council, shall reside in the city during the officer's tenure of office. (1946, c. 384; 1972, c. 184; 2010, cc. 147, 217; 2020, cc. 813, 814)

§ 7. Oaths of office and qualification of officers; failure to qualify.

The councilors, and other officers elected by the people shall each, before entering upon the duties of their offices, take the oaths prescribed for all other officers by the general laws of the Commonwealth, and qualify before the circuit court of said city, and in the cases of the mayor and councilors a certificate of such oaths having been taken, shall be filed by them, respectively, with the clerk of the council, who shall enter the same upon the journal thereof; but if any or either of said officers shall fail to qualify, as aforesaid, for ten days after the commencement of the term for which said officer was elected, or shall neglect for a like space of time to give such bond as may be required of said officer or said officer's office shall be deemed vacant. (1946, c. 384; 2020, cc. 813, 814)

§ 8. Vacancy in office of mayor or councilor; vacation of office.

Whenever, from any cause, a vacancy shall occur in the office of mayor, the council shall elect one of its members as mayor for the remainder of the term. A vacancy in the office of councilor shall be filled by that body in accordance with the general laws of the Commonwealth. An entry of said election shall be made in the journal of proceedings and the General Ordinance Book. If the mayor or a councilor shall remove from the city limits, such removal shall operate to vacate such mayor's or councilor's office. (1946, c. 384; 2020, cc. 813, 814)

§ 9. Council--Mayor and vice-mayor.

At its first meeting in January 2022 and biennially thereafter, the council shall elect one of its members to act as mayor, who shall preside at its meetings and continue in office two years. If a vacancy occurs in the office of mayor before the end of their term, such vacancy shall be filled as provided in § 8.

At the same time the council shall elect one of its members to be vice-mayor, who shall preside at such meetings in the absence of the mayor, and who, when the mayor shall be absent or unable to perform the duties of their office, by reason of sickness, or other cause, shall perform any and all duties required of, or entrusted to, the mayor. The mayor, or the vice-mayor, when authorized, as above stated, to act, shall have power at any time to call a meeting.

The mayor, or vice-mayor when performing the duties of the mayor, shall be entitled to a vote on all questions as any other councilor, but in no case shall they be entitled to a second vote on any question.(1946, c. 384; 1972, c. 184; 2020, cc. 813, 814)

§ 10. (1946, c. 384; repealed, 2020, cc. 813, 814)

§ 11. (1946, c. 384; repealed, 2020, cc. 813, 814)

§ 12. Same--Council meetings and rules.

The council shall fix by ordinance the time for holding their stated meetings, and no business shall be transacted at a special meeting, unless by unanimous consent, except that for which it shall have been called, and every call for a special meeting shall specify the object thereof. Three councilors shall constitute a quorum for the transaction of business at any meeting of the council.

The council shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by vote of two-thirds of all the members elected to it, expel a member for malfeasance or misfeasance in office. The council shall keep a journal of its proceedings, and its meetings shall be open, except when it votes to hold an executive or closed session pursuant to the general laws of the Commonwealth. (1946, c. 384; 1972, c. 184; 2020, cc. 813, 814)

§ 13. (1946, c. 384; 1972, c. 184; repealed, 2020, cc. 813, 814)

§ 14. Council powers enumerated.

The council of the city, except as hereinbefore provided, shall have the power within said city to control and manage the fiscal and municipal affairs of the city and all property, real and personal, belonging to said city; they shall have power to provide a revenue for the city, and appropriate the same to its expenses, also to provide the annual assessments of taxable persons and property in the city, and it may make such ordinances, orders, and by-laws relating to the foregoing powers of this section as it shall deem proper and necessary. The council shall also have power to make such ordinances, by-laws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in them:

First. Streets and Sidewalks -- Generally. To close, extend, widen, narrow, lay out, grade, improve and otherwise alter streets and public alleys in the said city, and have them properly lighted and kept in good order, and it may make or construct sewers or ducts through the streets or public grounds of the city, and through any place, or places whatsoever, when it may be deemed expedient by the said council. The ownership of any land included in any street that is closed shall be in accord with the general laws of the Commonwealth. Council may have over any street or alley in the city, which has been, or may be ceded to the city, like authority as over streets or alleys, and may prevent or remove any structure, obstruction or encroachment over, or under, or in a street or alley, or any sidewalk thereof.

Second. Obstructions; cleaning sidewalks. To prevent the cumbering of the streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatsoever; to compel the occupant or owner of buildings or grounds to remove snow, dirt or rubbish from the sidewalks in front thereof.

Third. Fires and fire prevention. To extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department for said city; to regulate the size of materials, and construction of buildings hereafter erected, in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure, or addition thereto which, by reason of dilapidation, defect of structure, or other causes, may have, or shall, become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick or iron.

Fourth. Breadth of tires on vehicles. To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of every kind and description used upon the streets of said city.

Fifth. Preservation of health; hospitals; births and deaths. To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, prevent the introduction of spreading of contagious or infectious diseases, and prevent and suppress diseases

generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the appointment and organization of a board of health or other board to have the powers of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the officers of the city have; to regulate the burial, cremation, or disposition of the dead; to compel the return of births and deaths to be made to its health department, and the return of all burial permits to such department.

Sixth. Cemeteries. To acquire by purchase, condemnation, or otherwise, either within or without the city, lands to be appropriated, improved and kept in order as places for the interment of the dead, and may charge for the use of the grounds in said places of interment, and may regulate the same; to prevent the burial of the dead in the city, except in public burying grounds; to regulate burials in said grounds; to require the keeping and return of bills of mortality by the keepers (or owners) of all cemeteries, and shall have power within the city to acquire by purchase, condemnation, or otherwise, such lands, and in such quantity as it may deem proper or necessary for the purpose of burying the dead; provided, however, that no part of such cemeteries, when established or enlarged, shall be within one hundred feet of any residence without the consent of the owner of the legal and equitable title of such residence, and provided further that the provisions of the general laws of the Commonwealth, as now existing or hereafter amended, for condemnation of land thereunder so far as applicable shall apply to condemnation proceedings by the city hereunder.

The title to any land acquired by condemnation hereunder shall vest in the City of Charlottesville.

Seventh. Quarantine. To establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State, and of the United States.

Eighth. Nuisances, etc. To require and compel the abatement and removal of all nuisances within the said city, or upon any property owned by said city, without its limits, at the expense of the person or persons causing the same, or the occupant or owner of the ground whereon the same may be; to prevent and regulate slaughter houses, and soap and candle factories within said city, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to regulate the location of stables, and the manner in which they shall be constructed and kept.

Ninth. Stagnant water or offensive substances on property. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or occupant thereon shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said council may cause such

ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, and may collect the expense of so doing from the said owner or occupant by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected; provided, that reasonable notice shall be first given to the said owner or occupant or their agent. In case of nonresident owners, who have no agent in said city, such notice may be given by publication for not less than ten days, in any newspaper published in said city, such publication to be at the expense of said owner, and cost thereof to be collected as a part of the expense hereinbefore provided for.

Tenth. Explosives and flamables; carrying concealed weapons. To direct the location of all buildings for storing gunpowder or other explosives or combustible substances; to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons.

Eleventh. Animals and fowl generally. To prevent the running at large in said city of all animals and fowls, and to regulate and prohibit the keeping or raising of the same within said city, and to subject the same to such confiscation, levies, regulations and taxes as it may deem proper.

Twelfth. Use of streets; abuse of animals. Insofar as not prohibited by the general laws of the Commonwealth, to prevent the riding or driving of animals at improper speed, to regulate the speed and manner of use upon the streets of said city of all animals or vehicles; to prevent the flying of kites, throwing of stones, or the engaging in any employment or sport in the streets or public alleys, dangerous or annoying to the public, and to prohibit and punish the abuse of animals.

Thirteenth. [Repealed]

Fourteenth. Offenses generally. To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame, and gaming houses; to prevent lewd, indecent or disorderly conduct or exhibitions in the city, and to expel from said city persons guilty of such conduct.

Fifteenth. [Repealed.]

Sixteenth. Ordinances necessary for general welfare; effect on other powers. And the said council shall also have power to make such other and additional ordinances as it may deem necessary for the general welfare of said city; and nothing herein contained shall be construed to deprive said city of any of the powers conferred upon it, either by general or special laws of the State of Virginia, except insofar as the same may be inconsistent with the provision of this charter.

Seventeenth. Official bonds. Said council shall have power to require and take from such officers and employees, as they may see fit, bonds with security and in such penalty as they may prescribe, which bonds shall be made payable to the city by its corporate name, and conditioned for the faithful discharge of their duties; such bonds shall be filed with the clerk of the council.

Eighteenth. Gas works, water works, and electric light works. Said council shall have power to erect, or authorize or prohibit the erection of gas works, waterworks, or electric light works in or near the city, and to regulate the same.

Nineteenth. Pollution of water. To prohibit the pollution of water which may be provided for the use of the city.

Twentieth. Additional and incidental powers; jurisdiction beyond corporate limits. To pass all by-laws, rules and ordinances, not repugnant to the Constitution and laws of the State, which they may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, including authority to keep a city police force; and to do such other things, and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is, or shall be granted to, or vested in said city, or officers thereof, or which may be necessarily incident to a municipal corporation; and to enable the authorities of said city more effectually to enforce the provisions of this section, and any other powers conferred upon them by this charter, their jurisdiction, civil and criminal, is hereby declared to extend one mile beyond the corporate limits of said city.

Twenty-first. [Repealed.] (1946, c. 384; 1950, c. 413; 1972, c. 184; 2020, cc. 813, 814)

§ 14-a. Before the Charlottesville Redevelopment and Housing Authority undertakes any public housing project within the city, it shall obtain the approval of the council on each construction site, as hereinafter set forth. The application for approval shall have a plat, certified by a registered surveyor or engineer, or a plat prepared from the current city land book showing city parcel numbers of the land concerned and attested by the City Assessor, attached to and made a part of such application. The plat shall identify the proposed site and show the proposed development of the site.

The council shall advertise for at least two weeks in a newspaper published in the city that the authority has applied for the approval of the council under this section and shall give notice therein of the time and place for a hearing on such request, which hearing shall be at least thirty days from the date of the first advertisement. The council may approve such application following such hearing. (1960, c. 230; 1962 c. 332; 1970, c. 93; 1973, c. 359)

§ 14-b. (1962 c. 332; repealed, 2020, cc. 813, 814)

§ 15. (1946, c. 384; 1950, c. 413; repealed, 2020, cc. 813, 814)

§ 16. Special assessment for local improvements.

Local assessments upon abutting landowners for making and improving the sidewalks upon the streets and improving and paving the alleys, and for either the construction or for the use of sewers, may be imposed not in excess of the peculiar benefits resulting therefrom to such abutting landowner. And the same shall be regulated as prescribed by the general laws. (1946, c. 384)

§ 17. Enactment of ordinances, etc.; punishment for violation; enjoining violation; use of county jail; appeal to circuit court.

To carry into effect the powers herein enumerated, and all other powers conferred upon said city and its council by the laws of Virginia, said council shall have power to make and pass all proper and needful orders, by-laws, and ordinances not contrary to the Constitution and laws of said State, and to prescribe reasonable fines and penalties, including imprisonment in the city jail, which fines, penalties or imprisonment shall be imposed, recovered and enforced by the courts of the Commonwealth. The city may maintain a suit to restrain by injunction, the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation. All fines imposed for the violation of the city charter, by-laws, or ordinances, shall be paid into the city treasury. (1946, c. 384; 1972, c. 184; 2020, cc. 813, 814)

§ 18. (1946, c. 384; repealed, 2020, cc. 813, 814)

§ 19. Fiscal year; budget; levy of taxes.

The city's fiscal year shall begin on July 1 of every year and conclude on June 30 of the following year.

The city manager shall prepare and submit to the council a budget. The budget shall serve as a financial plan for the city, and the city manager in the budget message shall describe the important features of the budget, indicate any major changes from the current financial and expenditure policies, and include such other material as the city manager deems desirable or as the council may from time to time require. The budget shall show all estimated income, indicating the property tax levy, and all proposed expenditures, including debt service and capital program, and shall be in a form the manager deems desirable or the council may require. The total of proposed general fund expenditures shall not exceed the total of estimated general fund income.

A brief synopsis of the budget shall be published in a newspaper or newspapers having general circulation in the city, and notice shall be given of a public hearing as provided for by the general laws of the Commonwealth. After the conclusion of the public hearing, the council may insert new items of expenditures or may increase, decrease, or strike out items of expenditure in the budget.

Prior to the end of each fiscal year, the council shall pass an appropriation ordinance, which shall be based on the budget submitted by the city manager, and shall levy such taxes for the ensuing fiscal year as may be necessary to meet the appropriations made and all sums required by law to be raised

for account of the city debt. The total amount of appropriations shall not exceed the estimated revenues of the city. (1946, c. 384; 2020, cc. 813, 814)

§ 20. In order to execute its powers and duties and to meet the wants and purposes of the city, the council is hereby vested with power and authority to levy taxes upon persons, property, real and personal, privileges, businesses, trades, professions and callings and upon such other subjects of taxation and in such amounts as the council shall deem necessary and proper to provide such sums of money as they shall deem expedient without limitation as to subject, except such as may be expressly provided by general laws or Constitutional provision and without limitation as to rate except such as may be provided by the Constitution of this State.

Taxes assessed against real estate subject to taxes shall be a lien on the property and the name of the person listed as owner shall be for convenience in collection of taxes. The lien for taxes shall not be limited to the interest of the person assessed but shall be on the entire fee simple estate. There shall be no lien when for any year the same property is assessed to more than one person and all taxes assessed against the property in one of the names have been paid for that year.

When taxes are assessed against land in the name of a life tenant or other person owning less than the fee or owning no interest, the land may be sold pursuant to the general laws of the Commonwealth. (1946, c. 384; 1948, c. 124; 1950, c. 413; 1958, c. 111; 2020, cc. 813, 814)

§ 21. Appropriations for advertising city.

The council may each year make appropriation out of the city revenues of an amount not exceeding three cents on each one hundred dollars of the assessed value of the property in the city assessed for taxation for use in purposes which will, in the judgment of the council, advertise the city. (1946, c. 384)

§ 22. Licenses and license taxes; regulation of vehicles for hire.

License taxes may be imposed by ordinance on businesses, trades, professions and callings and upon the persons, firms, associations and corporations, engaged therein and the agent thereof without limitation as to subject or rate except such as may be provided by the Constitution of this State and the Constitution of the United States.

License taxes not inconsistent with general law may be imposed upon vehicles using the streets of the city, and the council may prescribe a schedule of charges for vehicles using said streets for hire. (1946, c. 384; 1950, c. 413)

§ 23. Collection of revenue; custodian of city funds.

The revenue from these and other sources shall be collected, paid over, and accounted for at such times and to such persons as the council shall order, and pursuant to such ordinance as now exists or may hereafter be passed by the council. The city treasurer shall be the custodian of all the funds of the city. (1946, c. 384)

§ 24. (1946, c. 384; 1972, c. 184; repealed, 2020, cc. 813, 814)

§ 25. Borrowing.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution of Virginia or general laws of the Commonwealth.

Notes in anticipation of collection of revenue may be issued, when authorized by council, at any time during the fiscal year, provided the notes shall mature not later than twelve (12) months after date of issue, and in an amount not in excess of the revenues anticipated.

Bonds and notes of the city shall be issued in the manner provided by the general laws of the Commonwealth. In the issuance of bonds and notes, the city shall be subject to the limitations as to amounts that are contained in Article VII, Section 10 of the Constitution of Virginia. (1946, c. 384; 2020, cc. 813, 814)

§ 26. (1946, c. 384; repealed, 2020, cc. 813, 814)

§ 27. (1946, c. 384; 1950, c. 413; 1970, c. 93; repealed, 2020, cc. 813, 814)

§ 28. Sale of public utilities; approval by voters.

The rights of the city in its gas, water and electric works and sewer plant, now owned, or hereafter acquired, shall not be sold, until and except such sale shall have been approved by a majority of the qualified voters of the city, voting on the question at a special election ordered by the council as provided by the general laws of the Commonwealth. (1946, c. 384; 2020, cc. 813, 814)

§ 29. City sheriff.

The city sheriff shall attend the terms of the circuit court of the city and shall act as the officer thereof; the sheriff may appoint one or more deputies, who may be removed from office by the sheriff, and may discharge any of the duties of the office of sheriff, but the sheriff and their sureties shall be liable therefor. The city sheriff shall also have all power and authority and perform all duties imposed by general law upon sheriffs of cities. (1946, c. 384; 1972, c. 184; 2020, cc. 813, 814)

§ 30. Authority of officers appointed by council.

The officers of said city elected or appointed, by the council shall, during the time they are in office have all the power and authority of like officers in the State under its general laws, unless the same be abridged or restricted by the council. (1946, c. 384)

§ 31. (1946, c. 384; repealed, 2020, cc. 813, 814)

§ 32. (1946, c. 384; 1950, c. 413; repealed, 1972, c. 184)

§ 33. (1946, c. 384; 1964, c. 137; 1972, c. 184; 1973, c. 22; repealed, 2020, cc. 813, 814)

§ 34. Salaries fixed by council.

The salaries of all officers who receive stated compensation for their services from the city shall be fixed by the council. (1946, c. 384)

§ 35. (1946, c. 384; repealed, 2020, cc. 813, 814)

§ 36. Granting franchises.

The regulation and restrictions for granting any franchise in the city shall be as provided by the general laws of the Commonwealth. (1946, c. 384; 2020, cc. 813, 814)

§ 37. Receipt and disbursement of moneys by treasurer.

All moneys belonging to said city shall be paid over to the treasurer, and no money shall be paid out by him except as the same shall have been appropriated and ordered to be paid by the council, and the said treasurer shall also pay the same upon warrants approved in such manner as may be prescribed by ordinance of the council. (1946, c. 384; 2020, cc. 813, 814)

§ 38. Recovery against treasurer and sureties.

If the said treasurer shall fail to account for and pay over all of the moneys that shall come into their hands when required by the council, it shall be lawful for the council, in the corporate name of the city, by motion before any court of record having jurisdiction in the City of Charlottesville, to recover from the treasurer and their sureties, or their personal representatives, any sum that may be due from said treasurer to said city on ten days' notice. (1946, c. 384; 2020, cc. 813, 814)

§ 39. Collection of fines.

All fines imposed for any violation of any city ordinance or State law shall be collected by the clerk of the district court; and if said clerk shall fail to collect, account for, and pay over all the fines in their hands for collection, it shall be lawful for the council to recover the same, so far as the same are accruing to the city, by motion, in the corporate name of the city, before the circuit court of said city, against the said clerk, their sureties on their said bond, or any or either of them, the clerk of the sureties' executors or administrators, on giving ten days' notice of the same. (1946, c. 384; 2020, cc. 813, 814)

§ 40. Animals running at large.

The council shall have power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent dogs, hogs and other animals from running at large in the limits of the city, and may subject the owners thereof to such fines, regulations and taxes as the council may deem proper, and may sell said animals at public auction to enforce the payment of said fines and taxes; and may order such dogs, as to which there is default, to be euthanized as provided for by the general laws of the Commonwealth. (1946, c. 384; 2020, cc. 813, 814)

§ 41. Taking or damaging private property.

The city shall not take or damage any private property for streets, or other public purposes, without making to the owner, or owners, thereof just compensation for the same. But in all cases where the city council cannot by agreement obtain title to the ground necessary for such purposes, it shall be

lawful for it to apply to the circuit court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lie within the city, to condemn the same. (1946, c. 384)

§ 42. Encroachments upon streets.

In every case where a street in the city has been or shall be encroached upon by any fence, building or otherwise, the city council may require the owner or owners, if known, and if unknown the occupant or occupants of the premises so encroaching to remove the same. If such removal shall not be made within the time ordered by the city council, it may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with cost, for which there shall be lien on the premises so encroaching, which lien may be enforced in a court of equity having jurisdiction of the subject. No encroachment upon any street, however long continued, shall constitute an adverse possession thereto, or confer any right upon the person claiming thereunder as against said city. (1946, c. 384; 2020, cc. 813, 814)

§ 43. Filing claim for damages condition precedent to action against city.

No action shall be maintained against the said city for damages for a injury to any person or property alleged to have been sustained by reason of the negligence of the city, or any officer, agent or employee thereof, unless a written statement of the claimant, their agent or attorney, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed, as provided by the general laws of the Commonwealth. (1946, c. 384; 1972, c. 184; 2020, cc. 813, 814)

§ 44. Continuance of rights, etc., of city; ordinances, etc.

All rights, privileges and properties of the City of Charlottesville heretofore acquired and possessed, owned and enjoyed by any act now in force, not in conflict with this act, shall continue undiminished and remain vested in said city under this act; and all laws, ordinances and resolutions of the corporation of Charlottesville now in force, and not inconsistent with this act, shall be and continue in full force and effect in the City of Charlottesville, until regularly repealed. (1946, c. 384)

§ 45. (1946, c. 384; repealed, 2020, cc. 813, 814)

§ 45-a. School board.

The City of Charlottesville shall constitute a single school district. The school board of the city shall consist of seven members. In accordance with the general laws of the Commonwealth, three of the school board members shall be elected in November 2021 and four members shall be elected in November 2023 to fill vacancies occurring on the first of January in the years following the year in which they are elected. School board members shall serve terms of four years. The members of the school board on the effective date of this Charter are hereby confirmed in office until the thirty-first day of December in the final year of the term of office for which they were elected. The board shall have all

powers and perform all duties granted to and imposed upon school boards of cities by the general laws of the Commonwealth. (1948, c. 124; 2020, cc. 813, 814)

§ 46. Water supply and sewerage system.

That the corporate authorities of said city be, and they are hereby, authorized and empowered to erect suitable dams and reservoirs, and to lay suitable pipes to supply said city with an adequate supply of water, and to establish and construct a sewerage system for said city; and for such purpose to acquire, either by purchase or by condemnation, according to the provisions of the general laws of the Commonwealth for the condemnation of lands by incorporated cities, such lands and so much thereof as may be necessary for the aforesaid purposes. (1946, c. 384; 2020, cc. 813, 814)

§ 47. Elections.

All elections under this charter shall conform to the general laws of the Commonwealth in regard to elections by the people. (1946, c. 384; 2020, cc. 813, 814)

§ 48. County property within city limits; arbitration; school property in Charlottesville school district; Miller School.

The property now belonging to the county of Albemarle within the limits of the City of Charlottesville shall be within and subject to the joint jurisdiction of the county and city authorities and officers, and shall not be subject to taxation by the authorities of either county or city; and if the county and city aforesaid cannot agree upon the terms of joint occupancy and use of such property in regard to which settlements may not have already been effected, the right of said city to such joint occupancy and use being hereby recognized, then the board of arbitration herein provided for shall determine the terms of such joint occupancy and use, and said board of arbitration shall determine what rights, if any, the city aforesaid has in all other county property; but this is subject to the recognition of the right of the city, as well as the county (through the district school board or otherwise) in the school property in Charlottesville school district; and nothing herein contained shall affect the rights of the inhabitants of said city to participate in the benefits of the Miller School in said county. (1946, c. 384; 2020, cc. 813, 814)

§ 49. Board of arbitrators; duties; awards.

A board of arbitrators composed of three members, one to be selected by the board of supervisors of Albemarle County, one by the council of Charlottesville, and they to choose a third is hereby established, whose duty it shall be to adjust and decide the matters hereinbefore submitted to them, and all such other questions as may arise between said city and county, growing out of the extension of corporation limits, and the establishment of a city government. The awards of said arbitrators shall be entered upon the records as the judgments of the city court or the county circuit court, as the arbitrators may designate. (1946, c. 384)

§ 50. Same person may hold county and city office.

And it is further provided that the same person shall be eligible to and, if elected, may hold a county office and a city office, if the said offices be of the same nature, at the same time; provided, such officer lives within the city limits; and any person otherwise qualified, who is a resident of the City of Charlottesville shall be eligible to election or appointment to any county office of Albemarle County. (1946, c. 384)

§ 50.1. City of Charlottesville shall have all powers granted to localities by the Constitution of Virginia and the general laws of the Commonwealth, provided, however, that in no event shall a conflict between the general laws of the Commonwealth and this Charter be held to reduce or limit any powers heretofore possessed by the City of Charlottesville pursuant to Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as amended. (1962, c. 56; 1964, c. 137; 1970, c. 93; 2020, cc. 813, 814)

§ 50.2. (a) Search warrants. In addition to the means and conditions under which search warrants may be issued pursuant to provisions of general law, a magistrate, or a judge of any court having jurisdiction of the trial of cases to whom complaint is made, if satisfied that there is a probable cause therefor, shall issue a warrant to search specified places for the following conditions: violations of ordinances of the City of Charlottesville related to health and safety, of persons and property including violations of ordinances concerning minimum housing standards, health and sanitation regulations, and plumbing, building, and fire prevention codes.

A search warrant issued pursuant to the authority granted in this charter section shall be directed to persons charged with the responsibility of enforcing State statutes and local ordinances relating to health and safety of persons and property and shall command such person to search the place or places described therein for violations of State statutes and local ordinances relating to health and safety of persons and property.

(b) Affidavit preliminary to issuance of search warrants. No search warrant shall be issued until there is filed with the officer authorized to issue the same an affidavit of some person reasonably describing the area, house, place, vehicle or baggage to be searched, the things or conditions to be searched for thereunder, alleging briefly material facts, constituting the probable cause for the issuance of such warrant and alleging substantially the offense or group of potential offenses in relation to which such search is to be made. Facts which may be pertinent are (1) department or board experience showing the need of periodic area inspections, (2) the pattern of the last inspections made, and (3) department or board judgment that an inspection is now needed, particularly in light of the time elapsed since the last inspection.

Such affidavit shall be certified by the clerk of the circuit court of the City of Charlottesville and shall by said clerk be preserved as a record and shall at all times be subject to inspection by the public. For the purposes of this section, probable cause shall be satisfied upon the showing of the

reasonableness of a need to conduct periodic area-wide inspections with respect to health and safety of persons and property. (1970, c. 93; 2020, cc. 813, 814)

§ 50.3. Qualifications of members of advisory boards and commission.

General provisions of law notwithstanding, the planning commission and members of boards or agencies appointed by city council, the mayor, or by the city manager, who serve without pay and who serve only for the purpose of making studies or recommendations, or advising or consulting with city council, shall not be prohibited from such service merely because they contract directly or indirectly with the city. Any such member of an advisory board or agency who knows, or may reasonably be expected to know, that they have a material financial interest in any transaction in which the agency of which they are an officer or employee is or may be in any way concerned, shall disclose such interest and disqualify themselves from voting or participating in any official action thereon in behalf of such agency. If disqualifications in accordance with this section leave less than the number required by law to act, the remaining member or members shall have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members. (1970, c. 93; 2020, cc. 813, 814)

§ 50.4. Terms of Charlottesville Redevelopment and Housing Authority commissioners; authority of council.

There shall be not less than five nor more than seven members of the Charlottesville Redevelopment and Housing Authority Board of Commissioners.

Commissioners shall hold their offices at the pleasure of council for terms not to exceed four years; provided, that the city council may at any time, and from time to time, adopt an ordinance terminating the terms of all the commissioners and designating one or more council members as commissioners of the Charlottesville Redevelopment and Housing Authority. The remaining members of the Board, if any, shall be appointed by council from the public at large. The Board shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by the general laws of the Commonwealth; provided that notwithstanding any other provision of law to the contrary, a city council member shall receive no compensation for serving as a commissioner of such Authority, nor shall they continue to serve as a commissioner after they cease to be a member of city council. (1978, c. 709; 1990, c. 28; 2020, cc. 813, 814)

§ 50.5. Authority of city council to adopt and enforce a noise ordinance.

A. The city council by ordinance may prohibit or regulate loud, disturbing or excessive noises originating within its jurisdiction. Such ordinance may prescribe the decibel levels, degrees or types of sound which are unacceptable within the city limits, but the ordinance must exempt from its prohibitions during the daytime (6:00 a.m. to 10:00 p.m.) the following:

1. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools or the University of Virginia.

2. Athletic contests and other officially sanctioned activities in city parks.

3. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property.

4. Gardening, lawn care, tree maintenance or removal and other landscaping activities.

5. Church bells or carillons.

6. Religious or political gatherings and other activities protected by the First Amendment of the United States Constitution.

7. Activities for which the regulation of noise has been preempted by federal law.

8. Public and private transportation, refuse collection and sanitation services.

B. The decibel level of any such noise may be measured by the use of a sound level meter which measures sound pressure levels. Such measurements shall be accepted as prima facie evidence of the level of noise at issue in any court or legal proceeding. The accuracy of the sound level meter may be tested by a calibrator. In any court or legal proceedings in which the accuracy of the calibrator is in issue, the court shall receive as evidence a sworn report of the results of any test of the calibrator for accuracy. Such report shall be considered by the court or jury in determining guilt or innocence.

C. Any individual operating a sound level meter pursuant to the provisions of this section and the local noise ordinance shall issue a certificate which will indicate:

1. that the sound level meter used to take the decibel level reading was operated in accordance with the manufacturer's specifications;

2. that the city has on file a sworn report which states that the sound level meter has been tested within the past twelve months and has been found to be accurate;

3. the name of the accused;

4. the location of the noise;

5. the date and the time the reading was made; and

6. the decibel level reading.

The certificate, as provided for in this section, when duly attested by the operator taking the decibel level reading, shall be admissible in any court in any criminal or civil proceeding as evidence of the facts therein stated and of the decibel level reading. A copy of such certificate shall be delivered to the accused upon the request of the accused or the accused's attorney. (1989, c. 122; 2020, cc. 813, 814)

§ 50.6. Authority of city council to impose civil penalties for wrongful demolition of historic buildings.

A. Notwithstanding the provisions of any state law which authorize civil penalties for the violation of a local zoning ordinance, city council may adopt an ordinance which establishes a civil penalty for the demolition, razing or moving of a building or structure without approval by the board of architectural review or city council, when such building or structure is subject to the city's historic preservation zoning ordinance. The penalty established by the ordinance shall be imposed on the party deemed by the court to be responsible for the violation and shall not exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition.

B. An action seeking the imposition of such a penalty shall be instituted by petition filed by the city in circuit court, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The filing of any action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.

C. The defendant may, within twenty-one days after the filing of the petition, file an answer and without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties, or as established by the court, the petition shall be dismissed from the court's docket.

D. Nothing in this section shall preclude action by the zoning administrator pursuant to the general laws of the Commonwealth either by separate action or as a part of the petition seeking a civil penalty. (1990, c. 302; 2020, cc. 813, 814)

§ 50.7. Powers relating to housing and community development.

In addition to the powers granted by other sections of this charter and any other provision of the general laws of the Commonwealth, the city shall have the power:

(a) To make grants and loans of funds to low- or moderate-income persons to aid in the purchase of any land, building, dwelling, or dwelling unit in the city; and to offer real estate tax deferral to low- or moderate-income persons who own any land, building, dwelling, or dwelling unit within the city. The city shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this subsection; and

(b) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low- or moderate-income person.

For purposes of this section, the phrase "low- or moderate-income persons" shall have the same meaning as the phrase "persons and families of low and moderate income" as that phrase is used in the Virginia Housing Development Authority Act, and shall be applied using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program.

In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and to use state, federal, or private funds in the exercise of such powers.

The expenditure of any public funds as authorized in this section is hereby declared to be in furtherance of a public purpose. (2006, cc. 268, 311; 2020, cc. 813, 814)

§ 51. Severability.

If any portion of this Charter is declared unconstitutional, invalid, or illegal by a court of last resort of this State in proper case such invalidity shall not affect or invalidate any other clause, sentence, paragraph or part of this Charter but shall be confined exclusively to the portion so held invalid. All portions of this Charter not expressly held to be unconstitutional, invalid, or illegal shall remain in full force and effect. (1946, c. 384; 2020, cc. 813, 814)

Editor's note: Complete amendments listing for the City of Charlottesville:

Current charter

Charter, 1946, c. 384.

Amendments to current charter

1948, c. 124 (§§ 3, 20, 45-a [added])
1950, c. 413 (§§ 5, 14, 15, 20, 22, 27, 32)
1958, c. 111 (§ 20)
1960, c. 37 (§ 5.1 [added])
1960, c. 230 (§ 14-a [added])
1962, c. 56 (§ 50.1 [added])
1962, c. 332 (§§ 5.1, 14-a, 14-b [added])
1962, c. 463 (§ 5)
1964, c. 137 (§§ 5, 33, 50.1)
1970, c. 93 (§§ 14-a, 27, 50.1, 50.2 [added], 50.3 [added])
1972, c. 184 (§§ 5, 6, 9, 12, 13, 14, 17, 24, 29, 32 [repealed], 33, 43)
1973, c. 22 (§ 33)
1973, c. 359 (§ 14-a)
1974, c. 7 (§ 5)
1978, c. 709 (§ 50.4 [added])
1989, c. 122 (§ 50.5 [added])
1990, c. 28 (§ 50.4)
1990, c. 302 (§ 50.6 [added])

2006, cc. 268, 311 (§ 50.7 [added])
2010, cc. 147, 217 (§ 6)
2020, cc. 813, 814 (§§ 1, 2 [repealed] 5, 5.01 [added], 5.1, 6, 7, 8, 9, 10 [repealed], 11 [repealed], 12, 13 [repealed], 14, 14-b [repealed], 15 [repealed], 17, 18 [repealed], 19, 20, 24 [repealed], 25, 26 [repealed], 27 [repealed], 28, 29, 31 [repealed], 33 [repealed], 35 [repealed], 36 through 40, 42, 43, 45 [repealed,] 45-a through 48, 50.1, 50.2, 50.3, 50.4, 50.5, 50.6, 50.7, and 51)

Editor's note: Chapter 84 of the Acts of Assembly of 1970 was the charter for the merger of the City of Charlottesville and Albemarle County, provided the consolidation agreement was ratified and approved. The consolidation agreement did not pass; therefore, the charter is not in effect.

Chase City, Town of

County of Mecklenburg

History of incorporation

Incorporated by an 1873 Act of Assembly.
Charter, 1873, c. 347; replaced 1886, c. 407.
Charter, 1886, c. 407; replaced 1900, c. 207.
Charter, 1900, c. 207; replaced 1916, c. 171.
Charter, 1916, c. 171; repealed 1946, c. 377.

Current charter

Charter, 1946, c. 377.

Amendments to current charter

1954, c. 172 (§ 2)
1958, c. 54 (§ 4)
1960, c. 15 (§ 4)
1964, c. 26 (§ 4)
1968, c. 464 (§§ 3, 4)
1975, c. 213 (§ 4)
2013, c. 335 (§ 4)
2022, c. 328 (§ 4)

§ 1. The town corporate.

The inhabitants of the territory comprised within the present limits of the Town of Chase City, as such limits are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the Town of Chase City, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and

incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1946, c. 377)

§ 2. Corporate limits.

The corporate limits of the Town of Chase City as heretofore established, are hereby reestablished and are as follows:

Beginning at the present northwest corner of the Corporate Limits of the Town of Chase City shown as corner No. 1, co-ordinates N. 108,215.07 E. 147,671.80; Thence along the new line N. 24° 06' 08" E. 360.78 feet, to an iron rod on right of way line of Southern Railway, designated as corner No. 21; thence along said Southern Railway right of way line. N. 30° 01' 00" W. 1508.33 feet to an iron rod and corner No. 22; thence N. 69° 34' 25" E. 788.72 feet to an iron rod and corner No. 23; thence N. 20° 42' 53" W. 548.92 feet to an iron rod and corner No. 24 at point on Route 646; thence along said Route No. 646 S. 80° 25' 43" E. 456.44 feet to R. R. Spike on Virginia Route 49, and corner No. 25; thence S. 52° 54' 10" E. 4046.41 feet to an iron rod and corner No. 12; thence S. 46° 40' 11" E. 3964.52 feet to an iron rod and corner No. 13 on Virginia Route 47; thence 20° 12' 53" W. 3821.74 feet to an iron rod and corner No. 14 at point on cemetery road; thence S. 57° 30' 06" W. 3379.58 feet to an iron rod and corner No. 15 on Virginia Route 92; thence N. 79° 01' 42" W. 1864.71 feet to an iron rod and corner No. 16 at a point on High Street; thence N. 87° 05' 16" W. 1764.50 feet to R. R. Spike at center line of bridge on Little Bluestone Creek and Virginia Route 49, corner No. 17; thence N. 20° 49' 00" W. 2051.24 feet to an iron rod, corner No. 18; thence N. 01° 10' 29" W. 333.13 feet to an iron rod and corner No. 19; thence N. 13° 46' 16" W. 697.47 feet to an iron rod on Virginia Route 47, corner No. 20; thence N. 24° 06' 08" E. 5305.22 feet to the point of beginning; as per survey and plat made by J. Temple Waddill, Certified Civil Engineer, dated February 1, 1950.

As heretofore set forth in Chapter 377 of the Acts of Assembly of 1946 and as established by the order of the Circuit Court of the County of Mecklenburg in a proceeding styled Town of Chase City vs. County of Mecklenburg in an order entered in Order Book No. 29 at page 107 et seq., are hereby set forth as follows:

Parcel A.

Beginning at the present northwest corner of the Corporate Limits of the Town of Chase City shown as corner No. 1 co-ordinates N. 108, 215.07 . 147,671.80, thence along present corporation line S. 2° 17' 46" W. 6745.15' to a point about 200' south of Sycamore Street, thence S. 87° 42' 14" E. 1539.13 feet to a point; thence M. 8° 56' 40" E. 311.30 feet to a point; thence S. 80° 00' 17" E. 243.16 feet to a point on the east side of Washington Street; thence along the east line of Washington Street N. 9° 21' 51" E. 690.55 feet to the southeast intersection of Washington and "B"

Streets; thence along the south line of "B" Street S. 82° 05' 41" E. 374.46 feet to the west right of way line of the Southern Railway; thence along the right of way line S. 9° 22' 43" W. 1450.00 feet to a point; thence S. 80° 37' 17" E. 550.0 feet to a point about 75 feet west of the center line of Main Street (State Route No. 92), thence N. 51° 49' 54" E. 2543.66 feet to a point about 400 feet south of the Cemetery Road; thence N. 0° 12' 24" E. 2500.5 feet to a point on the south side of Second Street; thence N. 12° 45' 41" W. 3344.16 feet to the north east corner of the present Corporate Limits of the Town of Chase City marked by iron rod, thence along proposed corporation line S. 46° 40' 11" E. 3964.52 feet to the intersection of a small branch and Route No. 47; thence S. 20° 12' 53" W. 3821.74 feet to an iron rod in the center of Cemetery Road, thence S. 57° 30' 06" W. 3379.58 feet to the center of the road to Boydton (State Route No. 92); thence N. 79° 01' 42" W. 1864.71 feet to the center of High Street, thence N. 87° 05' 16" W. 1764.50 feet to the center line of bridge over Little Bluestone Creek at its intersection with the road to Clarksville (State Route No. 49); thence N. 20° 49' 00" W. 2051.24 feet to the center of a public road; thence along road N. 1° 10' 29" W. 333.13 feet to a point; thence No. 13° 46' 16" W. 697.47 feet to its intersection with road to Clover (State Route No. 46); thence N. 24° 06' 08" E. 5305.22 feet to the point of beginning, containing 529.823 Acres.

Parcel B.

Beginning at the present northwest corner of the present Corporate Limits of the Town of Chase City, thence along proposed Corporate Limits of the Town of Chase City N. 24° 06' 08" E. 360.78 feet to the west right of way line of the Southern Railway; thence along the above right of way line N. 30° 01' 00" W. 1507.41 feet to a point of curve; thence along a curve to the right 1005.49 feet (with a radius of 2914.93 and delta 19° 45' 50") to its intersection with the center line of road to Black Branch (State Route No. 646); thence along road S. 80° 25' 43" E. 1357.88 feet to its intersection with road to Victoria (State Route No. 49); thence S. 52° 54' 10" E. 4046.41 feet to the present northeast corner of the present Corporate Limits of the Town of Chase City; thence along present Corporate Limits N. 88° 32' 03" W. 3616.47 feet to the point of beginning; containing 130.637 acres, excepting therefrom the parcel of land of 14.615 acres fronting on the south side of State Route No. 646 which was conveyed by the Board of Freedmen's Missions of The United Presbyterian Church of North America to the County School Board of Mecklenburg County by deed dated June 24, 1946, and recorded in the Clerk's Office of Mecklenburg County, Virginia, in Deed Book 124, page 148, which said parcel of land is expressly excepted from the territory to be annexed and specifically reserved to the County School Board of Mecklenburg County. (1946, c. 377; 1954, c. 172)

§ 3. Powers of the Town of Chase City.

In addition to the powers elsewhere mentioned in this charter and the powers conferred by general law and the Constitution, the town shall have the following powers:

(1) To raise revenue by the levying and collection of taxes on property in accordance with this charter and the Constitution and laws of the Commonwealth.

(2) To impose special local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and general laws as may be in force at the time of the imposition of such special or local assessments.

(3) To impose a tax not exceeding one dollar per annum upon all persons residing in said town above the age of twenty-one years, not exempt from the payment of State capitation tax.

4) To contract debts, borrow money, and make and issue evidences of indebtedness.

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

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

(7) To establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers as may be deemed advisable.

(8) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

(9) To acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State lands, or any interest or estate in lands, rock quarries, gravelpits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire

and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

(10) To provide in or near the town land to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, to cooperate with any nonprofit corporation or association in the improvement and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept and invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot for which the said donation, gift or bequest has been made. And all acts of the said town in accepting from any cemetery company, society or corporation such land to be used as a burial place for the dead, whether said land had been heretofore used or not, as well as all contracts and agreements made with any person or persons for perpetual care and maintenance, are hereby declared valid.

(11) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof, and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(12) To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures and scales.

(13) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof.

(14) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, markets, and all buildings and structures necessary or appropriate for the use and proper operations of the various departments of the town; and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(15) To establish, alter, enter, open, widen, extend, grade, improve, construct, maintain, and clean public highways, streets, sidewalks, boulevards, parkways, and alleys; to establish and maintain parks, playgrounds and public grounds; to keep them lighted and in good order; to construct, maintain, and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, streets, alleys, public grounds, and works; to plant and remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys,

and highways, abolish and prevent grade crossings over the same by railroads in the manner provided by the general law for the elimination of grade crossings; to require any railroad company operating a railroad at a place where any highway or street is crossed within the limits of the town to erect and maintain at such crossing proper gates and keep a person in charge thereof, or keep a flagman at such crossings during such hours as the council may require in accordance with general laws, and to regulate the length of time such crossing may be closed due to any railroad operations within the town and to do all other things whatsoever adapted to make said streets and highways safe, convenient, and attractive.

(16) In addition to the parks and playgrounds above provided for, the said town may also acquire and operate parks, playgrounds, and public grounds without the corporate limits of the town, and may place on the same either within or without the town stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character, and charge admission thereto, and may rent out or lease the privileges of the same.

(17) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(18) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights of way, riparian and other rights and easements necessary for said purpose, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(19) To require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to such person as may be designated by the council of said town to issue said license, and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided that such license fee shall not exceed that charged by the State on such machines.

(20) In so far as not prohibited by the general law of the State, to control, regulate, limit and restrict the operations of motor vehicles carrying passengers for hire upon the streets and alleys of the town; to regulate the operation of motor vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through said town and to

prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic and parking therein as may be necessary for the general welfare and safety.

(21) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the throwing of stones, the setting off of fireworks, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby; and to prohibit and punish the abuse of animals.

(22) Subject to the provisions of the Constitution and general laws and this charter, to grant franchises for public utilities.

(23) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(24) To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent slaughter houses or other noisome or offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of said town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of billboard and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice, and snow.

(25) To extinguish and prevent fires, and to establish, regulate, and control a fire department or division; to regulate the size, height, material and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure, or addition thereto which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may be erected contrary to law; to enact stringent and efficient

laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, amusements, or school gatherings.

(26) To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, fireworks, kerosene, gasoline, and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town.

(27) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in said town of any articles or thing intended for human consumption which is adulterated, impure, or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for said town, with authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the State and the United States.

(28) To provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.

(29) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time 500 acres in the aggregate; and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

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

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

(32) To restrain and punish drunkards, vagrants, and street beggars; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill fame and gambling houses and punish the operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the said town; to prevent and punish lewd, indecent, and disorderly exhibitions in

said town. To prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct, and public swearing and cursing, within the said town.

(33) To prohibit and punish mischievous, wanton or malicious damage to school, church, and public property, as well as to private property.

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

(35) To make and enforce ordinances, not inconsistent with the laws of this State.

(36) To offer and pay rewards for the apprehension of criminals.

(37) To compel persons sentenced to confinement in the jail of the town for any violation of the laws or ordinances of the town to work on the public streets, parks, or other public works of the town; and on the requisition of the mayor it shall be the duty of the sergeant of the town to deliver such persons to the duly authorized agent of the town for such purposes from day to day as they may be required. For the purpose of carrying into effect the police regulations of the town, the town shall have the use of the county jail of Mecklenburg County for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town.

(38) To enforce, and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction thereof.

(39) To pass and enforce all bylaws, rules, regulations, and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens and their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court or offices thereof, or which may be necessarily incident to a municipal corporation.

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

(41) To prescribe any reasonable penalties for the violation of any town ordinance, rule, or regulation, or of any provision of this charter, not exceeding penalties for similar offenses prescribed by the general laws of the State of Virginia.

(42) To give names to or alter the names of streets.

(43) To make and adopt a comprehensive plan for the town, and to that end all plats and re-plats hereafter made subdividing any land within the town or a mile of its corporate limits into streets, alleys, roads, and lots or tracts shall be submitted to and approved by the council before such plats or re-plats are filed for record or recorded in the office of the Clerk of Mecklenburg County.

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

(45) To regulate, permit or prohibit poles and wires for electric, telephone, and telegraph purposes erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the owner or lessee of an electric light, telephone, or telegraph pole, or poles, or wires, now in use or hereafter erected, to change the location of or move the same.

(46) To provide by ordinance for a system of meat and milk inspection, and to appoint milk and meat inspectors, agents, or officers to carry the same into effect; to license, regulate, control, and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges thereof; and to provide reasonable penalties for the violation of such ordinances.

(47) To establish, organize, administer, or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State.

(47.1) In addition to the powers herein otherwise provided to exercise the same powers as to the taking possession and title to property before or during condemnation as are conferred on the State Highway Commissioner in § 33-70.1 of the Code of Virginia, as may be provided in amendments to such article. In the exercise of such authority as is granted in this section, the town may use such authority in connection with the acquisition, construction, operation or maintenance or water or sewage disposal systems, airports, streets, roadways, alleys, schools, or for other educational purposes, including purposes relating to institutions of higher learning and facilities related thereto.

The powers granted in this paragraph are subject to the provisions of § 25-233 of the Code of Virginia when the interest sought to be condemned is held by another corporation having the powers of eminent domain.

(48) The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town council shall have and may exercise all powers which,

under the constitution and laws of this State, it would be competent for this charter specifically to enumerate. (1946, c. 377; 1968, c. 464)

§ 4. Administration and government.

(1) Incumbent mayor and council members to continue in office, etc.

The present mayor and council members of the town of Chase City shall continue in office and exercise all the powers conferred by this charter and the general laws of this State until the expiration of the term for which they were elected, or until their successors are duly elected and qualified. The present mayor and council members whose terms expire in 2022 shall continue in office until their successors are elected and qualify in 2023, and the council members whose terms expire in 2024 shall continue in office until their successors are elected and qualify in 2025.

(2) Except as otherwise provided in this charter, all powers of the town and the administration and government thereof shall be vested in the council and such boards or officers as are hereafter mentioned, or may be by law otherwise provided.

(3) Elections, terms and oaths of mayor and council members; effect of failure to qualify or take oath.

On the first Tuesday following the first Monday in November 2022, there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and three other electors, who shall be denominated council members. The elector elected as mayor shall serve for a term of two years, and the three other electors at such election shall serve for a term of four years. On the first Tuesday following the first Monday in November 2024, there shall be elected by the qualified voters of the town an elector who shall be denominated mayor and three other electors, who shall be denominated council members. Such electors shall serve a term of four years, except for the mayor who shall serve a term of two years. Thereafter each two years, there shall be elected by the qualified voters of the town from the electors, a mayor to serve for a term of two years and three electors to serve for a term of four years, denominated as council members. They shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute the duties of his office and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provision of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

(4) There shall be appointed for the town a registrar and officers of elections in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(5) The council shall be the judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

(6) A majority of the members of the council shall constitute a quorum for the transaction of business.

(7) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of $1,000 per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of $4,000 per annum.

The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council except in case of a tie he shall have the right to break the same by his vote; but he shall have no right of veto. He shall take care and see that the bylaws, ordinances, acts, and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. The mayor shall authenticate, by his signature, such documents as the laws, or this charter, require.

(8) The council shall, as soon as practicable after qualification, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the council or is elected.

(9) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings.

(10) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(11) The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of $300 be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

(12) There shall be appointed by the council at its first regular meeting in Januar after the election of council members, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(13) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once a year by a competent accountant selected by the council, such examination and audit to be reported to the council.

(14) The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(15) There shall be appointed by the council, at its first regular meeting in January after its election of council members or as soon as possible or as practical thereafter, a clerk of the council, who shall hold office for a term of two years. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal. He shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

(16) There shall be appointed by the council at its first regular meeting in January after the election of council members or as soon as practicable thereafter, a town sergeant, who shall also be chief of police, and shall hold office for two years. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.

(17) The council may appoint or elect such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties.

(18) The council may appoint a justice of the peace for the town, who shall be clothed with all the powers and authority of other justices of the peace within his territorial jurisdiction. The term of office of such justice of the peace shall not be for a term beyond that of the mayor in office at the time of his appointment. (1946, c. 377; 1958, c. 54; 1960, c. 15; 1964, c. 26; 1968, c. 464; 1975, c. 213; 2013, c. 335; 2022, c. 328)

§ 5. Actions against town.

No actions shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement, verified by the oath of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents, or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any attorney appointed by the council for this purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within 120 days. And no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1946, c. 377)

§ 6. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the part of the act directly involved in the controversy in which said judgment shall have been rendered. (1946, c. 377)

§ 7. This act may be referred to or cited as the Chase City Charter of 1946. (1946, c. 377)

Chatham, Town of

County of Pittsylvania

History of incorporation

Originally the Town of Competition.
Established 1769, c. LVII (Hening's Statutes at Large, Vol. 8, p. 417).
Charter and name change, 1852, c. 373.
Charter, 1874, c. 237 (complete charter and incorporation).
Charter, 1882, c. 164 (complete charter that amends, reenacts, and repeals inconsistent acts, etc).
Charter, 1914, c. 92 (complete charter that amends and reenacts 1874 and 1882 charters); repealed 1942, c. 480.

Current charter

Charter, 1942, c. 480.

Amendments to current charter

1952, c. 314 (§ 4)
1973, c. 48 (§ 8)
1981, c. 69 (§ 8)
1993, c. 595 (§ 6)
2002, cc. 116, 121 (§§ 3, 4, 5, 6)
2003, cc. 656, 675 (§ 4)

2010, c. 806 (§§ 4, 8)

§ 1. The town corporate.

The inhabitants of the territory comprised within the present limits of the Town of Chatham, as such limitations are now or may hereafter be altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the Town of Chatham, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and said Town of Chatham, as such, shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1942, c. 480)

§ 2. The town boundary.

The corporate limits of the Town of Chatham, Virginia, as heretofore established, are hereby reestablished, and shall be taken and deemed as the Town of Chatham as follows:

Beginning at a point near the freight depot where State Route Number 57 crosses the western margin of the old Virginia Midland Railroad right-of-way; thence along the western right-of-way line of the Virginia Midland Railroad about one-half of a mile to a branch; thence up branch to a fork near White's old spring; thence up White's spring branch to a spring near the Hodnett's Mill Road; thence north about three hundred feet to the south margin of the Hodnett's Mill Road, and thence in an easterly direction along the south margin of said Hodnett's Mill Road to the intersection with the west margin of U. S. Route Number 29; thence across the right-of-way of U. S. Route Number 29, and at right angles to the center line, to the east margin of right-of-way; thence a straight line to the north margin of the Chatham-Chalk Level Road at a metal culvert near the residence of R. M. Taylor; thence down ravine and branch (known as Tan Yard Branch) to the south margin of Viccellio Street where it intersects the west margin of Tan Yard Branch, said point being in the property now owned by V. O. Mundy, and is near the old Viccellio home; thence in a straight line to the east margin of U. S. Route Number 29, at the property corner between T. J. Patterson Estate and the colored cemetery property; thence along the east margin of U. S. Route Number 29 to a point opposite the southern line of the J. Hurt Whitehead residence lot; thence in a westerly direction across U. S. Route Number 29, and along the southern margin of the J. Hurt Whitehead residence lot, a distance of about six hundred feet, to a point in the Chatham Cemetery; thence in a southwesterly direction to the western right-of-way of the old Virginia Midland Railroad right-of-way, and thence along the said right-of-way line to the point of beginning. (1942, c. 480)

§ 3. Powers of the Town of Chatham.

In addition to the powers elsewhere mentioned in this charter and powers conferred by general law, and the Constitution, the said Town of Chatham shall have the following powers:

(1) To raise revenue as hereinafter provided, in accordance with this charter and the laws of the Commonwealth of Virginia.

(2) To impose special and local assessments for local improvements as hereinafter provided in accordance with general laws of this Commonwealth.

(3) To contract debts, borrow money, and make and issue evidences of indebtedness.

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

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

(6) To establish markets in the town and regulate the same, and to enforce such regulations in regards to the keeping and sales of fresh meat, vegetables, eggs, and other green groceries and the trade of hucksters and junk dealers as may be deemed advisable.

(7) To own, operate and maintain water works and to acquire in any lawful manner in any county of the Commonwealth, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without the corporate limits of the said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town and to charge and collect water rents therefor; to erect and maintain necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply, and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitation patrol over all land comprised within the limits of the water shed, tributary to any such water supply wherever such lands may be located in this Commonwealth; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof, and to carry out the powers herein granted, and said town may exercise within the Commonwealth all powers of eminent domain provided by the laws of the Commonwealth.

(8) To acquire by gift, purchase, exchange or by right of exercise of the power of eminent domain within this Commonwealth, lands or any interest or estate in lands, rock quarries, gravel-pits, sand

pits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment, and build the necessary roads or tramways thereto, operate the same for producing material required for any and all purposes of the town.

(9) To provide in or near the town lands to be used as burial places for the dead; to charge for and to improve and care for and regulate the use of the ground therein; to cooperate with any nonprofit corporation or society in the improvement and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, and the said town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof used in and about perpetual upkeep and care of the said lot or burial plot, for which the said donation, gift or bequest shall have been made; and said town is further empowered to subdivide any such land acquired as burial places for the dead into lots and to sell or otherwise dispose of the same to person or persons, and to contract with such person or persons, either at the time of sale or other disposition of said lot or lots, or at any other time, for temporary or permanent care and maintenance, by payment of such sum or sums to the said town as it may deem sufficient, to be held and invested by it, the income to be used for said permanent care and maintenance, and in all such cases, such permanent care shall be consistent with the general rules and regulations governing such burial place as may be designated by the council of the said town. And all acts of the said town in accepting from any cemetery or other private company, society or corporation any such land to be used as a burial place for the dead, whether said land had been heretofore used or not, as well as all contracts and agreements made with any person or persons for perpetual care and maintenance are hereby declared valid.

(10) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization or destruction of such material or any of them; to contract or regulate the collection and disposal thereof, and to require the collection and disposal thereof, and to acquire land within or without the said town for said purpose.

(11) To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures and scales.

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

(13) To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, markets and all buildings and structures necessary and appropriate for the use and proper operation of the various departments of the town and to acquire by

condemnation or otherwise, all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(14) To establish, alter, enter, open, widen, extend, grade, improve, construct, maintain, and clean public highways, streets, sidewalks, boulevards, parkways, and alleys; to establish and maintain parks, playgrounds and public grounds; to keep then lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers, and drains, and to regulate the use of all such highways, streets, alleys, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, abolish and prevent grade crossings over the same by railroads in the manner provided by general law for the elimination of grade crossing; to require any railroad company operating a railroad at a place where any highway or street is crossed within the limits of the town to erect and maintain at such crossing proper gates and keep a person in charge thereof, or keep a flagman at such crossings during such hours as the council may require in accordance with general laws; to regulate, except insofar as may be prohibited by State law, the operation and speed of automobile and vehicles upon said streets and highways, as well as the speed of all engines, cars and trains on railroads within the town; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(15) In addition to the parks and playgrounds above provided for, the said town may also operate parks, playgrounds, and public grounds without the corporate limits of said town, and may place thereon stadiums, swimming pools, recreation and amusement buildings, structures or enclosures of every character, and charge admission, and may rent out or lease the privileges of the same.

(16) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products or conveniences, operated, rented or furnished by the town and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings against the proper tenant or tenants; and may by ordinance require a deposit of such a reasonable amount as it may by such ordinance prescribe before furnishing such service, to either owner or tenant.

(17) To establish, construct and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith and to establish, construct, maintain and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights-of-way, riparian and other rights and easements necessary for the said purpose, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(18) Subject to the provisions of the Constitution and general laws and this charter, to grant franchises for public utilities.

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

(20) To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent slaughter houses or other noisome or offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of said town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, free from all weeds, filth, unsightly deposits and ice and snow.

(21) To extinguish and prevent fires, and to establish, regulate and control a fire department or division, to regulate the size, height, material and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and conveniences may require; to remove or require to be removed or reconstructed any buildings, structure, or addition thereto which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may be erected contrary to law; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, amusements, or school gatherings.

(22) To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene oil or other like material; to regulate the exhibition of fireworks, the discharge of firearms, and the making of bonfires in the streets or yards.

(23) To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers; and where in the opinion of the governing body of the town the same is necessary, to contribute to organizations providing for care, support or maintenance of sick, aged, insane or poor persons and paupers.

(24) To prevent the riding and driving of horses or other animals at an improper speed; to prevent the throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit the abuse of animals.

(25) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

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

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

(28) To prohibit and punish mischievous, wanton or malicious damage to school and public property, as well as private property.

(29) To prohibit and punish minors from frequenting, playing in or loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent therefor for permitting the same.

(30) To compel persons sentenced to confinement in jail of the town for any misdemeanor or other violation of the laws or ordinances of the town to work on the public streets, parks or other public works of the town; and on the requisition of the mayor or any other persons acting as judge or justice of the municipal court, it shall be the duty of the sergeant of the town to deliver such persons to the duly authorized agent of the town for such purposes from day to day as he may require. For the purpose of carrying into effect the police regulations of the said town, the town shall be allowed the use of the county jail of Pittsylvania County for the safe keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the said town.

(31) To offer and pay rewards for the apprehension and conviction of criminals.

(32) To give names to streets and to alter and change the same.

(33) To regulate, permit or prohibit poles and wires for electric, telephone and telegraph purposes to be erected and gas or other pipes to be laid in the streets and alleys, and to prescribe and collect annual charges for such privileges, hereafter granted; to require the owner or lessee of an electric light, telephone or telegraph pole or poles or wires now in use or hereafter erected, to change the location or move the same; to require all telephone and telegraph wires and all wires and cables carrying electricity, hereafter installed, to be placed in conduits under ground, and prescribe rules and regulations for the construction of such conduits, provided that none of the rights exercised by town in accordance with this paragraph shall be inconsistent with the provisions of any franchise granted by town.

(34) To enact and carry out zoning ordinances, and building codes within the limits of the said town, in conformity with laws of the Commonwealth of Virginia, and to provide for changes therein, and by ordinance from time to time to modify and change the same.

(35) To enact and carry out plumbing and heating ordinances and to regulate in the limits of the town the installation of water, gas, and heating pipes, and lines, fixtures, boilers and plants, on private or public property, and to regulate and supervise the installation of the same.

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

(37) To make and enforce ordinances, not inconsistent with the laws of the Commonwealth of Virginia.

(38) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction thereof.

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

(40) To provide reasonable penalties for violation of any town ordinance, rule or regulation or any provision of this charter, not exceeding penalties prescribed by the general laws of the Commonwealth of Virginia.

(41) To appoint a chief of police, and such additional police officers as it may deem necessary or proper, to prescribe rules and regulations for the government thereof, and to prescribe their rate of pay. Until the town council shall appoint the chief of police, the town sergeant shall perform the duties of such office. The policemen of the town shall have no power or authority in civil matters, but

shall in all other cases execute such warrants or summonses as may be placed in their hands by appropriate authority and shall make due return thereof. The sergeant and the police officers for the town shall have the power to arrest without warrants and carry before proper authority, to be dealt with according to law, any and all persons who shall violate any ordinance of the town or laws of the Commonwealth in their presence and it shall be their duty to swear out warrants of arrest for any person where they have reason to believe any offense has been committed.

(42) The mayor, the town councilmen, the town sergeant and the members of the police force of the town shall have jurisdiction, power and authority in criminal and police matters for one mile from the corporate limits of the said town. (1942, c. 480; 2002, cc. 116, 121)

§ 4. Administration and government.

(1) The present mayor and council of the Town of Chatham shall continue in office until the expiration of the term for which they were respectively elected, or until their successors are duly elected and qualified.

(2) Except as otherwise provided in this charter, all powers of the town and the administration and government of the said town shall be vested in the council of the Town of Chatham, and such boards or officers as are hereafter mentioned, or may be by law otherwise provided.

(3) On the general election day in November 2010, and every two years thereafter, there shall be elected by the qualified voters of the Town of Chatham, one elector of the town who shall be denominated mayor and will serve a two-year term. Six other electors shall be denominated the council members of the town. These council members are to be elected for four-year terms. Three council members will be denominated at each election beginning November 2010. Said Mayor and council members shall constitute the town council. They shall enter upon the discharge of the duties of their offices on the first day of January next succeeding their election and shall continue in office until their successors are duly elected and qualified. Every person elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and are hereby vested with power to fill such vacancy in the manner herein prescribed.

(4) All elections shall be conducted in accordance with state law. For such purposes, the local electoral board and registrar appointed pursuant to the provisions of Articles 3 through 5 (§ 24.2-106 et seq.) of Chapter 1 of Title 24.2 of the Code of Virginia of 1950, as amended, shall be responsible for the conduct and regulation of such elections for the town.

(5) The council of the town shall judge the election, qualification and return of its members; may fine them for disorderly conduct, and with concurrence of two-thirds vote of the council, expel a member. If

any person returned, be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be ordered by the council and held on such day as it may designate by ordinance. Any other vacancy occurring during the term of any member of the council shall be filled by the council by the appointment of anyone eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to such office.

(6) For the transaction of business by the council, four members of whom the mayor may be counted as one, shall constitute a quorum.

(7) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner, as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of $600 annually; the mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of $1,200 annually; and the council is also empowered to provide that the salary of the mayor shall be in lieu of any fees he is entitled to receive for acting as justice of the municipal court. The present acting council of the town shall receive no salary for their services during the remaining part of their present term, but may set a salary for both mayor and councilmen to begin on and after the first day of July 2002. The salary of the mayor and the councilmen, when fixed, shall so continue until changed by the council, and shall be payable out of the treasury of the town in monthly installments.

(8) The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his office. The mayor shall have no right to vote in the council except in case of a tie vote, in which case the mayor shall vote.

(9) The council shall, as soon as practicable, after qualification, choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability, and in event of a vacancy for any reason in the office of mayor, he shall serve until a mayor is duly appointed by the council or is elected. The said vice-mayor shall continue to have all rights, privileges, powers, duties and obligations of councilman while performing the duties of mayor during the absence or disability of the mayor of the town. In the absence of the mayor or vice-mayor, the mayor may designate a member of the council to perform his duties.

(10) The council shall, by ordinance, fix the time for their meetings, but shall have at least one meeting each month. Special meetings shall be called by the clerk at the instance of the mayor or any three members of the council, in writing; no business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive sessions.

(11) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) The council may adopt rules for regulating its proceedings, but no tax shall be levied or corporate debt contracted except by a vote of two-thirds of the council, four votes being counted as two-thirds, which vote shall be taken by yeas and nays, and recorded in the minute book. It may appoint such committees as may be deemed proper for the transaction of business, and may compel attendance of absent members.

(13) The council may require the mayor to communicate to it annually as soon after the close of the fiscal year, or oftener, if necessary a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine such officer on oath. He shall have power to suspend all officers appointed by the council until the next regular meeting of the council, but such suspension shall in all cases be for misconduct in office or neglect of duty, to be specified in the order of suspension. In case of suspension of any officer the mayor shall submit a written report of the same to the council at its next regular meeting, or any meeting called for that purpose, specifically designating the charge against the officer and reasons for dismissal, and in case of suspension by the mayor, he shall have power to appoint some other person in his place to hold such office and perform the duties thereof until the next regular meeting of the council.

(14) Every ordinance passed by the council for the violation of which a penalty is imposed shall be published in such way as the council may order, so as to give general publicity thereto, and no order may become effective until so published, either by handbills posted in at least two public places, or in a newspaper published and having general circulation in the town, except in the case of an emergency, in which instance the ordinance shall so state and shall become effective immediately upon its passage. If published by handbill, a certification of the posting thereof shall be made by the clerk or sergeant as to the time and place where the ordinance is recorded, provided however, that after the expiration of six months from date of the passage of any ordinance, its publication shall not be questioned, or its validity affected by any failure to publish the same. (1942, c. 480; 1952, c. 314; 2002, cc. 116, 121; 2003, cc. 656, 675; 2010, c. 806)

§ 5. Town clerk.

At its first meeting in July 2002, or as soon thereafter as practicable, and every two years thereafter, there shall be appointed by the council a clerk, who shall hold office at the pleasure of council, and said clerk shall attend all meetings of the council, and shall keep a permanent record of its proceedings as hereinbefore set out; he shall be custodian of the town seal, and shall affix the same to all documents and instruments requiring a seal, and shall attest the same; he shall keep all papers,

codes, documents, and records pertaining to the town, the custody of which is not otherwise provided for in this charter. He shall give all notices to all parties, presenting petitions or communications to the council of the final action of the council on such petitions or communications; he shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he shall perform such other acts or duties as the council may, from time to time, require. (1942, c. 480; 2002, cc. 116, 121)

§ 6. Town treasurer.

(1) There shall be appointed by the council at its first meeting in July 2002, or as soon thereafter as practicable, and every two years thereafter, a treasurer, who shall serve at the pleasure of the council who before entering upon the discharge of his duties shall give bond with sufficient surety to be approved by the council, in the penalty of such amount as may be fixed by the council from time to time, payable to the Town of Chatham, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses, and levies and charges for services furnished by the public utilities of the town. The council shall have the authority to place in the hands of a town collector to be designated by it, the collection of taxes, licenses and other levies at any time if in the discretion of the council it shall be proper to do so.

(2) The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as ordinances of the town may prescribe; to keep all such moneys safely, and account therefor; and to pay all drafts and orders made on him in conformity with ordinances of the town.

(3) The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks may be required to give security in such sum or sums as the council shall fix. He shall keep books showing accurately the date of his accounts and the money of the town shall be kept distinct and separate from his own money, and he is prohibited expressly from using directly or indirectly the town's money for his own benefit, or the benefit of any other person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

(4) The town treasurer shall, when required by the council, render an account to the council showing the state of the treasury and balance of money on hand. He shall also, when required by the council, accompany such account with a statement of all moneys received by him on what account with a list of checks paid by him during the month closed, and shall furnish such other information as the council may direct, and at all times the accounts and books of the treasurer shall be open to inspection by the mayor and council, and to any other person or persons appointed by the council to inspect the same.

(5) All taxes, levies and other sums of money received by the town treasurer belonging to the Town of Chatham, shall be credited on the books of the treasurer, and paid out by him only on a warrant of the clerk of the council, countersigned by the mayor.

(6) The treasurer shall perform such other duties as may be required by the council, not inconsistent with the general laws of the Commonwealth, and he shall receive for his services such compensation as the council may deem proper. (1942, c. 480; 1993, c. 595; 2002, cc. 116, 121)

§ 7. The clerk of the council and the treasurer of the town may be one and the same person in the discretion of the council. (1942, c. 480)

§ 8. Town manager.

(1) The council may appoint a town manager who shall be the chief administrative officer of the town. He shall be appointed for a term acceptable to the town council. He may be removed by the council for any cause deemed sufficient to the council, but the town manager may require notice in writing, and shall have the right to be heard before the council prior to a vote to remove him. The action of the council in suspending and removing the town manager shall be final. The council shall have the authority to place the control and supervision of the police force of the town under either the town council or town manager.

(2) Except as otherwise provided in this charter, the town manager, subject to the consent of the town council, may appoint or employ, and he may remove or discharge officers, employees and assistants, as may be necessary to carry on the work of those departments of the town committed to him by ordinance, in all their respective details, in an economical and satisfactory manner. The salary and terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to the approval of the town council. His actions in all respects shall be subject to review by the council, and he shall be accountable to the town council only. (1942, c. 480; 1973, c. 48; 1981, c. 69; 2010, c. 806)

§ 9. Taxes.

(1) In addition to all other powers mentioned in this charter and granted by general law, the town council shall have power to raise annually by taxes and assessments in the said town on all subjects or taxation of which by incorporated towns is not forbidden by general law, such sums of money as the council may deem necessary for the purpose of the town, and in such manner as the council shall deem expedient, in accordance with the constitution and laws of this State and of the United States.

(2) The town council may levy a tax or license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever, within the boundaries of the town, whether a license may be required therefor by the State or not, and may exceed the State license, if any be required, except when prohibited by general law.

(3) Any payment of delinquent taxes made by the tenant, unless under express contract contained in his lease, shall be a credit against the person to whom he owes the rent.

(4) The council may require owners of motor vehicles, trailers, semi-trailers, and other vehicles of any kind, residing in the town, licenses for the privilege of operating such vehicle in the town, such license to be issued and the fee therefor fixed by the town council.

(5) All goods and chattels found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust nor mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes.

(6) The council may add penalties for failure of any person or firm or corporation to pay taxes or licenses at the time provided for by ordinance of the council, and there shall be alien for all taxes assessed which may be enforced as provided by general law of the State.

(7) The council may, by a two-thirds vote of the body, exempt real and personal property used for manufacturing purposes or other enterprises from all taxes for municipal purposes for a period not exceeding five years, if it deem it expedient to do so in order to encourage the establishment of such enterprise therein.

(8) The assessment of real and personal property in the town, for the purpose of municipal taxation, shall be the same as the assessment of such property for the purpose of county or State taxation, where there is a county or State assessment of such property.

(9) The council, in the name of and for the use of the town, may contract loans, incur indebtedness and cause certificates of debt or bonds to be issued, whenever two-thirds of its members by a recorded vote decide that is to the interest of the town so to do, but such council may only borrow money to the extent prescribed by the Constitution and laws of this State. But the council shall issue no bonds or certificates of debt, except in anticipation of current revenue, until it shall have first submitted to the qualified voters of said town the question of whether or not such bonds shall be issued and a majority of the qualified voters voting at any election held for such purpose shall have voted for such issue. Such election shall be held under the provisions of the general laws of this State, except the council shall have power to call such election and fix the date thereof by ordinance, copy of which shall be published at least five days beforehand in some newspaper published in said town. The publisher of the newspaper shall certify to the publication thereof, which certification shall be recorded in the minute book of the town. The judges conducting any such election shall certify the returns to the clerk of the circuit court of Pittsylvania County and to the said council, not to the judge of the circuit court of said county.

(10) Any bonds which may be issued under this charter may be either registered or coupon bonds; they shall be issued in such denominations and bear such rate of interest, not exceeding six percent, as may be determined by the council; they shall be made payable at such time or times as the council

may prescribe, not exceeding thirty years from their date, and may, at the option of the council, be made redeemable after such times as the council may prescribe; and the interest thereon may be made payable at such place as the council may designate, either annually or semi-annually. Any issue of bonds under this act shall be signed by the mayor and countersigned by the clerk of the council, with the town seal attached; they shall be sold in the manner as the council may prescribe, and the proceeds from such sale shall be used and expended under the order of the council. In case of an issue of bonds to refund any outstanding bonded indebtedness heretofore made by the said town under any act or charter, may be done by ordinance of the council, but no vote by the people shall be necessary at an election for said purpose. Such bonds shall be known as refunding bonds.

(11) A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling of real estate for town taxes, and for the redemption of real estate sold for town taxes, shall be the same as provided in the general laws of the State to the same extent as if herein fully set out. The said town and its treasurer shall have the benefit of all other additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted by and under the general law. (1942, c. 480)

§ 10. Sinking fund.

(1) The council may provide for a sinking fund for the purpose of paying off any outstanding indebtedness of the town, if it matures, or to provide for any additional indebtedness hereafter made, and may make an additional levy therefor, said sinking fund to be set aside and invested as hereinafter provided for, but this section does not authorize any additional levy to pay the interest or create a sinking fund for any bonded indebtedness of the town now outstanding.

(2) When taxes on real and personal property are collected for the year, the town treasurer shall take therefrom the necessary amount of any additional sum, if any, so set apart, and deposit the same in a separate account to the credit of the sinking fund in such bank or banks as the council may designate; and the council may if it so elect, cause its sinking fund to be loaned on improved real estate, situated in the Town of Chatham, not to be loaned to a greater amount than fifty percent of the fair market value of the property, and fire insurance shall be carried on the property during the loan in an amount at least equal to the face value of the amount of the loan, which money shall be loaned at not exceeding six percent per annum, payable semi-annually, and for no longer than for two years at any one time.

(3) All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not within a reasonable time be required for payment of any bond of the town, or cannot be used to advantage in purchase and redemption of any bond of the town, which may be outstanding, the same shall be securely invested in interest bearing municipal State or government bonds or loaned upon otherwise unencumbered real estate within the Town of Chatham, upon the basis hereinbefore provided, or

invested in any security approved by the general laws of the State of Virginia for investment of such funds, or deposited in bank on a reasonable rate of interest. Such sinking funds may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council.

(4) The town council shall act as the sinking fund commission or committee and shall provide for the investment, deposit and application of the funds in conformity to the provisions of this charter; and may require any bank or banks receiving on deposit its revenues or any of its sinking fund a fidelity bond or other security. (1942, c. 480)

§ 11. Actions against town for damages, etc.

(1) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless a written statement, verified by oath of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents, or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the council for this purpose, and the town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within one hundred and twenty days. No officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them.

(2) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs, or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(3) If it be ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(4) If the town, when not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that the said judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce the said judgment, or an action at law, or scire facias to revive the said judgment.

(5) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(6) The council of said town is authorized and empowered to compromise any claim for damages or any suit or action brought against said town. (1942, c. 480)

§ 12. Dedication of streets and plats thereof.

(1) No plat showing a new street or highway within the town shall be filed or recorded in the office of the clerk or of any county until such plat shall have been approved by the council. The council shall not approve any such plat unless the streets and highways provided for therein are of sufficient width, or proper grades and suitably located to meet the probable traffic needs, to afford adequate light, air, and access of the fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets or highways. The council may, in appropriate cases, require that a plat before being approved shall provide adequate open space for parks, playgrounds, or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use.

(2) Before approving any plat, and thereby accepting the dedication of the streets, alleys and highways thereon, the council shall require the owner thereof to execute and deliver to the Town of Chatham a release and waiver of any claim or claims for damages which such owner, his heirs, successors or assigns may have or acquire against the said town by reason of establishing proper grades and grade lines along such streets, alleys, or highways, and by reason of doing necessary grading and filling for the purpose of placing such streets and alleys and highways upon the proper grade, and releasing the said town from building any retaining walls along the streets, alleys, or highways, and property lines or for any damage to property abutting by reason of the construction of any drain or pipe line for removal of surface water, whereby water is emptied on or drained from such adjacent or abutting property. Such release or waiver may be required to be in writing and executed on the plat or on a written instrument accompanying the same, and all of which shall be filed of record in the clerk's office of the County of Pittsylvania.

(3) Before approving any such plot the town council may, at its discretion, require the owner of such land to grade the streets and alleys thereon, according to grade or grade lines approved by the council. By the acceptance of any such plat, street, alley or highway as above set out, there shall be no liability upon the town to surface such street, or to install any sewage, water, gas, lights or other improvements, until in the judgment of the council the same is required. (1942, c. 480)

§ 13. Validation of contracts.

All contracts and obligations heretofore or hereafter made by council of the Town of Chatham, while in office, not inconsistent with this charter, or the Constitution, or the general laws of this State shall be, and hereby are declared to be valid and legal. (1942, c. 480)

§ 14. Ordinances to continue in force.

All ordinances now in force in the Town of Chatham, not inconsistent with this charter, shall be and remain in full force until altered, amended or repealed by the council of the said town. (1942, c. 480)

§ 15. Partial invalidity.

If any clause, sentence, paragraph or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the said act, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall be rendered. (1942, c. 480)

§ 16. Repealing clause.

All acts or parts of acts in conflict with this charter, insofar as they affect the provisions of this charter, and all former charters and amendments thereto for the Town of Chatham, are hereby repealed. (1942, c. 480)

§ 17. Citing clause.

This act may for all purposes be cited or referred to as the Town of Chatham Charter of 1942. (1942, c. 480)

Cheriton, Town of

County of Northampton

History of incorporation

Incorporated by order of Circuit Court of Northampton County, April 3, 1951 (Common Law Order Book 18, p. 11).

Current charter

Charter, 2007, cc. 243, 299.

Amendments to current charter

2020, c. 394 (§ 3.1).

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Cheriton, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Cheriton, and as such shall have

perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal that it may alter, renew or amend at its pleasure by proper ordinance. (2007, cc. 243, 299)

§ 1.2. Boundaries.

The territory embraced within the Town of Cheriton is that territory in the County of Northampton, Virginia, established by order of the Circuit Court of Northampton County, April 3, 1951, as found in the Common Law Order Book 18, page 11, and that territory added by boundary adjustment as described in the minute book of the Northampton County Board of Supervisors. (2007, cc. 243, 299)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Cheriton shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (2007, cc. 243, 299)

§ 2.2. Adoption of certain sections of the Code of Virginia.

The powers set forth in §§ 15.2-1100 through 15.2-1126, both inclusive, of Chapter 11 of Title 15.2 of the Code of Virginia, as in force on January one, two thousand seven, and as may hereafter be amended, are hereby conferred on and vested in the town. (2007, cc. 243, 299)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.2, Chapter 2 of Title 25.1, and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the Town.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town treasurer. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in

which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for streets, water, sewers, and related matters, whether within or without the town.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (2007, cc. 243, 299)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The Town of Cheriton shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town to be elected from the town at large.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until their successors are elected and qualified. An election for mayor and councilmen shall be held on the Tuesday following the first Monday in November, in two thousand twenty, and on the Tuesday following the first Monday in November of every even-numbered year thereafter. The council members and mayor so elected shall take office on the first day of the following January, and shall each serve until their successors are elected and have qualified.

(c) No mayor or member of Council shall be an employee of the Town and upon the qualification of any such person for such position, his employment with the Town shall cease. (2007, cc. 243, 299; 2020. c. 394)

§ 3.2. Vacancies on Council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council; persons so elected to fill vacancies must be qualified voters of the town.

If any member of the council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired term shall be filled according to the provisions of this act. (2007, cc. 243, 299)

§ 3.3. Vacancies in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council; the person so elected to fill the vacancy must be a qualified voter of the town. (2007, cc. 243, 299)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (2007, cc. 243, 299)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this Charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary; shall authenticate by his signature such documents or instruments as the council, this Charter, or the laws of the Commonwealth shall require. (2007, cc. 243, 299)

§ 3.6. Vice mayor.

The town council shall elect from its members, by a majority of the members present, a vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice mayor may vote as a member of the town council. (2007, cc. 243, 299)

§ 3.7. Meetings of council.

The town council shall fix the time of their stated meetings and they shall meet at least once a month. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified in writing a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (2007, cc. 243, 299)

§ 3.8. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. (2007, cc. 243, 299)

§ 3.9. Acting mayor.

In the absence or inability to act of both the mayor and vice mayor, any member of the town council may act with all the powers of the mayor upon the request so to do by the town council, but only during the period of such dual absence and inability. (2007, cc. 243, 299)

§ 3.10. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this Charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (2007, cc. 243, 299)

Chapter 4. Appointive Officers.

§ 4.1. Appointment.

The town council may appoint such officers of the town as they deem necessary. Such officers may include, but shall not be limited to, a town manager, a town clerk, a town attorney, a town treasurer, Chief of Police and special police officers. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this Charter, by the laws of the Commonwealth, or by the town council. (2007, cc. 243, 299)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. (2007, cc. 243, 299)

§ 4.3. Term of office.

Officers and deputies and assistant officers appointed by the town council shall serve at the will and pleasure of the town council. (2007, cc. 243, 299)

§ 4.4. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, at the discretion of the town council subject to such limitations as are set forth in the Constitution of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time. (2007, cc. 243, 299)

§ 4.5. Qualifications and duties of the town manager.

The town manager shall be the executive officer of the town, and shall be responsible to the town council for the proper administration of the town government. It shall be the duty of the town manager to:

(a) Attend all meetings of the town council, with the right to speak but not to vote.

(b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.

(c) Prepare and submit the annual budget of the town council and be responsible for its administration after its adoption.

(d) Prepare in suitable form for publication and submit to the town council at the next regular meeting following the end of each fiscal year, a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.

(e) Present adequate financial and activity reports as required by the town council.

(f) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

(g) Perform such other duties as may be prescribed by this Charter, or required of him in accordance therewith by the town council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the town, except those appointed by the town council pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. The town council shall designate by ordinance a person to act as town manager in the case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. Until such time as the town council appoints any such town manager the duties and powers outlined herein shall be given to the mayor, or such other person as may be designated by the town council. All employees and officers of the town, including those appointed by the town council, shall be under the management control and supervision of the town manager. (2007, cc. 243, 299)

§ 4.6. Duties of the town clerk.

The town clerk shall be the clerk of the town council. He shall keep the journal of the proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council may specify or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (2007, cc. 243, 299)

§ 4.7. Duties of the town attorney.

The town attorney shall be the legal adviser of the town council. He shall represent the town in all legal affairs as may be requested by the mayor, town council, or by an officer of the town appointed under the provisions of this Charter. (2007, cc. 243, 299)

§ 4.8. Duties of the town treasurer.

The town treasurer shall collect the town taxes and licenses, and shall have the power to levy and sell for collection as given to county treasurers. The town treasurer shall work cooperatively with the Town Manager to provide full financial disclosure and reporting as requested by the Town Council. The town treasurer shall perform such other duties, not inconsistent with his office, as the Town Council or Town Manager may direct. (2007, cc. 243, 299)

§ 4.9. Powers and duties of the chief of police and special policemen.

The Chief of Police shall be a conservator of the peace, and vested with the full powers of a constable within the limits of the town. He, and any special police officers who may be appointed by the mayor with the advice and consent of a majority of the members of the town council, shall have all the powers given to special police officers under the laws of the Commonwealth. The police force of the town shall be under the control of the Chief of Police for the purpose of enforcing peace and good order and executing the laws of the State and all the ordinances of the town. He shall assist the treasurer in the collection of town taxes, and may distrain and sell therefor in like manner for which State taxes and county levies are distrained. (2007, cc. 243, 299)

§ 4.10. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (2007, cc. 243, 299)

§ 4.11. Vacancies in office.

The town council may fill any vacancy in any appointive office. (2007, cc. 243, 299)

§ 4.12. Residence of officers and employees.

Any appointive officers or employees of the town may be appointed and serve whether or not the appointee be a resident or nonresident of the town. (2007, cc. 243, 299)

Chapter 5. Raising of Revenue.

§ 5.1. Assessment of taxes.

The council shall have the power to assess and tax real or personal property within the town, levy taxes, impose licenses and collect the same to any extent not prohibited by laws of the Commonwealth. (2007, cc. 243, 299)

§ 5.2. Other revenue-generating activity.

The town council shall have the power to engage in other revenue-generating activities to any extent not prohibited by the laws of the Commonwealth of Virginia. (2007, cc. 243, 299)

Chapter 6. Financial Provisions.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year, and end on June thirtieth of the year following. (2007, cc. 243, 299)

Chapter 7. Miscellaneous.

§ 7.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (2007, cc. 243, 299)

§ 7.2. Applicability outside town.

All ordinances of the town so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (2007, cc. 243, 299)

§ 7.3. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (2007, cc. 243, 299)

§ 7.4. Ordinances continued in force.

All ordinances now in force in the town of Cheriton, not inconsistent with this Charter, shall be and remain in force until altered, amended or repealed by the town council. (2007, cc. 243, 299)

§ 7.5. Severability of provisions.

If any clause, sentence, paragraph or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (2007, cc. 243, 299)

§ 7.6. Disclosure of interest.

The town council is hereby empowered to adopt a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (2007, cc. 243, 299)

Chesapeake, City of

History of incorporation

Consolidation of South Norfolk and Norfolk County into a city, 1962, c. 211.
Name of city voted on effective January 1, 1963.
Incorporation and charter, 1962, c. 211; repealed, 1980, c. 717 (except § 21.06; see 1987, c. 229).

Current charter

Charter 1980, c. 717.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the city of Chesapeake, as they are or hereafter may be established by law, shall continue to be a body politic and corporate and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure. (1980, c. 717)

§ 1.02. Boundaries.

The boundaries of the city of Chesapeake shall be the same as those set forth for the consolidated city contained in Chapter 211 of the Acts of Assembly of 1962, until changed as provided by law. (1980, c. 717)

Chapter 2. Powers.

§ 2.01. General grant.

The city shall have and may exercise the powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of the Code of Virginia (as in force on the effective date of this charter and as hereafter amended). In addition thereto, the city shall have and may exercise all other powers which are now or may hereafter be conferred upon or delegated to cities of the first class under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants. No enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. The city is authorized and empowered in addition to the other powers granted by this charter and general law, to adopt ordinances paralleling state statutes prohibiting misdemeanors. (1980, c. 717; 1988, c. 288)

§ 2.02. Eminent domain.

The city shall have and may exercise the powers set forth in §§ 33.1-119 through 33.1-129, inclusive, of the Code of Virginia as in force on the effective date of this charter and as hereafter amended, relating to acquiring title and taking possession in eminent domain proceedings. Certificates issued pursuant to such sections may be issued by the city council, signed by the city manager and countersigned by the city treasurer. Such certificates shall have the same effect as certificates issued by the State Highway Commissioner under the aforesaid sections and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its powers of eminent

domain for any lawful public purpose, whether within or without the city, provided that the provisions of such sections shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities. (1980, c. 717)

§ 2.03. Special taxes; construction, etc., of bridges, canals, docks, etc.

Without limiting the generality of the foregoing, but in addition thereto, the city shall have the following additional powers:

A. To levy a higher tax in such areas of the city as desire additional or more complete services of government than are desired in the city as a whole, provided that such higher tax rate shall not be levied for school, police or general government services but only for those services which prior to the effective date of this charter were not offered in all the territory within the boundaries of the city and provided further that the proceeds from such higher tax rate shall be so segregated as to enable the same to be expended in the areas in which raised. Such higher tax shall not be levied unless there has been filed with the council a petition of not less than two-thirds of the landowners in such areas requesting such higher taxes.

B. To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under the Elizabeth River or any other stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned.

B1. To acquire, construct, own, maintain and operate or authorize the construction and maintenance of roads within the city limits, and to charge or authorize the charging of tolls for use of such roads by the public, and to require compensation for such use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned.

C. To acquire, construct, own, maintain and operate, within and without the city, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the facilities above described; provide for the management and control of such facilities or any of them by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose;

lease any or all of such facilities or any concessions properly incident thereto to any person, firm or corporation or contract with any person, firm or corporation for the maintenance and operation of any or all of such facilities on such terms and conditions as the council may determine by ordinance; apply to the proper authorities of the United States to grant to the city the privilege of establishing, maintaining and operating a foreign trade zone within the city; regulate the use of other landings, wharves and docks located on the Elizabeth River within the city; prevent and remove obstructions from the harbor of the Elizabeth River and in, upon or near the landings, wharves, docks, or canals adjacent thereto, and collect from the person or persons responsible for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing, dock or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation therefor imposed by reason of such public use or easement by statute or otherwise.

D. To levy and provide for the assessment and collection of license taxes on all public service corporations doing business within the city in such manner as the city council shall deem expedient in accordance with the laws of this State; such authority shall be in addition to other provisions of law permitting the imposition of license taxes on businesses, trades, professions, occupations and callings and upon the persons, firms and corporations engaged therein within the city. (1980, c. 717; 1989, c. 194)

Chapter 3. City Council.

§ 3.01. Composition.

The council shall consist of the mayor and eight members to be elected at the time provided by general law by and from the city at large, without regard to borough residency. (1980, c. 717; 1987, c. 76)

§ 3.02. Election of mayor and council members.

(a) On and after July 1, 1985, candidates for the offices of mayor and council member under the provisions of this charter shall be nominated only by petition in the manner prescribed by general law. Elections for the offices of mayor and council member after July 1, 1985, shall be nonpartisan. All terms for mayor and council members shall begin on July 1 next following the date of their election.

The mayor and all members of council shall be elected for the terms as provided herein, and each shall serve until a successor shall have qualified.

(b) The mayor shall be elected by the qualified voters of the city beginning with the regular councilmanic election in the year 1988, to serve for a term of four years, and successors shall be elected each four years thereafter.

(c) In addition to the mayor, the council shall consist of eight members, who shall serve for terms of four years. At the regular councilmanic election in 1988, three members shall be elected to council for

terms of four years, and at the regular councilmanic election in 1990, five members shall be elected to council for terms of four years.

A candidate may run only for mayor or for one of the council seats being voted upon, and cannot be qualified or appear on the ballot for both positions.

In the event any member of council during his or her term of office shall decide to be a candidate for the office of mayor, he or she may be eligible to do so, but shall tender a resignation as a member of council, such resignation to be effective June 30 of such election year. Such resignation shall state the council member's intention to run for the office of mayor and shall require no formal acceptance by the remaining members of council and shall be final and irrevocable as of the date it is tendered.

The remaining term of any council member or members who resign to run for mayor shall be filled at the next succeeding mayoral election by the candidate or candidates for council receiving the next highest vote to those candidates declared elected to the office of council member pursuant to sub-section (c) of this section. Such term shall begin on July 1 next following the date of the election. (1980, c. 717; 1985, c. 61; 1987, c. 76; 1988, c. 59)

§ 3.03. (1980, c. 717; 1987, c. 76; repealed 1991, c. 72)

§ 3.03:1. Filling vacancies.

Whenever a vacancy occurs in the office of a council member, with the exception of vacancies created by resignation to run for the office of mayor, it shall be filled by the majority vote of the remaining members of the city council within thirty days of such vacancy. The appointee shall be a qualified voter of the city and shall hold office until such time that a successor has been elected and qualified to fill the vacancy. The election of a successor shall be held at the next ensuing general election, whether such election be in May or November, whichever is the first to occur; however, if the vacancy occurs within one hundred twenty days of the next ensuing general election, it shall be filled at the second ensuing general election, whether such election be in May or November. The election shall be ordered by the judges of the circuit court at least sixty days prior to the date for which it is called. No election to fill the vacancy shall be ordered if the general election at which it is to be called is scheduled in the year in which the term expires.

When the vacancy is in the office of mayor, the vice-mayor shall assume all of the duties and powers of the mayor until such time that a mayoral successor has been elected and qualified in the manner set forth above for a council member. That portion of any meeting, as defined in the Virginia Freedom of Information Act, during which there is any discussion or deliberation pertaining to an appointment of a council member shall be open to the public. (1991, c. 72)

§ 3.04. Compensation; limitation on other appointments.

The mayor and council members shall receive as compensation for their services such amounts as the council may determine in accordance with general law. No member of the council or mayor shall

be appointed to any office of profit under the city government during the term for which elected and for one year thereafter. (1980, c. 717; 1987, c. 76)

§ 3.05. Powers.

All powers vested in the city shall be exercised by the council, except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers:

A. To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

B. To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies, except as specifically provided herein to the contrary.

C. To create, alter or abolish and to assign and reassign to departments, all bureaus, divisions, offices and agencies, except as specifically provided herein to the contrary.

D. To provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city.

E. To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city excluding constitutional officers, their deputies, assistants and employees.

F. To provide for the submission of any proposed ordinance to the qualified voters of the city at an advisory referendum to be initiated and held in the manner provided by law for special elections. (1980, c. 717)

§ 3.06. Procedural powers.

The council shall have power, subject to the provisions of this chapter, to adopt its own rules of procedure, which rules shall be for the convenience of the council only. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequent than once each month. They shall also provide for the calling of special meeting by the mayor or any three members of the council and shall prescribe the methods of giving notice thereof. A majority of the council shall constitute a quorum for the transaction of business. No ordinance, resolution, motion or vote, other than motions to adjourn, to fix the time and place of adjournment and other motions of a purely procedural nature, shall be adopted by the council except at a meeting open to the public. (1980, c. 717)

§ 3.07. Ordinances.

No ordinance, unless it be an emergency measure as herein defined, or the annual appropriation ordinance, shall become effective until thirty days after its final passage. If a petition signed by at least fifteen percent of the number of qualified voters voting in the last preceding presidential election is filed with the city clerk within such thirty days, requesting that such ordinance be repealed or

amended as stated in the petition, such ordinance shall not become effective until the steps provided for herein shall have been taken. Such petition shall state the names and addresses of at least five electors who shall constitute a committee to represent the petitioners. If the council shall not have amended or repealed the ordinance as requested within thirty days after the filing of such petition, the city clerk shall upon request of a majority of the committee present such petition to the judge of the circuit court who shall order a referendum for the purpose of submitting the ordinance to the qualified voters of the city in the manner provided by law for special elections. If the ordinance is approved by a majority of the qualified voters voting in such referendum, it shall become effective upon the certification of the result. Ordinances passed as emergency measures providing for any work certified by the city manager to be immediately necessary to protect public property or health from imminent danger or to protect the city from imminent loss or liability, shall not be subject to referendum, and the certificate of the city manager in any such case shall be conclusive. All other ordinances passed as emergency measures shall be subject to the referendum as other ordinances. No appropriation ordinance shall be subject to the referendum. (1980, c. 717)

§ 3.08. Mayor and vice-mayor.

At its first regular meeting of the term, the council shall choose by majority vote of all the members thereof, one of its members to be vice-mayor for a term of two years. The mayor shall preside over the meetings of council, shall act as head of the city government for ceremonial purposes, and shall have such other rights and duties as the council may prescribe, in addition to all the rights and privileges of council members of the city. The vice-mayor shall perform the duties of mayor in the absence or disability of the mayor. (1980, c. 717; 1987, c. 76)

§ 3.09. City clerk.

The council shall appoint a city clerk to serve at the pleasure of the council who shall be clerk of the council and custodian of the corporate seal of the city and shall have such further duties as the council may prescribe.

The city clerk may appoint and remove such deputy clerks and other employees deemed necessary for the efficient operation of the clerk's office. (1980, c. 717; 1981, c. 126)

§ 3.10. Advisory referenda.

Upon the filing with the Clerk of the Circuit Court of the City of Chesapeake of a petition signed by a number of qualified voters in Chesapeake equaling twenty-five percent of the number of voters voting in Chesapeake at the last presidential election, as certified by the city registrar, the circuit court of the city, by order of record, shall call for an advisory referendum taking the sense of the voters on the question proposed in the petition at the next succeeding general election. The proposed question shall pertain to the affairs of city government. The question shall not pertain to taxation or the incurrence of debt. The referendum shall be initiated and conducted in accordance with the provisions of §§ 24.2-684 and 24.2-684.1 of the Code of Virginia, 1950, as amended, except that the petition shall be

circulated, completed and filed within four months of the date the clerk of the circuit court certifies receipt and acceptance of the unsigned petition copy, and shall further be circulated, completed and filed at least eighty days prior to the next succeeding general election. Failure to submit the required number of valid signatures within these time periods shall invalidate the petition in its entirety.

Following certification of the election results by the electoral board to the chief judge, the court shall enter an order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to the governing body. (1997, c. 312; 1999, cc. 265, 271)

Chapter 4. City Manager.

§ 4.01. Appointment; qualifications.

The council shall appoint a city manager who shall be the executive and chief administrative officer of the city government. The city manager shall be chosen solely on the basis of executive and administrative qualifications and shall serve at the pleasure of the council. (1980, c. 717)

§ 4.02. Powers and duties.

The city manager shall have the power and the duty:

A. To appoint all officers and employees of the city and to remove such officers and employees, except as such powers to appoint and remove may be delegated to subordinates and except as otherwise provided in this charter.

B. To perform such other duties and to exercise such other powers as may be imposed or conferred by the council. (1980, c. 717)

§ 4.03. Council not to direct appointments or removals.

Neither the council nor any of its members shall direct the appointment or removal of any person from any office or employment by the city manager or by the manager's subordinates. (1980, c. 717)

Chapter 5. Budget.

§ 5.01. Fiscal year.

The fiscal year of the city shall begin on the first day of July and shall end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year. (1980, c. 717)

§ 5.02. Submission of operating budget.

The city manager shall submit to the council an operating budget and a budget message at least ninety days prior to the beginning of each fiscal year. (1980, c. 717)

§ 5.03. Operating budget message.

The manager's message shall explain the budget in fiscal terms. It shall contain the recommendations of the city manager concerning the fiscal policy of the city for the ensuing fiscal year, describe the important features of the budget, indicate any mayor changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and include such other material as the manager deems desirable. (1980, c. 717)

§ 5.04. Operating budget preparation.

The budget shall provide a financial plan for the ensuing fiscal year, and shall be in such form as the manager deems advisable or the council may require. In organizing the budget, the manager shall utilize the most feasible combination of expenditures classification by fund, organization unit, program, purpose or activity and object. It shall be prepared in accordance with generally accepted principles of municipal accounting and budgeting procedures and techniques. It shall be the duty of the head of each department, the judges of the courts not of record or commission, including the school board, and each other office or agency supported in whole or in part by the city, to file at such time as the city manager may prescribe estimates of revenue and expenditures for that department, court, board, commission, office or agency for the ensuing fiscal year. The city manager shall hold such hearings as deemed advisable and shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as deemed proper, subject to the laws of the Commonwealth relating to the obligatory expenditures for any purpose, except that in the case of the school board may recommend a revision only in its total estimated resources and requirements. In no event shall the requirements recommended by the city manager in the budget exceed the resources estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased fees, charges, or taxes or licenses within the power of the city to levy and collect in the ensuing year, the revenue from which, estimated on the average experience with the same or similar taxes during the three tax years last past will make up the difference. If estimated resources exceed estimated requirements, the city manager may recommend revisions in the tax and license ordinances of the city in order to bring the budget into balance.

At the same time that the city manager submits the operating budget, the city manager shall introduce and recommend to the council an appropriation ordinance which shall be based on the budget. The city manager shall also introduce at the same time any ordinances levying a new tax or altering the rate on any existing tax necessary to balance the budget as provided in this section. (1980, c. 717; 1988, c. 288)

§ 5.05. Council action on the operating budget.

A. Notice and hearing. The council shall publish in one or more newspapers of general circulation in the city the general summary of the proposed budget and a noticed stating:

1. The times and places where copies of the message and budget are available for inspection by the public; and

2. The time and place, not less than twenty-one days after such publication, for a public hearing on the budget.

B. Amendment before adoption. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts, except requirements required by law or for debt service, and except further that in the case of the school board, the council may only revise the total estimated resources or requirements. In no case shall the council increase the authorized requirements to an amount greater than the total of estimated resources.

C. Adoption. The council shall adopt the budget by the vote of at least a majority of all members of the council not later than forty-seven days prior to the end of the current fiscal year. Should the council take no action prior to such day, the budget shall be deemed to have been finally adopted as submitted by the city manager. In no event shall the council adopt a budget in which the estimated total of requirements exceeds resources, unless at the same time it adopts measures to provide additional resources estimated to be sufficient to make up the difference. Adoption of the budget shall include adoption of an ordinance appropriating the amounts specified therein from the funds indicated and an ordinance levying the property tax therein proposed. (1980, c. 717)

§ 5.06. Amendments after adoption of operating budget.

A. Supplemental appropriations. If during the fiscal year the manager certifies that there are funds available in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

B. Reduction of appropriations. If at any time during the fiscal year it appears probable to the manager that the resources available will be insufficient to meet the amount appropriated, the city manager shall report to the council without delay, indicating the estimated amount of the shortfall, any remedial action taken by the city manager and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any shortfall and for the purpose it may by ordinance reduce one or more appropriations. (1980, c. 717)

§ 5.07. Lapse of appropriations.

Every appropriation, except an appropriation for a project in the capital improvement program, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a project in the capital improvement program shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation. (1980, c. 717)

§ 5.08. Capital improvement program.

A. Submission to council. The manager shall prepare and submit to the council a five-year capital improvement program at least ninety days prior to the beginning of each fiscal year.

B. Contents. The capital improvement program shall include:

1. A general summary of its contents;

2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and

4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information shall be revised and extended each year with regard to capital projects still pending. (1980, c. 717; 1998, cc. 561, 626)

§ 5.09. Council action on capital improvement program.

A. Notice and hearing. The council shall publish in one or more newspapers of general circulation in the city the general summary of the capital improvement program and a notice stating:

1. The times and places where copies of the capital improvement programs are available for inspection by the public; and

2. The time and place, not less than fourteen days after such publication, for a public hearing on the capital improvement program.

B. Adoption. The council shall adopt a capital improvement program with or without amendment after the public hearing not later than forty-seven days prior to the end of the current fiscal year. Should the council take no action prior to such day, the program shall be deemed to have been finally adopted as submitted by the city manager. The capital improvement program, after adoption, shall be deemed a plan only, with the right being reserved to the council to change the same at any time. (1980, c. 717; 1998, cc. 561, 626)

Chapter 6. Borrowing.

§ 6.01. Power.

The council may, in the name of and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter. (1980, c. 717)

§ 6.02. Purposes for which bonds or notes may be issued.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution or general law. Notes may be issued, when authorized by the council, at any time during the current fiscal year for the purpose of meeting appropriations made for such fiscal year, in anticipation of the collection of the taxes and revenues of such fiscal year, and within the amount of such appropriations. (1980, c. 717)

§ 6.03. Limitations on indebtedness.

In the issuance of bonds and notes, the city shall be subject to the limitations as to amounts contained in Article VII, Section 10 (a) of the Constitution. (1980, c. 717)

§ 6.04. Form of bonds and notes.

Bonds and notes of the city shall be issued in the manner provided by general law. (1980, c. 717)

§ 6.05. Authority for issuance of bonds.

No bonds or notes of the city shall be issued until their issuance shall have been authorized by a majority of the qualified voters of the city voting on the question at an election held for the purpose in the manner provided by general law, except as follows:

A. The council may authorize the issuance of refunding bonds or notes by an ordinance adopted by the affirmative vote of a majority of all members of the council.

B. The council may authorize the issuance of bonds and other obligations of a type excluded from the computation of indebtedness of cities under Section 10 (a) of Article VII of the Constitution of Virginia by complying with the conditions for exclusion set forth therein.

C. The school board, with the approval of the council, may issue on behalf of the city bonds or notes to the State Literary Fund.

D. The council may authorize the issuance of notes in anticipation of the issuance of bonds or notes to the State Literary Fund if the project to be financed with such bonds or notes is on the priority list of the Board of Education for loans to be made from the State Literary Fund. The council may authorize the issuance of notes in anticipation of the receipt of grants and reimbursements due the city from the federal and state governments.

E. The council may authorize the issuance of school bonds to the Virginia Public School Authority for capital projects for school purposes by an ordinance adopted by the affirmative vote of two-thirds of all members of the council.

F. The council may authorize the issuance of bonds or notes in any calendar year in such amounts as (i) shall not increase the total indebtedness of the city, as determined in the manner set forth in Section 10 (a) of Article VII of the Constitution of Virginia, by more than the sum of four million five hundred thousand dollars and the amount of all bonds and notes, however authorized, retired in the

prior calendar year and (ii) shall not exceed eight percent of the assessed valuation of real estate in the city subject to taxation, as shown by the last preceding assessment for taxes. Such bonds or notes shall be authorized by an ordinance adopted by the affirmative vote of two-thirds of all members of the council. For the purpose of this subsection, the issuance of bonds or notes that were authorized at an election or that were authorized pursuant to subsection A, B, C, D, or E hereof shall not affect the calculation of the amount of bonds or notes that may be authorized in any calendar year.

G. Authorized bonds or other obligations which could have been issued without an election on the last day of the calendar year in which they were authorized may be issued in a subsequent calendar year without affecting the annual limitation for such subsequent year.

For the purpose of this section, the terms "bonds," "notes," "other obligations" and "indebtedness" shall not include contractual obligations of the city other than bonds and notes. (1980, c. 717; 1982, c. 131; 1988, c. 288; 1993, cc. 256, 277; 1994, cc. 133, 137, 877)

§ 6.06. Payment of bonds and notes.

The power and obligations of the city to pay any and all bonds and notes issued pursuant to this chapter, except revenue bonds made payable solely from revenue-producing properties, shall be unlimited and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and the interest thereon, without limitation as to rate or amount. The full faith and credit of the city are hereby pledged for the payment of the principal of and interest on all bonds and notes of the former city of South Norfolk and of former Norfolk County, and any sanitary districts therein, issued and outstanding on January 1, 1963, and of the city thereafter issued pursuant to this chapter, except revenue bonds made payable solely from revenue-producing properties, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance. (1980, c. 717)

Chapter 7. Administration.

§ 7.01. Creation of administrative departments.

There are hereby created the departments of human resources, law, education, finance and planning. The council may create such other departments, combine or abolish departments and distribute the functions thereof as it may determine from time to time; provided, however, that the council shall not have the power to abolish, transfer or combine the functions of the departments of human resources, law, education, finance and planning. (1980, c. 717; 2003, c. 868)

§ 7.02. Department heads.

There shall be a director who shall administer each department. The director of each department except the departments of law, education and audit services shall be appointed by the manager. With

the consent of the council, the manager may serve as the head of one or more departments, or he may appoint one person to head two or more of them.

The director of audit services shall be known as the City Auditor, shall be chosen solely on the basis of professional qualifications, and shall serve at the pleasure of the council. The City Auditor shall be subject to removal from office by a majority vote of the council. (1980, c. 717; 2003, c. 868; 2018, cc. 174, 322)

§ 7.03. Responsible to city manager.

The director of each department, except the departments of law, education and audit services, shall be immediately responsible to the city manager. They shall make reports and recommendations concerning their departments to the city manager under such rules and regulations as may be prescribed. (1980, c. 717; 2003, c. 868)

Chapter 8. Department of Human Resources.

§ 8.01. Composition and functions.

A. Merit principle. All appointments and promotions of directors of departments and other employees shall be made solely on the basis of merit and fitness as demonstrated by examination or other job related criteria for determining potential for job performance. The city is committed to the principle of equal employment opportunity in all aspects of employment practices including but not limited to recruitment, hiring, training, promotions, transfers and terminations, regardless of race, creed, color, sex, national origin or handicap.

B. Director of human resources. There shall be a director of human resources appointed by the manager as provided in § 7.02 who shall administer the personnel system of the city under the direction of the city manager.

C. Functions. The department of human resources shall be responsible to the manager for the formulation and administration of the personnel policies of the city. (1980, c. 717; 1999, cc. 265, 271)

Chapter 9. Department of Law.

§ 9.01. Composition and functions.

A. Composition. The department of law shall consist of the city attorney and such deputy city attorneys and assistant city attorneys and other employees as may be provided by the council.

B. City attorney. The head of the department of law shall be the city attorney, who shall be an attorney at law licensed to practice law in the Commonwealth, shall be appointed by the council, and shall serve at the pleasure of the council.

C. Powers and duties. The city attorney shall:

1. Be the chief legal advisor of the council, the city manager, and of all departments (excluding the department of education), boards, commissions and agencies of the city in all matters affecting the interests of the city and shall, upon request, furnish a written opinion on any question of law involving their respective official powers and duties;

2. At the request of the city manager or any member of the council, prepare ordinances for introduction, and at the request of the council or any member thereof shall examine any ordinance after introduction and render an opinion as to the form and legality thereof;

3. Draw or approve all bonds, deeds, leases, contracts, or other instruments to which the city is a party or in which it has an interest;

4. Have the management and control of all the law business of the city and the departments, boards, commissions, and agencies thereof or in which the city has an interest, and represent the city as counsel in any civil case in which it is interested;

5. Institute and defend all legal proceedings as deemed necessary or proper to protect the interests of the city;

6. Attend in person or assign one of the assistants to attend all meetings of council;

7. Appoint and remove such deputy and assistant city attorneys and other employees;

8. Authorize the deputy or assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon the city attorney; and

9. Have such other powers and duties as may be assigned by the council. (1980, c. 717)

Chapter 10. Department of Education.

§ 10.01. Composition and functions.

A. Composition. The department of education shall consist of the city school board, the superintendent of schools, and the employees thereof. The city school board and the superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law.

B. School board. The school board shall be composed of nine members who shall be elected at-large for terms of four years in the manner prescribed by general law. Vacancies shall be filled in the same manner in which general law provides for the filling of vacancies of city council members pursuant to §§ 24.2-226 and 24.2-228 of the Code of Virginia with the interim appointment to be made by a majority vote of the remaining members of the board.

C. School superintendent. The school board shall appoint a school superintendent who shall be chosen on the basis of general executive and administrative ability, education, training and

experience in the field of education in the manner provided by general law. (1980, c. 717; 1996, cc. 357, 387)

Chapter 11. Financial Administration.

§ 11.01. Department of finance.

The department of finance shall consist of a director of finance, a comptroller or accounting officer, the city treasurer and the commissioner of revenue and their respective officers, insofar as inclusion of these officers is not inconsistent with the Constitution and general laws of the Commonwealth, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1980, c. 717)

§ 11.02. Director of finance.

The head of the department of finance shall be the director of finance who shall be a person skilled in municipal accounting and financial control and shall have charge of the financial affairs of the city, including such powers and duties as may be assigned by the council not inconsistent with the Constitution and general laws of the Commonwealth. (1980, c. 717)

§ 11.03. City treasurer.

The city treasurer shall collect and receive all city taxes and other revenues or monies accruing to the city, except such as the council may by ordinance make it the duty of some other person to collect, which shall not be in conflict with the general laws of the Commonwealth and shall have such powers and duties as may be assigned by the director of finance or the council not inconsistent with the laws of the Commonwealth. (1980, c. 717)

§ 11.04. Commissioner of revenue.

The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assignment or property and licenses as may be assigned by the director of finance or the council. (1980, c. 717)

§ 11.05. Annual assessment of real estate.

The council may, in lieu of the methods prescribed by general law, provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city and to prescribe their duties and terms of office. Such assessors shall make assessments and reassessments on the basis as real estate is required to be assessed under the provisions of general law and as of the first day of January of each year, shall have the same authority as the assessors appointed under the provisions of general law, and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of general law.

The circuit court shall before the first day of September in each year annually appoint a board of equalization of real estate assessments, to be composed of not less than three nor more than five members who shall be freeholders of the city. The terms of such members shall commence on the date of their appointment and shall expire on the thirty-first day of August of the year next following their appointment unless such terms are extended by the court. The court may extend the terms of the members of the board and shall fill any vacancy therein for the unexpired term. The assessor or assessors may be required to attend meetings of the board. Such board of equalization shall have and may exercise the powers to revise, correct, and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law, notwithstanding, however, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings or requests for review, and looking to the further facilitation and simplification of proceedings before the board. This section shall not apply to assessments of any real estate assessable by the State Corporation Commission. (1980, c. 717)

§ 11.06. Annual audit.

The council shall cause to be made an independent audit of the city's finances at the end of each fiscal year by the Auditor of Public Accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. One copy of the report of such audit shall be always available for public inspection in the office of the city clerk during regular business hours. (1980, c. 717)

Chapter 12. City Planning.

§ 12.01. Planning department and director.

There shall be a planning department headed by a director who shall be appointed by the manager as provided in § 7.02. The planning director shall have the following responsibilities:

A. The preparation of a comprehensive plan and its continued review and revision;

B. To advise the city manager on the implementation of the comprehensive plan and other matters affecting the physical development of the city;

C. To prepare such other reports, studies and evaluations as required by the city manager; and

D. To advise the city planning commission in the exercise of its responsibilities and in connection therewith to provide necessary staff assistance. (1980, c. 717)

§ 12.02. City planning commission.

There shall be a city planning commission consisting of not less than five nor more than fifteen members appointed by the council for terms of four years from among the qualified voters of the city. No person shall be appointed to the planning commission for more than two consecutive four-year terms. Members of the commission shall hold no other city office. The commission shall make

recommendations to the city manager and the city council on all matters affecting the physical development of the city, shall be consulted on the comprehensive plan as provided in § 12.05 and shall exercise all other responsibilities as may be provided by general law. (1980, c. 717)

§ 12.03. Board of zoning appeals; composition; appointment of members.

There shall be a board of zoning appeals which shall consist of seven members appointed for three-year terms by the judges of the circuit court. (1980, c. 717; 2012, cc. 194, 453)

§ 12.04. Same; powers.

The board of zoning appeals shall have all powers granted to boards of zoning appeals by general law. (1980, c. 717)

§ 12.05. Comprehensive plan.

A. Content. The council shall adopt, and may from time to time modify, a comprehensive plan written in accordance with Title 15.1, Chapter 11 of the Code of Virginia, as amended, setting forth in graphic and textual form policies to govern the future physical development of the city.

B. Adoption. Upon receipt from the planning commission of a proposed comprehensive plan or proposed modification of the existing plan, the council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by resolution with or without amendment.

C. Effect. The comprehensive plan shall serve as a guide to all future council action concerning land use and development regulations, urban renewal programs and expenditures for capital improvements. (1980, c. 717)

Chapter 13. Administration of Justice.

§ 13.01. High constable.

The council may appoint a high constable who shall serve at the pleasure of council. The high constable shall be the ministerial officer of the courts of the city not of record and shall have other such duties as the council may prescribe.

For services provided, the high constable shall receive such compensation as the council may by ordinance provide, and the council shall make provision by ordinances for the necessary and reasonable expense of conducting the office, including compensation to any deputy or deputies, which compensation shall be fixed by the council. (1980, c. 717)

Chapter 14. Miscellaneous Provisions.

§ 14.01. Assets and liabilities of former city and county.

On January 1, 1963, all property, real and personal, of the former city of South Norfolk and former Norfolk County, including sanitary districts therein, shall be vested in and owned by the city of

Chesapeake, and any and all debts due the city and the county, including sanitary districts therein, shall become due to the city of Chesapeake. The city shall assume the payment of all the then outstanding indebtedness, bonded or otherwise, including interest thereon, and all of the then existing contracts and any other obligations of the city and the county, including sanitary districts therein, in the same manner and to the same extent as if they were originally issued, made, entered into or arose directly by or with the city of Chesapeake. (1980, c. 717)

§ 14.02. Election of constitutional officers.

The office of the clerk of the circuit court, attorney for the Commonwealth, commissioner of revenue, city treasurer, and city sheriff shall be elected and filled in accordance with the provisions of the Constitution and general laws of the Commonwealth. (1980, c. 717)

§ 14.03. Powers and duties of constitutional officers.

The clerk of the circuit court, attorney for the Commonwealth, commissioner of revenue, city treasurer, and city sheriff shall have such powers and perform such duties as are provided by the Constitution of the Commonwealth, and except as otherwise provided in this charter, as are provided by the provisions of general law for cities of first class. (1980, c. 717)

§ 14.04. Appointments by courts.

All appointments required for this charter or by general law to be made by the circuit court or the judge or judges thereof shall be made by all judges of the circuit court. (1980, c. 717)

§ 14.05. Saving clause.

In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, but all parts of this charter not expressly held to be invalid shall remain in full force and effect. (1980, c. 717)

§ 21.06. Housing authorities.

(a) All of the ownership, rights, title, interest, powers and obligations of the city of South Norfolk, Norfolk County and the city of Chesapeake relative to or in any manner connected with the South Norfolk Redevelopment and Housing Authority, the South Norfolk Redevelopment and Housing Authority of Chesapeake, the Norfolk County Housing Authority and the Norfolk County Redevelopment and Housing Authority of Chesapeake, shall be vested in, enure to and be assumed by the city of Chesapeake.

(b) The Norfolk County Housing Authority, also known as the Norfolk County Redevelopment and Housing Authority of Chesapeake, is hereby abolished effective June 30, 1972. The assets and liabilities shall be conveyed to and assumed by the city of Chesapeake.

(c) The South Norfolk Redevelopment and Housing Authority, also known as the South Norfolk Redevelopment and Housing Authority of Chesapeake, effective June 30, 1972, shall be known as

the Chesapeake Redevelopment and Housing Authority. The Authority shall be composed of seven commissioners. The five commissioners presently serving shall continue in office until the expiration of the terms for which they were appointed, and successors shall be appointed as their respective terms expire. The two additional commissioners shall be appointed for terms of four years commencing July 1, 1972. The terms of office for all commissioners shall be four years, and they shall continue in office until their successors have been appointed by the City Council and qualified. The Council shall have the authority to fill vacancies for the unexpired portion of the terms. The Chesapeake Redevelopment and Housing Authority shall have and may exercise the powers set forth in Title 36 of the Code of Virginia, as amended. (1962, c. 211; 1972, c. 455; 1987, c. 229 [verifying, ratifying, and confirming certain provisions of c. 455, 1972, relating to the Chesapeake Redevelopment and Housing Authority])

Editor's note: Complete amendments listing for the City of Chesapeake:

Current charter
Charter 1980, c. 717.

Amendments to current charter
1981, c. 126 (§ 3.09)
1982, c. 131 (§ 6.05)
1985, c. 61 (§ 3.02)
1987, c. 76 (§§ 3.01, 3.02, 3.03, 3.04, 3.08)
1987, c. 229 (relating to § 21.06)
1988, c. 59 (§ 3.02)
1988, c. 288 (§§ 2.01, 5.04, 6.05)
1989, c. 194 (§ 2.03)
1991, c. 72 (§§ 3.03 [repealed], 3.03:1 [added])
1993, cc. 256, 277 (§ 6.05)
1994, cc. 133, 137, 877 (§ 6.05)
1996, cc. 357, 387 (§ 10.01)
1997, c. 312 (§ 3.10)
1998, cc. 561, 626 (§§ 5.08, 5.09)
1999, cc. 265, 271 (§§ 3.10, 8.01)
2003, c. 868 (§§ 7.01, 7.02, 7.03)
2012, cc. 194, 453 (§ 12.03)
2018, cc. 174, 322 (§ 7.02)
2022, c. 280 (§ 5.04)

Chesterfield, County of

History of incorporation

Charter, 1944 (provided police departments and police forces for certain counties); repealed 1987, c. 12.

Current charter
Charter, 1987, c. 12.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. Charter and Boundaries.

§ 1.1. Charter.

The General Assembly hereby charters the County of Chesterfield, a political subdivision of the Commonwealth of Virginia, as a county within the Commonwealth of Virginia and as such shall have perpetual succession and all other powers and responsibilities granted by this charter or general law. (1987, c. 12)

§ 1.2. Transition to charter form of government.

Upon granting of this charter, the County of Chesterfield shall be liable for the bonded indebtedness and current debts and obligations of the County of Chesterfield as such obligations exist immediately preceding existence of the charter. The County of Chesterfield shall succeed in right and title to all assets, properties, contracts and rights of every nature then possessed by the county, including all money belonging to the county and its books, records, papers and all other things of value. All ordinances, rules, regulations, policies and orders made by the County of Chesterfield, all Special Acts of the General Assembly conferring any authority, powers and privileges upon the County of Chesterfield, in force at the effective date of this charter insofar as they, or any portion thereof are not inconsistent herewith, shall remain in full force and effect until amended or repealed in accordance with the provisions of this charter or general law.

The County of Chesterfield shall succeed to all the rights and privileges of the former county with respect to laws under which its water supply system and its sewerage and sewage disposal system have been and are being installed, maintained and operated. All the county levies and taxes, both current and delinquent, and all school and other funds held by the Commonwealth to the credit of the County of Chesterfield shall be turned over to the chartered County of Chesterfield. The tax levy and assessments made for the current and ensuing year or years shall stand as the levy and assessment of the county. All contracts entered into by the county for materials or supplies or construction work in force on the date of chartering shall thereby become the contracts of the chartered county. (1987, c. 12)

§ 1.3. Transition of office holders.

Upon granting of the charter the persons holding office as members of the board of supervisors of the county at the moment of the granting of a charter shall become members of and shall constitute the Board of Supervisors of the County of Chesterfield and shall continue to constitute such board until

the election and qualification of their successors subject to the following specific requirements and qualifications:

As members of the new board of supervisors they shall continue to have and exercise all of the rights, powers, and privileges conferred on such board, and shall be subject to all of the duties, liabilities and restrictions now imposed by law on the government of counties using the nonoptional form of government and as vested in members of the board by the provisions of this charter.

Those persons who shall hold office as Commonwealth's attorney, clerk of the circuit court, sheriff, treasurer and commissioner of revenue, immediately preceding granting of a charter, shall by virtue of such chartering become respectively the Commonwealth's attorney, clerk of the circuit court, sheriff, treasurer and commissioner of revenue of the County of Chesterfield, and shall continue to hold office until the expiration of the respective terms for which they were elected or appointed and until their successors have been elected and have qualified. Such officers and their successors shall have and exercise all of the rights, powers and privileges conferred upon them and shall be subject to all of the duties, liabilities and restrictions imposed by law upon such officers of counties of the Commonwealth. (1987, c. 12)

§ 1.4. Effective date.

This charter shall be in effect from January 1, 1988, and thereafter until repealed or amended as provided by law. (1987, c. 12)

Chapter 2. Powers of County.

§ 2.1. General grant of powers.

The powers set forth in Title 15.2 of the Code of Virginia, and all other powers which are now or may be conferred upon or delegated to counties under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a county are hereby specifically conferred upon the County of Chesterfield, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. The scope of all powers conferred by this charter shall be liberally interpreted so as to best effectuate the responsibility of the board of supervisors to perform its duty to govern the county. (1987, c. 12; 2001, c. 250)

§ 2.2. Additional powers.

In addition to the powers granted by other sections of this charter and general law, the county shall have the power to raise annually by taxes and assessments, as permitted by general law, such sums of money as the board shall deem necessary to pay the debts and defray the expenses of the county, in such manner as the board shall deem expedient. In addition to, but not as a limitation upon this general grant of power, the county shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes on hotel and motel

rooms; to levy and collect business taxes, local general retail sales and use tax as provided by law; unless prohibited by general law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the board be reached by the ad valorem system; to franchise any business or calling so as to protect the public interest; and to require licenses of all owners of vehicles of all kinds.

In addition to the other powers conferred by law, the County of Chesterfield shall have the power to impose, levy and collect, in such manner as its board may deem expedient, a consumer tax upon the amount paid for the use of water, gas, electricity, communications services, and any other public utility service within the county or upon the amount paid for any one or more of such public utility services, subject to provisions of general law and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. The county may establish and collect such fees as the board of supervisors may deem reasonable for the rendering of special services. (1987, c. 12; 2017, c. 382)

§ 2.3. Acquisition of real estate.

In addition to the powers granted by other sections of this charter, the county may acquire property within or without its boundaries for any of its facilities or functions, in fee simple or lesser interest or estate, by purchase, gift, devise, lease, or eminent domain for property within the county, and may sell, lease, hold, manage, and control such property as the county's interest may require. No judicial process need precede the exercise of these powers except for acquisition of property by eminent domain. (1987, c. 12)

§ 2.4. Special districts.

The county, in addition to any other authority provided by law, may by ordinance create special districts or areas within the county if those areas desire additional or more complete governmental services than are desired in the county as a whole. The board of supervisors shall have the power to levy a higher tax in such areas, and the proceeds therefrom shall be so segregated as to enable the same to be expended in the areas in which raised. (1987, c. 12)

§ 2.5. Abandonment of road.

The governing body of the county on its own motion may cause any section of the secondary system of highways deemed by it to be no longer necessary for the uses of the secondary system of highways to be abandoned altogether as a public road by complying substantially with the procedure provided for in § 33.2-909 of the Code of Virginia, including notice of intention to abandon any such road by publication in two or more issues of some newspaper having general circulation in the county. Such notice shall specify the time and place of the hearing at which persons affected may appear and present their view, which shall not be less than six days nor more than twenty-one days after the second newspaper advertisement.

A finding by the governing body, after a public hearing, that a section of the secondary system of highways is no longer necessary for the uses of the secondary system may be made if the following conditions exist:

1. The road is located within a residence district as the latter is defined in § 46.2-100 of the Code of Virginia;

2. Continued operation of the section of road in question constitutes a threat to the public safety and welfare; and

3. Alternate routes for use after abandonment of the road are readily available. Any order of abandonment issued in compliance with this section shall give rise in subsequent proceedings, if any, to a presumption of adequate justification for the abandonment.

Appeals from any order of abandonment may be made as provided for in § 33.2-910 of the Code of Virginia. (1991, c. 398; 2017, c. 382)

Chapter 3. Board of Supervisors.

§ 3.1. Composition and election.

The County of Chesterfield shall be divided into five magisterial districts, which shall comprise the five magisterial districts of the County of Chesterfield as existing immediately preceding the effective date of this charter, and shall be known as the Districts of Bermuda, Clover Hill, Dale, Matoaca and Midlothian. The county board shall consist of five members and shall be elected one from each district. Such board members shall qualify and be elected as provided by general law for members of county boards of supervisors. The board may redistrict or change the number, form of the membership or manner of electing board members in accordance with general law without the necessity of amending the charter.

Vacancies in the office of supervisor, from whatever cause, shall be filled within sixty days by an interim appointment by a majority vote of the remaining members of the board; provided that, so long as any supervisor is elected from a magisterial district, such vacancy shall be filled by a qualified voter residing in the same magisterial district. If a vacancy is not filled by the board within sixty days as provided herein, the vacancy shall be filled in accordance with general law. In either event the person so appointed shall serve until the vacancy is filled by an elected member in accordance with general law.

Members of the board of supervisors shall act in accordance with the Virginia State and Local Government Comprehensive Conflict of Interests Act, as now written or as amended. (1987, c. 12; 1995, cc. 541, 559)

§ 3.2. Compensation.

The board members shall receive as compensation for their services such amounts as the board may determine, provided that no salary increase approved by the board shall be effective during the term of such board. The salary in effect upon chartering shall remain in effect until changed by the board. No member of the board shall be appointed to any paid office under the county government during the term for which elected and for one year thereafter. In addition to a salary, members of the board may receive reimbursement for reasonable expenses incurred in the conduct of county business. (1987, c. 12)

§ 3.3. Presiding officer.

The board at its first meeting and annually thereafter, unless otherwise provided by the board, shall elect one of its members, who shall have the title of chairman and shall preside at meetings of the board and shall be recognized as head of the county government for all official ceremonial purposes. The chairman shall be selected as the person best able to lead the board in its responsibility to act collectively on behalf of the county as a whole. The board shall elect a new chairman when a vacancy occurs in that office. The board shall also elect a vice-chairman who shall act as chairman during the absence or disability of the chairman. The chairman shall have the same powers and duties as other members of the board and shall have a vote but no power of veto. (1987, c. 12)

§ 3.4. Procedural powers.

The board shall have the power, subject to the provisions of this charter, to adopt its own rules of procedure and other guidelines controlling the actions of its members. Such rules shall provide for the time and place of holding regular meetings of the board which shall be not less frequently than once a month. The procedure for calling special meetings shall be as provided by general law in the Code of Virginia. A majority of the board shall constitute a quorum for the transaction of business. The board collectively has the power to censure or otherwise discipline its members, excluding removal from office, for failure to comply with its rules of procedure or guidelines. No member shall be excused from voting except on matters involving the consideration of his own official conduct or where his financial or personal interests are involved. (1987, c. 12)

§ 3.5. Powers.

The board of supervisors shall be the policy determining body of the county and shall be vested with all rights and powers conferred on governing bodies by general law not inconsistent with this chapter. All powers vested in the county by this charter, and to counties generally by the Code of Virginia, shall be exercised by the board collectively except as otherwise provided in this charter, or in the Constitution of Virginia. In addition to the foregoing, the board shall have the following powers:

a. To control and manage the fiscal affairs of the county and all property, real and personal, belonging to the county.

b. To provide revenue for the county and appropriate the revenue for expenses, also to provide the annual assessments of taxable persons and property in the county, and it may adopt such ordinances, orders and bylaws relating to the powers of this charter as it shall deem proper and necessary.

c. To adopt such ordinances, bylaws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in them:

(1) To provide for the preservation of the general health of the inhabitants of the county.

(2) To provide and regulate county-owned or county-operated hospitals or nursing homes within the county limits.

(3) To require and compel the abatement and removal of all nuisances within the county, at the expense of the person or persons causing the nuisance, or the occupant or owner of the ground where the nuisance may be.

(4) To preserve public peace and good order; to prevent and quell riots, disturbances, disorderly assemblages, environmental hazards and shortages; and the board shall also have the power to adopt such additional ordinances as it may deem necessary for the general welfare of the county.

d. To create, alter or abolish departments, bureaus, divisions, offices or agencies except where such bureaus, divisions, offices or agencies are specifically defined by this charter or general law.

e. To create, alter and abolish commissions and advisory boards to assist the county in accomplishing its statutory responsibilities except where such commissions and advisory boards are specifically defined by this charter or general law.

f. To provide for the number, title, qualifications, powers, duties, classification and compensation for all officers and employees of the county.

g. To provide for the form of oaths who shall administer oaths and the amount and condition of surety bonds to be required of certain officers and employees of the county.

h. To make such investigation relating to the financial affairs and internal operations of the county government as they may deem necessary.

i. As a collective body, to make appointments to boards, commissions and other bodies as provided by law or board action provided that all such appointments shall serve as county-wide appointments and make decisions reflective of general county needs rather than magisterial district needs.

j. To create or modify assessment districts for local improvements in accordance with Article 2 (§ 15.2-2404 et seq.) of Chapter 24 of Title 15.2 of the Code of Virginia. For any such assessment district created after January 1, 2003, the Board may provide for the payment of an assessment of

costs for improvements, or of any installment due pursuant to § 15.2-2413 of the Code of Virginia, to be suspended when any owner who owned property on the day the ordinance creating the assessment district was adopted and who occupies a residential building located on the property is 65 years of age or older. However, when the property is no longer occupied by a person who is 65 years of age or older or is conveyed to another person or persons, irrespective of the age of the person or persons to whom the property is conveyed, the suspension of payments shall cease and the entire assessment, including accrued interest, shall be immediately due and payable.

Nothing contained herein shall be construed to deprive the board of supervisors or county of any of the powers conferred upon them, either by general or special laws of the Commonwealth of Virginia, except insofar as the same may be inconsistent with the provisions of this charter. (1987, c. 12; 2004, c. 617)

§ 3.6. County clerk.

The board may appoint a county clerk who shall serve at the pleasure of the board. He shall be clerk of the board and custodian of the corporate seal of the county and he shall have such other public duties as prescribed by general law or as the board may prescribe. The clerk shall in addition:

(1) Record in a book to be provided for that purpose all of the proceedings of the board.

(2) Make regular entries of all the board's resolutions and decisions on all questions concerning the raising of money.

(3) Record the vote of each board member on any question submitted to the board if required by any member present.

(4) Preserve and file all accounts and papers acted upon by the board with its action thereon.

If the board chooses not to appoint a county clerk, such duties and responsibilities shall be performed by the county administrator. (1987, c. 12)

Chapter 4. County Administrator.

§ 4.1. Appointment of county administrator.

The board shall appoint a county administrator who shall be the administrative head of the county government responsible for the proper administration of the government as reflected by the legislative and policy directions of the board and by general law. He shall be chosen solely on the basis of his executive and administrative qualifications. He shall serve at the pleasure of the board and shall enforce the laws of the county and, where applicable, the Commonwealth and shall ensure the faithful performance of all administrative duties required by the board. The board may enter into an employment agreement with the county administrator defining terms of employment. (1987, c. 12; 2017, c. 382)

§ 4.2. Duties and responsibilities.

The county administrator shall have all the responsibility and shall carry out all the duties prescribed by § 15.2-1541 of the Code of Virginia, as now and hereafter may be amended and in addition, such other duties and responsibilities as may be established by the board of supervisors.

The county administrator shall devote his full time to the work and services of the county under the direction of the board of supervisors to whom he shall be accountable. He need not be a resident of the county at the time of his appointment but must become an actual resident of the county within a time prescribed by the board.

Any person, other than a member of the board, holding an elective office may be appointed county administrator but his qualification for office shall not be valid until the expiration of one year from the time he shall resign his elected office.

In the case of the absence or disability of the county administrator, the board shall designate a county official to perform the duties of his office.

In addition to such responsibilities, it shall be the duty of the county administrator:

(1) To execute and enforce all lawful resolutions and orders of the board concerning any department in the county government, and to see that all laws of the Commonwealth required to be enforced through the board are faithfully executed.

(2) To make reports to the board in regard to matters of administration, and keep it fully advised as to the financial condition of the county.

(3) To appoint qualified officers and employees to head the administrative departments of the county and to dismiss, suspend and discipline, in accordance with duly adopted personnel regulations, all officers and employees in such departments, except as otherwise specifically provided by law or this charter. Department heads who are appointed by the county administrator shall serve at the pleasure of the county administrator. Deputy county administrators shall be appointed by the county administrator upon the approval of the board of supervisors. The real estate assessor shall be appointed by the county administrator.

(4) To designate himself or some other officer or employee to perform the duties of any office or position of the administrative service under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.

(5) To recommend to the board appropriate ordinances to carry out the policies of the board.

(6) To assign any employee of the county to any department requiring services in accordance with duly adopted personnel regulations.

(7) To prescribe such rules and regulations as he deems necessary or expedient for the conduct of administrative departments or agencies subject to his authority, and he shall have the power to

revoke, suspend or amend any rule or regulation of any such department or agency, promulgated by any officer or employee subject to his control, so long as such rules or regulations are not promulgated by the board of supervisors.

(8) To investigate and examine or inquire into the affairs or operation of any department, division, office or agency of the county.

(9) To attend and address the board at any meeting thereof.

(10) May direct any department, division or agency of the county to perform work for any other department, division or agency and may, subject to his retention of general supervision and control, delegate any powers and duties conferred upon him by this charter to any other officer or employee who is subject to his supervision.

In addition to the foregoing enumerated duties and responsibilities, the county administrator shall have all other duties and responsibilities imposed upon or granted to him by other provisions of this charter or conferred upon him by the board of supervisors. (1987, c. 12; 1994, c. 323; 1995, cc. 541, 559; 2001, c. 250)

Chapter 5. Budget and Accounting.

§ 5.1. Fiscal year.

The fiscal year of the county shall begin on the first day of July of each year and shall also constitute the budget and accounting year. Except as provided for in this charter, the provisions of Title 15.2 of the Code of Virginia shall control the preparation, consideration, adoption and execution of the budget of the county. (1987, c. 12; 2001, c. 250)

§ 5.2. Submission of budget and budget message.

The county administrator shall submit to the board a recommended operating and capital improvement budget and a budget message by March 15th of each year.

The budget message shall contain the recommendation of the county administrator concerning the fiscal policy of the county, a description of the important features of the budget, a five-year capital budget, a three-year projection for revenues and expenditures and an explanation of all significant changes in the budget as to estimated receipts and recommended expenditures as compared with the current and last preceding fiscal years. No later than March 1st of each year, the superintendent of schools shall submit to the county administrator his estimate of projected revenues and expenditures for the next fiscal year in a form requested by the county administrator as well as a five-year capital improvements program. By January 1st of each year the director of social services, the director of mental health support services, the extension agent, the circuit court and district court and the constitutional officers shall submit to the county administrator their estimates of projected revenues and

expenditures for the next fiscal year in a form requested by the county administrator. (1987, c. 12; 2017, c. 382)

§ 5.3. Introduction of appropriation resolution.

At the same time that he submits the budget, the county administrator shall recommend to the board an appropriation resolution and any ordinances recommending new taxes or altering the rate of any existing tax necessary to balance the budget. (1987, c. 12; 1989, c. 750)

§ 5.4. Adoption of budget.

After the public hearing as required by law the board may make such changes in the budget as it may determine, except that no item of expenditure for debt service shall be reduced or omitted below what the county is obligated to pay. The operating budget and capital improvements budget shall be adopted by resolution by the vote of at least a majority of all members of the board not later than May 1st of each year. Appropriations in addition to those contained in the general appropriation ordinance may be made by the board only if there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations. (1987, c. 12; 1989, c. 750; 2017, c. 382)

§ 5.5. Borrowing.

The board of supervisors may incur indebtedness by issuing bonds, notes or other obligations for the purposes, in the manner and to the extent provided for by the Constitution of Virginia and the Code of Virginia. The term indebtedness shall not include contractual obligations of the county, lease/purchase agreements subject to annual appropriations and revenue bonds payable solely from revenue producing properties or activities. (1987, c. 12; 2017, c. 382)

Chapter 6. Administration.

§ 6.1. Departments and divisions.

The departments and divisions of the county in existence on July 1, 2017, shall remain in existence unless changed in accordance with this charter.

The board of supervisors, in consultation with the county administrator, may create, combine or abolish existing departments or divisions, distribute the functions thereof, and establish temporary departments or divisions for special work, provided, however, that neither the county administrator nor the board shall have the power to abolish, transfer or combine the functions of the constitutional officers or public school functions. (1987, c. 12; 1994, c. 323; 2017, c. 382)

§ 6.2. Responsibilities of division and department heads.

There shall be a director at the head of each department. The director of each department, except the constitutional officers, the chief of police and the county attorney, shall be appointed by the county administrator in consultation with the board in advance of such proposed appointment and such appointment shall be subject to board veto in accordance with this charter. Such directors shall serve

in accordance with applicable personnel policies and may be removed by the county administrator upon advising and informing the board in advance of such decisions. The director of each department shall be chosen on the basis of his executive and administrative ability, experience and education. The director of social services and the director of mental health support services shall be appointed in accordance with this charter. (1987, c. 12; 2017, c. 382)

§ 6.3. Responsibility of department directors to the board and county administrator.

The directors of each department, except the constitutional officers and those departments not appointed by the county administrator or board of supervisors, shall be responsible to the county administrator and board for the administration of their respective departments and their advice may be required by the board on all matters affecting their departments. They shall make reports and recommendations concerning their departments, but unless specifically requested, such reports and recommendations shall be made by the county administrator under such rules as the board may prescribe. (1987, c. 12; 2017, c. 382)

§ 6.4. Personnel rules and regulations.

A personnel system shall be established by the board of supervisors for county officials and employees. Such a system shall be based on merit and professional ability without regard to race, national origin, religion, sex or political affiliation. The personnel system shall include a classification plan for service, a staff development plan, a uniform pay plan and a procedure for resolving grievances for employees of the county as provided by general law. Employees of constitutional officers and other agencies may participate in the personnel system at the discretion of the board and upon the concurrence of the constitutional officer. (1987, c. 12; 2017, c. 382)

§ 6.5. County attorney.

The county attorney shall be the chief civil legal advisor of the board, the county administrator and of all departments, boards, commissions and agencies of the county in all matters affecting the interests of the county and shall represent such departments and its employees in all civil litigation arising out of the provision of services. In addition to the duties of the county attorney provided by general law, the county attorney shall perform such other appropriate responsibilities as are assigned to him by the board. The county attorney shall be appointed by the board, shall serve at its pleasure, and his compensation shall be fixed by the board. He shall devote his full time and attention to the work and services of the county and the board may authorize the employment of assistant county attorneys as needed. (1987, c. 12)

§ 6.6. (1987, c. 12; 1990, c. 546; 1994, c. 323; repealed 2017, c. 382)

§ 6.7. Department of police.

The police department shall be composed of a chief of police and such officers, patrolmen and other employees as the board of supervisors may determine. The powers and duties set forth in § 15.2-1704 of the Code of Virginia shall apply to the police force. The chief of police shall be responsible for the

immediate direction and control of the department. The chief shall solely, within his discretion and subject to the other provisions herein, select, employ, promote, and terminate such officers, patrolmen and employees. He shall also select, employ, promote, and terminate the animal warden and his deputies; provided that all other provisions of § 3.2-6555 of the Code of Virginia shall remain in effect. The chief may adopt rules and regulations for the police department in the same manner as rules and regulations are adopted for other departments.

The chief shall be appointed by the board of supervisors on recommendation of a committee of not more than five persons. The committee shall consist of the county administrator and at least one, but not more than one, of the following: (a) one member of the board of supervisors, (b) one citizen from the community, who is not at the time he serves on the committee an employee of the Chesterfield County department of police, appointed by the chief circuit court judge and (c) one member with police experience appointed by the board. The remaining member, if any, shall be appointed by the board and shall be neither an elected nor an appointed county official. The chief of police can only be dismissed by the board of supervisors for cause. (1987, c. 12; 1990, c. 546; 1993, cc. 871, 873; 1995, cc. 541, 559; 2001, c. 250; 2017, c. 382)

§ 6.8. (1987, c. 12; repealed 2017, c. 382)

§ 6.9. Department of social services.

The department of social services shall consist of the director of social services, a social services board, and such officers and employees organized in such manner as may be provided by the director. The department shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to public assistance and relief of the poor and such other powers and duties as may be assigned by the board of supervisors or the social services board. The director of social services shall be appointed by the social services board and he shall have general management and control of the department. The director shall in all ways cooperate with the county administrator so that the provision of social services is fairly coordinated with the provision of other governmental services. The social services board shall consist of members appointed in the same fashion as existed prior to the adoption of a charter or modified in accordance with general law. The social services board shall have such authority as is vested in it by general law and may adopt necessary rules and regulations not in conflict with this charter or general law concerning such department. The social services board and the board of supervisors shall meet jointly at least annually for the purpose of discussing common issues and methods of providing the most efficient services to the public. In addition, at least annually prior to January 1st, the director shall meet with the county administrator to discuss program plans and budgetary needs for the next fiscal year. (1987, c. 12; 2017, c. 382)

§ 6.10. Department of mental health support services.

The department of mental health support services shall consist of the director of mental health support services, a community services board and such officers and employees organized in such manner as

may be provided by the director. The department shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to mental health support services and such other powers and duties as may be assigned by the board of supervisors or the community services board. The director of mental health support services shall be appointed by the community services board, and he shall have general management and control of the department. The director shall in all ways cooperate with the county administrator so that the provision of mental health support services is fairly coordinated with the provision of other governmental services. The community services board shall consist of members appointed in the same fashion as existed prior to the adoption of a charter. The community services board shall have such authority as is vested in it by general law and may adopt necessary rules and regulations not in conflict with this charter or general law concerning such department. The community services board and the board of supervisors shall meet jointly at least annually for the purpose of discussing common issues and methods of providing the most efficient services to the public. In addition, at least annually prior to January 1st, the director shall meet with the county administrator to discuss program plans and budgetary needs for the next fiscal year. (1987, c. 12; 2017, c. 382)

§ 6.11. Department of health.

The department of health shall perform such responsibilities as are placed on local health departments by the general laws of the Commonwealth and shall be responsible for the protection of the public health as existed prior to the adoption of a charter. The director of health shall be appointed from a list of eligible appointees in accordance with general law after consultation with the board of supervisors. The management of the department shall be the responsibility of the director of health who shall coordinate the provision of services with the county administrator. The director shall appoint and remove such employees in such a manner as is authorized by the Commonwealth of Virginia and in accordance with established state and county personnel policies. (1987, c. 12)

§ 6.12. Internal auditor.

The internal auditor shall be responsible for providing internal accounting and auditing controls to assure compliance with applicable laws, contractual obligations and accepted accounting practices to safeguard against loss or inefficiency. Such internal auditor shall have access to all records or documents of the county and the school board of the county subject to applicable law. (1989, c. 750; 2017, c. 382)

§ 6.13. Department of economic development.

The department of economic development shall consist of a director and such officers and employees organized in such a manner as may be provided by the county administrator. The department shall be responsible for administering a comprehensive economic development program which focuses on attracting new businesses to the county and expanding and retaining existing businesses. In addition

to these duties, the department shall perform such other responsibilities as may be assigned by the county administrator or board of supervisors. (1994, c. 323)

Chapter 7. Planning and Zoning.

§ 7.1. Planning commission.

There shall be a county planning commission which shall consist of five members, one from each magisterial district, who shall be appointed and organized as provided by general law. If the size of the board of supervisors is revised, the size and composition of the planning commission shall be changed so that the number of its members shall be consistent with the size of the board of supervisors. (1987, c. 12)

§ 7.2. Functions of planning commission.

The planning commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a master plan, long-range planning, zoning, and subdivision regulations. It shall have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors. (1987, c. 12)

§ 7.3. Board of zoning appeals.

There shall be a board of zoning appeals appointed as provided by law and with those powers granted by general law. (1987, c. 12)

§ 7.4. Director of planning.

The director of planning shall perform such responsibilities as are imposed by general law and as may be assigned by the planning commission and board of supervisors. The director of planning shall have immediate direction and control of the planning department, shall be appointed by the county administrator and shall serve subject to the same terms and conditions as are applicable to other department heads. In addition to the authority granted to the board of zoning appeals pursuant to § 15.2-2309 of the Code of Virginia, the board of supervisors by ordinance may authorize the director of planning to grant a variance of not more than two feet from any building setback requirement contained in the county's zoning or subdivision ordinance if he finds in writing (i) that the strict application of the ordinance would produce undue hardship; (ii) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the variance. (1987, c. 12; 1993, cc. 871, 873; 2001, c. 250; 2017, c. 382)

§ 7.5. Committees.

The board of supervisors may appoint a committee on the future of the county consisting of equal representation from each magisterial district. The board of supervisors may appoint other committees as the board deems advisable. (1987, c. 12; 2017, c. 382)

§ 7.6. Substantial accord review of county facilities.

Any public area, facility or use as defined by § 15.2-2232 of the Code of Virginia, which has been approved by the board of supervisors following a public hearing held pursuant to the county's zoning ordinance shall be exempt from the requirement for submittal to and approval by the county's planning commission or governing body under § 15.2-2232 of the Code of Virginia, so long as such public area, facility or use remains subject to the requirements of the zoning ordinance. Once a public facility has been determined to be in substantial accord with the county's comprehensive plan or is shown on the public facilities plan, then additional property for such facility may be added without submittal and approval under § 15.2-2232 of the Code of Virginia. In addition, all telecommunications facilities of the nature defined in the county's zoning ordinance as "communication small cell" shall be exempt from the requirements for submittal and approval under § 15.2-2232 if the facilities are located within a zoning district where such use is either permitted by right or permitted with restrictions, provided that all such restrictions are satisfied. (1993, c. 871; 2002, c. 255; 2017, c. 382)

§ 7.7. (1989, c. 750; expired July 1, 1991).

Chapter 8. Education.

§ 8.1. (1987, c. 12; 1995, cc. 541, 559; repealed 2017, c. 382)

§ 8.1.a. Election of school board members.

The school board of the county shall consist of five members and shall be elected one from each magisterial district. The terms of the members of the school board shall be the same as the members of the board of supervisors and elections of school board members shall be held simultaneously with the election of board of supervisors. If the size of the board of supervisors is revised, the size and composition of the school board shall be changed so that the number of its members shall be consistent with the new size of the board of supervisors. (1995, cc. 541, 559; 2017, c. 382)

§ 8.2. Management of school system.

The administration of the public school system shall remain the responsibility of the school board in accordance with the Constitution and general laws of the Commonwealth. The superintendent shall be appointed by a majority vote of the school board members. The superintendent of schools shall be responsible for providing in a timely fashion to the county administrator all financial documents, long-term projections and other materials that the county administrator and the board deem necessary to make appropriate decisions regarding budget and appropriation decisions by the board of supervisors. The County of Chesterfield shall receive state aid for education in the same manner as existed prior to the adoption of the charter. Title to all real property of the school system shall be vested in the County of Chesterfield. (1987, c. 12)

Chapter 9. Miscellaneous Provisions.

§ 9.1. Immunity from liability.

The county and all its officers, employees and agents shall retain all immunities from liability available to counties in the Commonwealth of Virginia. No actions or claims shall be instituted against the county unless the claimant shall have complied with all procedural prerequisites to such actions or claims as are contained in the Constitution and general laws of the Commonwealth. (1987, c. 12)

§ 9.2 Retention of funding.

Unless revised or changed by this charter, the County of Chesterfield shall continue to receive state and federal funds in the same manner as if the County of Chesterfield had no charter. (1987, c. 12)

§ 9.3. Amendments to charter.

This charter may be amended upon approval of any amendments by the Virginia General Assembly in accordance with the Constitution and general laws of the Commonwealth. (1987, c. 12)

§ 9.4. Severability.

Should any part of this charter be declared unconstitutional by a court of competent jurisdiction, such action shall have no effect on the constitutionality or validity of any other part of this charter. (1987, c. 12)

§ 9.5. Incorporation of statutes in ordinances.

Ordinances enacted by the governing body may incorporate into such ordinances by reference statutes related to traffic infractions or misdemeanors involving a motor vehicle which are contained within the following chapters and articles: (i) Chapter 1; Articles 1, 6.1, 8, 9, 11 and 15 of Chapter 3; Articles 1, 2, and 7 through 11 of Chapter 6; Chapter 8; Articles 1 and 3 through 22 of Chapter 10; Chapter 12; Chapter 15; and Chapter 16 of Title 46.2 of the Code of Virginia; (ii) Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia; and (iii) Article 9 of Chapter 11 of Title 16.1 of the Code of Virginia upon the effective date of such amendments; such incorporation shall include all future amendments to the incorporated statutes without further legislative action by the governing body unless a contrary intent is stated. Nothing contained in this section shall require the reenactment of ordinances heretofore validly adopted. (1993, c. 873)

Editor's note: Complete amendments listing for Chesterfield County:

Current charter

Charter, 1987, c. 12.

Amendments to current charter

1989, c. 750 (§§ 5.3, 5.4, 6.12 [added], 7.7 [added, expired 7/1/91])
1990, c. 546 (§§ 6.6, 6.7)
1991, c. 398 (§ 2.5 [added])
1993, c. 871 (§§ 6.7, 7.4, 7.6 [added])
1993, c. 873 (§§ 6.7, 7.4, 9.5 [added])
1994, c. 323 (§§ 4.2, 6.1, 6.6, 6.13 [added])

1995, cc. 541, 559 (§§ 3.1, 4.2, 6.7, 8.1, 8.1.a [added])
2001, c. 250 (§§ 2.1, 4.2, 5.1, 6.7, 7.4)
2002, c. 255 (§ 7.6)
2004, c. 617 (§ 3.5)
2017, c. 382 (§§ 2.2, 2.5, 4.1, 5.2, 5.4, 5.5, 6.1, 6.2, 6.3, 6.4, 6.6 [repealed], 6.7, 6.8 [repealed], 6.9, 6.10, 6.12, 7.4, 7.5, 7.6, 8.1 [repealed], 8.1.a)

Chilhowie, Town of

County of Smyth

History of incorporation

Original charter, Circuit Court, 1913; repealed, 1984, c. 243.

Current charter

Charter, 1984, c. 243.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Chilhowie as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Chilhowie, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure. (1984, c. 243)

§ 1.2. Boundaries.

The boundaries of the town are those established by the original charter issued November 5, 1913, by the Circuit Court of Smyth County and recorded in Common Law Order Book 8, Page 150, in the Smyth County Circuit Court Clerk's Office and by the annexation granted on December 15, 1972, by the Circuit Court and recorded in Common Law Order Book 20, Page 91, in the Smyth County Circuit Court Clerk's Office. (1984, c. 243)

Chapter 2. Powers.

§ 2.1. Powers.

The Town of Chilhowie shall have all powers conferred upon towns under the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 18 (§§ 15.1-837 through 15.1-907) of Title 15.1 of the Code of Virginia, are hereby specifically conferred upon the Town of Chilhowie. (1984, c. 243)

Chapter 3. Governing Body.

§ 3.1. Council.

A. The Town of Chilhowie shall be governed by a town council, composed of six members, elected at large.

B. The members of council in office at the time of the passage of this Act shall continue until the expiration of the terms for which they are elected, or until their successors are duly elected and qualified.

C. Every two years, on the dates specified by general law for municipal elections, three members of the council shall be elected for terms of four years each. The persons so elected shall qualify and take office on the first day of July following their election, and they shall continue to serve until their successors are duly elected, qualified and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman.

E. Vacancies on the council shall be filled for the unexpired term by a majority vote of the remaining members of the council. All vacancies shall be filled within sixty days. Any person qualified for the office of councilman may be chosen to fill a council vacancy. (1984, c. 243)

§ 3.2. Mayor.

A. In each even-numbered year, on the date specified by general law for municipal elections, a mayor of the Town of Chilhowie shall be elected for a term of two years. Persons so elected shall so qualify and take office on the first day of July following their election. Mayors shall continue to serve until their successors are duly elected, qualify and assume office.

B. Any person qualified to vote in town elections shall be eligible for the office of the mayor.

C. Vacancies in the office of mayor shall be filled for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the town. Vacancies shall be filled within sixty days. A member of council shall not be qualified to fill a vacancy in the office of mayor.

D. The mayor shall be president of the council, but he shall have no vote except in case of a tie. He shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall perform such other duties as may be assigned to him by council not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth or the provisions of this charter.

E. The town council at its first regular meeting in July following a general election shall elect one of its members as vice-mayor of the town, who shall exercise all the powers and duties of the mayor in the event of the absence of the mayor. (1984, c. 243)

Chapter 4. Miscellaneous.

§ 4.1. Ordinances continuing.

All ordinances now in force in the Town of Chilhowie not inconsistent with this charter shall remain in force until altered, amended, or repealed by the council. (1984, c. 243)

§ 4.2. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, each ordinance or resolution shall be confined to one general subject. (1984, c. 243)

§ 4.3. Town officers.

A. At its organizational meeting held following the qualifications of the mayor and members of council in each even-numbered year, the council may, in its discretion, appoint a town manager who shall serve as the chief administrative officer of the town.

B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. The council shall further provide the terms of each officer, or, if there be no terms, shall indicate that the officers serve at the pleasure of the appointing authority.

C. Each officer shall have such duties and shall receive such compensation as specified by the appointing authority not inconsistent with the Constitution and general laws of the Commonwealth and this charter.

D. The same person may be appointed to more than one office; provided that no person may serve both as member of council and as mayor.

E. In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1984, c. 243)

§ 4.4. Water and sewer charges.

In operating public water and sewer services, the town may charge a different rate for services furnished to customers without the corporate limits from the rates charged for similar services to customers within the corporate limits. The town may provide by ordinance that all unpaid water or sewer service charges and intersects thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided. (1984, c. 243)

§ 4.5. Eminent domain.

The powers of eminent domain which may be exercised by municipal corporations under the provisions of Titles 15.1 and 25 of the Code of Virginia, as amended, are hereby conferred upon the Town of Chilhowie. (1984, c. 243)

Chincoteague, Town of

County of Accomack

History of incorporation
Incorporated by a 1908 Act of Assembly.
Incorporation and charter, 1900, c. 974; repealed, 1901, c. 37.
Incorporation and charter, 1908, c. 252; repealed, 1942, c. 210.

Current charter
Charter, 1942, c. 210.

Amendments to current charter
1958, c. 135 (Chapter II, § 2 [added]; Chapter V, §§ 3, 6, 7)
1981, c. 84 (Chapter V, §§ 2, 3)
1991, c. 400 (Chapter I, § 2)
1993, c. 578 (Chapter V, § 1; Chapter VI, § 6)
1994, c. 97 (Chapter IV, § 1)

Chapter I.

§ 1. The town corporate.

The inhabitants of the territory comprised within the present limits of the town of Chincoteague, as such limitations are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Chincoteague, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to the town under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive and shall have, exercise and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and the said town of Chincoteague, as such, shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1942, c. 210)

§ 2. The town boundary.

The corporate limits of the town of Chincoteague, Virginia, as heretofore established, are hereby reestablished, and shall be taken and deemed as the Town of Chincoteague as follows:

> Those boundaries as described on pages 6 and 7 of a certain order entered on June 6, 1989, by a Special Court affirming the Voluntary Agreement entered into between the Town of Chincoteague and the County of Accomack in the matter of "IN RE: Voluntary Settlement of Annexation of 42.0 square miles of Accomack County etc." at Law No. 89CL051, filed in the Clerk's Office of the Circuit Court of Accomack County, Virginia, said order being recorded in Civil Common Law Order Book 7 at pages 82 et seq., and as further shown as "Proposed Annexation Area" on a certain map or plat

entitled "MAP OF THE TOWN OF CHINCOTEAGUE, VA AND ENVIRONS" dated June 1988, revised October 17, 1988, and made by R. Stuart Rover & Associates, Inc., and marked as Exhibit 7 in said matter. (1942, c. 210; 1991, c. 400)

Chapter II.

§ 1. Powers of the Town of Chincoteague.

1. To raise annually, by the levy of taxes and assessments in the said town, on all such property, real and personal, as is now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council thereof shall deem necessary for the purpose of the said town, in such manner as the said council shall deem expedient in accordance with the Constitution of this State and of the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

2. To impose special or local assessments for local improvements and to force payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments.

3. To impose a tax not exceeding one dollar per annum upon all persons residing in said town above the age of twenty-one years, not exempt from the payment of State capitation tax.

4. (a) The town may, in the name of and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(b) Pending the issuance and sale of any bonds, notes or other obligations by this act authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of the said bonds, notes or other obligations or from the town taxes and revenues, as the case may be.

(c) The credit of the town shall not, directly or indirectly, under any devise or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation.

(d) Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; provided, however, if there shall be omitted from this act any provision essential to the valid

authorization, sale, execution and issuance of any of the bonds of said town, the provisions of general law with reference to similar bonds shall supply said omission.

(e) Any bonds issued by the town under this act shall be signed by the mayor and attested by the clerk under the seal of the town, and shall be make payable in the office of the town treasurer or such other place in or out of the State as the council may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds may be advertised by the mayor and sold by the town treasurer, as may be provided in such ordinance, under supervision of the mayor and clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the town treasurer.

5. To expend the money of the town for all lawful purposes.

6. To acquire by purchase, gift, devise, condemnation or otherwise property, real or personal, or any estate therein within or without the town, for any of the purposes of the town; and to hold, improve, sell, lease, mortgage, pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

7. To establish markets in the town and regulate the same, and to enforce such regulations in regards to the keeping and sales of fresh meat, vegetables, eggs and other green groceries and the trade of hucksters and junk dealers as may be deemed advisable; and to make and enforce such regulations as shall be necessary to prevent huckstering, forestalling or regrating.

8. To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without the corporate limits of the said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town and to charge and collect water rents thereof; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same fro pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the water shed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

9. To establish, construct, maintain and operate public landings, public wharves, harbors and docks either within the town, or without the town not exceeding the distance of two miles from the corporate

limits thereof; to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for the purposes aforesaid; to lay and collect reasonable duties or wharfage fees on vessels coming to or using said landings, wharves, harbors or docks; to dredge or deepen the harbor or river of any branch or portion thereof; to prescribe and enforce reasonable rules and regulations for the protection and use of its said properties, whether within or without the town, and to impose and enforce adequate penalties for the violation of such rules and regulations.

10. To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to make reasonable charges therefor; to acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; to contract or regulate the collection and disposal thereof and to require and regulate the collection and disposal thereof.

11. To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures and scales.

12. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them, within the town or within one mile thereof.

13. May require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council of the said town, to issue said license, and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided that the said license fee shall not exceed the amount charged by the State on the said machine.

14. To construct, maintain, regulate and operate public improvements of al kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town; and to acquire by condemnation otherwise, all lands, riparian and other rights, and easements necessary for such improvements, or any of them; either within or without the town, and to construct, maintain or aid therein, roads and bridges to any property owned by the said town and situate beyond the corporate limits thereof, and to acquire land necessary for the aforesaid by condemnation or otherwise.

15. To acquire, establish, enter, open, wide, extend, grade, improve, construct, maintain and clean public highways, streets, sidewalks, boulevards, parkways, and alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds, and public grounds; to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and

works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways; to regulate the operation and speed of cars, and vehicles upon said streets and highways, within the town; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

16. To construct in such parks, playgrounds, and public grounds, as it may maintain, or upon any town property, stadiums, swimming pools, gymnasia, and recreation or amusement buildings, structures, or inclosures of every character, refreshment stands, restaurants, et cetera; to charge for admissions, and use of the same, and to rent out or lease the privileges of construction or using such stadiums, swimming pools, recreation or amusement buildings, structures, or inclosures of every character, refreshment stands, or restaurants, et cetera.

17. To establish, impose, and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants; and in event such rates and charges shall be assessed against a tenant then the council may by ordinance, require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant.

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

19. Subject to the provisions of the Constitution and general laws of Virginia and this charter to grant franchises for public utilities; provided, however, the town shall at any time have the power to contract for, own, operate, manage, sell, encumber or otherwise dispose of, either within or without the town, any and all public utilities for the town and to sell the services thereof, any existing franchise to the contrary notwithstanding.

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

21. To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit

or motion or by distress and sale; to require all lands, lots and other premises within the town, to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate, or prevent slaughter houses or other noisome or offensive business within the said town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, advertising, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetic, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow.

22. To extinguish and prevent fires, and to establish, regulate and control a fire department or division, to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and conveniences may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to , enlarged or repaired and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

23. To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene oil or other like materials; to regulate the exhibition of fireworks, the discharge of fire arms, and the making of bonfires in the streets and yards.

24. To authorize and regulate the erection of party walls and fences, and to prescribe how the cost thereof shall be borne by coterminous owners.

25. To provide for regular and safe construction of houses in the town for the future, and to provide a building code for the town, to provide set back lines on the streets beyond which no building may be constructed, to require the standard of all dwelling houses be maintained in residential section in keeping with the majority of residences therein, and to require the standard of all business houses be maintained in business sections in keeping with the majority of the business houses therein.

26. To provide by ordinance for a system of meat and milk inspection, and regulate the sale of meat and milk, and appoint meat and milk inspectors, agents or officers to carry the same into effect within or without the corporate limits of the said town; to license regulate, control and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

27. To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in said town of any articles or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of diseases, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the use of the people of the town; to provide for the organization of a department or bureau of health, to have the powers of a board of health for said town, with the authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish such quarantine regulations against infectious and contagious diseases as the council may see fit, subject to the laws of the State and of the United States; and to provide for a bureau of vital statistics and require physicians, mid-wives or parents to make reports thereto.

28. To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

29. To provide and maintain, either within or without the town, charitable, recreative, curative, corrective, detentive or penal institutions.

30. To prevent fowls and animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

31. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

32. In so far as not prohibited by general law; to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through

the town to be used by motor vehicle carriers operating in and through said town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare.

33. To grant aid to military companies and to contribute to the support of a band maintained within the said town; to associations for the advancement of agriculture or the mechanic arts, to scientific, literary, educational or benevolent organizations or institutions and to public libraries, provided such action is not prohibited by the Constitution of the State, and that all such societies, organizations or institutions be located in or near the town, and, provided, further, that no appropriation for any such purpose shall be made, nor shall aid be otherwise granted through exemption from charge for use of water or light facilities or otherwise, either with or without charge, beyond the city limits, unless two-thirds of all members elected to the council vote therefor.

34. To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

35. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive, unsightly or unwholesome substance or material to remain or accumulate thereon, the town may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the town authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to said owners or their agents. In case of non-resident owners who have no agent in said town, such notice shall be given by publication at least once a week for not less than four consecutive weeks in any newspaper having general circulation in the said town.

36. To establish, organize and administer public libraries, and public schools, subject to the general laws establishing a standard of education for the State; and to provide for a census.

37. To provide in or near the town, lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein; to cooperate with any non-profit corporation in the improvement and care of burial places and the approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept

invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot, for which the said donation, gift or bequest shall have been made.

38. To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety of the town, from coming to said town from without the same; and also to expel therefrom any such person who has been in said town less than twelve months.

39. To exercise full police powers and establish and maintain a department or division of police.

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

41. To make and enforce ordinances, in so far as not prohibited by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

42. To prohibit and punish for mischievous, wanton, or malicious damage to school and public property, as well as private property.

43. To prohibit from, and punish minors for, frequenting, playing in or loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same.

44. Where, by provisions of this act, the town has authority to pass ordinances on any subject, they may prescribe any penalty not exceeding twelve months in jail or a fine not exceeding five hundred dollars, either or both, for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered and costs shall be imprisoned in jail or prison farm of the town for a term of not exceeding ninety days, which penalties may be prosecuted and recovered with costs in the name of the town of Chincoteague, or shall compel them to work on the streets or other public improvements of the said town. The town shall also have the right to establish prisoner labor force in which they may require persons convicted of violations of town ordinances, to work on the streets or other public grounds of the town, and the further right to deal with the State for the use and employment of persons convicted of violations of State laws.

45. To offer and pay rewards for the apprehension and conviction of criminals.

46. To give names to or alter the names of streets.

47. To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction of such violation.

48. In so far as not prohibited by general law, to pass and enforce all by-laws, rules, regulations and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all powers, authority, capacity, or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court, or officers thereof, or which may be necessarily incident to a municipal corporation.

49. To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town, or its inhabitants.

50. To prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding five hundred dollars or twelve months' imprisonment in jail, or both.

51. To make and adopt a comprehensive plan for the town, and to that end all plats and re-plats hereafter made subdividing any land within the town or within one mile thereof, into streets, alleys, roads, and lots or tracts shall be submitted to and approved by the council before such plats or re-plats are filed for record or recorded in the office of the clerk of Accomack county, Virginia.

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

53. To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

54. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation.

55. To every case where a street in said town has been, or shall be, encroached upon by any fence, building or otherwise, the town may require the owner to remove the same, and if such removal be not made within the time prescribed by the town, they may impose such penalty as they may deem proper for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs by the same process that they are hereinafter empowered to collect taxes.

Except, in any case where there is a bona fide dispute as to the true boundary line or the location of the true street line (and if passage over such street is not seriously impeded) the same shall first be

established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the town or the property owner for that purpose before the said town shall take any steps to remove the said obstruction or encroachment, or to impose any penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the said town.

56. Dedication of any street, alley or lane in said town may be made by plat or deed. Any street or alley reserved in the division or sub-division into lots of any portion of the territory within the corporate limits of said town, by a plan or plat of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The town shall have the right to elect, by resolution entered on its minutes whether it will, or will not accept the dedication of any street or alley.

57. (a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement, verified by the oath of the claimant, his agent or attorney, or the personal representative of any decedent whose death is the result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with an attorney, appointed by the council for this purpose, within sixty days after such case of action shall have accrued, and no officers, agents or employees of the town shall have authority to waive such conditions precedent or any of them.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in any action brought to recover damages for such negligence, and where there is judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it be ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or other corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, where not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the town, assign the said judgment to the town without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or

may institute any suit in equity to enforce the said judgment, or an action at law, or scire facias to revive or enforce said judgment.

(e) No order shall be made, and no injunction shall be awarded, by any court or judge, to stay the proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

58. Except when prohibited by general law, the town may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may exceed the State license, if any be required, and may provide penalties for any violation thereof.

59. Any payment of delinquent taxes made by the tenant, unless under an expressed contract contained in his lease, shall be a credit against the person to whom he owes the rent.

60. A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, together with all penalties and interest due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law of the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law.

61. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession.

62. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative bodies, or directing administrative action and emergency measures shall take effect at the time indicated in such ordinances. Except as otherwise prescribed in this charter, all ordinances and resolutions passed by the council shall take effect at the time indicated in such ordinances, but in event no effective date shall be set forth in any such ordinance, resolution or by-law passed by the council, the same shall become effective thirty days from the date of its passage.

63. (a) There shall be set apart annually from the revenues of the town a sinking fund sufficient in amount, to be invested as hereinafter set forth, to pay the outstanding indebtedness of the town as it matures and which by its terms is not payable in one year, and the council may in its discretion annually from time to time, set aside such additional sinking funds as may be deemed proper.

(b) When taxes on real and personal property are collected for the year, the town treasurer shall take therefrom the necessary amount and any additional sum, if any, so set apart, and deposit the same in a separate account to the credit of the sinking fund in such bank or banks as the council may designate; and the said council may, if it shall so elect, cause its sinking fund to be loaned on improved real estate situated in the town of Chincoteague, secured by first mortgage liens thereon, provided such funds shall not be loaned to a greater amount than fifty per centum of the market value of the property, and fire insurance shall be carried on the property during the loan in an amount at least equal to the face amount of the loan, which money shall be loaned at the rate of six per centum per annum, payable semi-annually and for no longer than five years at any one time.

(c) All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not within a reasonable time be required for payment of any bond of the town, or cannot be used to advantage in the purchase and redemption of any bonds of the town which may be outstanding, the same shall be securely invested in interest bearing municipal, State or government bonds or loaned upon otherwise unencumbered real estate, within the town of Chincoteague upon the basis hereinbefore provided, or invested in any securities approved by the general laws of the State for the investment of such funds, or deposited in a bank on a reasonable rate of interest. Such sinking fund may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council.

(d) The town council shall act as the sinking fund commission and shall provide for the investment, deposit and application of the funds in conformity to the provisions of this charter; and it may require of any bank or banks receiving on deposit its revenues or any of its sinking fund security satisfactory to the council.

64. Upon the death, resignation, removal or expiration of the term of any officer of the town, the council, shall order an annual audit and investigation to be made of the accounts of such officer and report to be made to the council as soon as practicable. After the close of each fiscal year an audit shall be made of the accounts of all town officers; said audit shall be made by a qualified accountant, selected by the council, who shall have no personal interest, direct or indirect, in the financial affairs of the town or any of its officers or employees. The council may at any time provide for an examination or audit of the accounts of any officer or department of the town government.

65. The town council may appoint a trial justice for the said town who shall serve for two years from the date of his appointment and until his successor is appointed by the council and qualifies. The mayor, or any other qualified voter of the town of Chincoteague whom the council deems qualified, may be appointed by it as such trial justice. If the mayor is appointed as trial justice, he shall discharge such duties as the trial justice of the town under this charter and not as the mayor of the town, in addition to the execution of the duties of mayor imposed upon him by this charter; and his powers, duties, authority and jurisdiction as such trial justice shall be as hereinafter provided for the trial justice. Should the mayor be appointed trial justice, he shall receive the salary of mayor provided by the council for the discharge of his duties as mayor as well as such salary of trial justice as may be provided by the council, if any.

Said trial justice is hereby vested with all the power, authority and jurisdiction and charged with all the duties within and for the town of Chincoteague, and in criminal matters for one mile beyond the corporate limits thereof, which are, or may hereafter be, conferred upon trial justices by the laws of the State of Virginia, so far as the same may be applicable and not in conflict with the provisions of this charter; and any amendments of the trial justice laws of this State shall be considered as amendments also of this section of this charter if the same are applicable hereto.

Fees and costs shall be assessed by the trial justice and shall be collected as provided by the laws of the State of Virginia relating to trial justices as the same shall now be or as hereafter amended. All fees and costs collected by the said trial justice and all fines collected for violations of all laws and ordinances of the town shall be paid into the town treasury for the use and benefit of the town.

Removals may be taken, and appeals from the decisions of the trial justice may be taken, to the Circuit Court of Accomack county in the same manner, upon the same terms and shall be tried in the same way as removals, or as appeals from the decision of trial justices, as the case may be, are provided to be taken and tried by the laws of the State of Virginia, relating to trial justice as the same shall now be or as hereafter amended.

The council may appoint such clerk or clerks as may in their discretion be necessary, provide for just compensation therefor and provide necessary records.

The council of said town shall provide a salary to compensate such trial justice in such amount and payable at such times as the council shall deem proper, and the council may provide also for a vacation period, either with or without pay, and for such duration, as in the judgment of the council may be proper.

Like provisions may be made for a substitute justice, and when such substitute acts, he shall receive the compensation which would have been paid him had the principal acted, and which compensation shall be deducted from the salary or allowance made to the principal.

Nothing contained herein shall prevent the town of Chincoteague from combining with the county of Accomack for the use of one trial justice and one substitute trial justice for such combined town and county, in such manner as may be provided by the laws of the State of Virginia relating to trial justices; and if the town of Chincoteague and county of Accomack shall at any time combine for the use of one trial justice and one substitute trial justice for the said town and the said county, the laws of the State of Virginia relating to trial justices, so far as applicable, shall control and not this section of this charter; provided, however, that the combination of the said town with the said county for the use of one trial justice and one substitute trial justice shall not prevent the council of the town at any time thereafter it shall desire so to do from withdrawing the town of Chincoteague from such combination by a vote of the council and appointing a trial justice and a substitute trial justice for the town of Chincoteague under the provisions of this charter, notwithstanding anything in the trial justice laws of Virginia to the contrary; and likewise nothing herein contained shall prevent the town, after withdrawing from such combination, to adopt again the combination with the county.

The powers and jurisdiction provided for in this sub-section sixty-five (65) of this act as to matters other than those pertaining or relating to violations of ordinances of the town may be exercised only to the extent permitted by general law.

66. The town shall have the power to extend or contract the corporate limits of the town as provided by the Constitution and general laws of Virginia in force at the time.

67. The town of Chincoteague shall have authority to impose taxes or assessments upon abutting landowners for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction or for the use of sewers, and the same when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting landowners; and the procedure for making such assessments and the method of collecting such taxes and assessments, shall be in accordance with general law.

68. The town of Chincoteague is hereby constituted a separate road taxing district. The said town shall have the power to own, lay out, and maintain its street system. The county of Accomack shall not levy any tax on the said town, or any property or residents therein for road purposes. Nor shall said town be embraced in any road district of the county of Accomack.

69. The town of Chincoteague may levy a tax on all subjects of taxation not prohibited to it by, nor exempted in, the Constitution and general laws of Virginia.

70. The council hereinafter created shall have full power and authority, except as herein otherwise specifically provided, to exercise herein all of the powers conferred upon the town, and pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the State and of this charter, and shall have full and complete control of all fiscal and municipal affairs of said town and all of its real and personal properties, and may from time to time, amend, re-amend and/

or repeal any or all of the said ordinances, for the proper regulation, management, and government of the said town and may impose fines and penalties for the violation or non-observance thereof.

71. The enumeration of specific powers, privileges, and authority in this charter shall not be deemed exclusive, but in addition to the powers and privileges herein mentioned, implied or appropriated, the said town shall have and may exercise, all other powers, which are or may hereafter be, possessed, or enjoyed, by any towns under the Constitution and laws of the Commonwealth of Virginia, or not denied by the same, as fully and completely as if herein set out at length. (1942, c. 210)

§ 2. The council may by resolution require, provide for and enforce daylight saving time in the town. Such time when so prescribed shall govern the conduct of all businesses and town elections within the corporate limits of the town. (1958, c. 135)

Chapter III.

§ 1. The council may adopt a town plan, showing the streets, highways, and parks heretofore laid out, adopted, and established, and such town plan shall be final with respect to the location, length, and width of such streets and highways, and the location and dimensions of such parks. Such town plan is hereby declared to be established for the promotion of the health, safety, and general welfare. Upon the adoption of the town plan, or any amendment thereto, a certificate to that effect, together with a plat, shall be filed immediately with the clerk of every county affected by such town plan and amendment. (1942, c. 210)

§ 2. The council is hereby authorized to appoint a town planning commission, fix the number and terms of members, remove any member for cause, fill any vacancies, which may occur, and provide for the powers and duties of such commission, not in conflict with the provisions of this act. (1942, c. 210)

§ 3. The council may at any time, after a public hearing, amend the town plan, by widening, relocating, or closing existing streets and highways, and by altering any existing part or by laying out new streets and highways and establishing new parks. Before amending the town plan, the council shall refer the proposed amendment to the town planning commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of thirty days has elapsed after the date of reference to the commission. Any amendment of the town plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of any street and highway, and the location and dimensions of any park. Any widening, relocating, closing or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the town plan, and shall be subject in all respects to the provisions of this chapter. (1942, c. 210)

§ 4. No plat showing a new street or highway within the town, shall be filed or recorded in the office of the clerk of the town or of any county until such plat has been approved by the council. Before giving any approval, the council shall refer every such plat to the town planning commission for a report, and shall not act on any plat so referred until a report has been received from the commission, unless a period of forty-five days has elapsed after the date of reference to the commission. Before reporting to the council on any plat, the commission shall hold a public hearing thereof. If any plat is disapproved by the commission, it shall report the reasons for such disapproval to the council. The council shall not approve any plan unless the streets and highways provided in such plats are of sufficient width, of proper grades, and suitably located to meet the probable traffic needs; to afford adequate light, air, and access of fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets and highways. The council may, in appropriate cases, require that a plat, before being approved, shall provide adequate open spaces for parks, playgrounds, or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use. After a plat has been approved by the council, the streets, highways, parks, and other open spaces shall be a part of the town plan. The council, after a public hearing, may adopt general regulations in regard to the filing of plats. (1942, c. 210)

§ 5. (a) Before approving such plat, and thereby accepting the dedication of the streets, alleys, parks and public places thereon, the council shall require that the streets and alleys thereon shall be properly laid out and located with reference to the topography of the land so platted and the adjoining lands, both as to connections and widths, which widths of such streets and alleys shall be plainly marked in figures or written on such plat, and which streets and alleys shall be laid out in harmony with the general plan of the town.

(b) And, before approving such plat, and thereby accepting the dedication of the streets and alleys thereon, the council shall require the owner thereof to execute and deliver to the town of Chincoteague a release and waiver of any claim or claims for damages which such owner, his heirs, successors or assigns may have or acquire against the town of Chincoteague by reason of establishing proper grade lines on and along such streets and alleys and by reason of doing necessary grading or filling for the purpose of placing such streets and alleys upon the proper grade and releasing the town of Chincoteague from building any retaining wall or walls along the streets and alleys and property lines; and the council may require such release and waiver to be written and executed on said plat and recorded therewith or by an instrument of writing to be executed and recorded in the clerk's office of the Circuit Court of Accomack County.

And the council may, in its discretion, require the owner of such platted lands to submit profiles of such streets and alleys, showing the contour thereof, together with proper grade lines laid thereon, and if and when the council is satisfied that the proper grade lines are laid on such profiles, the profiles shall be approved by the council and recorded by the owner or at his expense in the record of the

profiles of the streets and alleys of the town, and the council may, in its discretion, require such release and waiver to be made with reference thereto.

(c) Before approving any such plat of any sub-division of lots or lands the town council may, at its discretion, require the owner of such lot or lands to grade the streets and alleys therein, according to grade lines approved and established by the council. (1942, c. 210)

§ 6. For the purpose of preserving the integrity of the plan, no permit shall hereafter be issued for the construction of any building within the street lines of any mapped street or highway, as laid down in the town plan, within the town. Provided, however, if the land within any mapped street or highway is not yielding a fair return to the owner, the board of appeals, provided for herein, by a majority vote of all its members, may issue a permit for a building within the street line of such street or highway, upon such conditions as will increase as little as possible the cost of opening such street or highway, and will protect as far as possible the rights of the public and the integrity of the town plan. The board of appeals, hereinafter authorized, before taking any action under the provisions of this section, shall hold a public hearing, of which adequate notice shall be given to all persons deemed to be affected. Any decision by the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board. (1942, c. 210)

§ 7. If such town plan is adopted, no public sewer, water pipe, or other public utility shall be laid and no grading or paving shall be done by the town in any street or highway in the town, unless such street or highway has been placed upon the town plan by the council. No permit shall be issued for any building in the town unless such building is located adjacent to a street or highway, which has been placed upon the town plan by the council. Provided, however, where the literal enforcement of the provisions of this section would result in practical difficulty or unnecessary hardship, or where the nature or use of the proposed building does not require its location to be adjacent to a street or highway, the board of appeals, by a majority vote of all its members, may issue a permit for a building, upon such condition as the board may deem necessary to preserve the integrity of the town plan and to insure the proper location of future streets and highways in the town and the surrounding area. Any decisions of the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board. (1942, c. 210)

Chapter IV.

§ 1. The town council is hereby empowered to pass zoning ordinances subject, however, to the following modifications:

(a) The council shall not adopt any zoning ordinance or map until it shall have appointed a town planning commission, as provided for in this act and shall have received from such commission its recommendations as to a zoning ordinance and map, and shall have held a public hearing thereon.

(b) Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from time to time by the council, either upon its own motion or upon petition, under such conditions as the council may prescribe, after a public hearing and adequate notice to all owners and parties affected. If a protest or protests be filed with the council, signed by the owners of twenty percent or more of the area of the land included in the proposed change, or by the owners of twenty percent or more of the area of the land immediately adjacent to the land included in the proposed change, within a distance of one hundred feet therefrom, or by the owners of twenty percent or more of the area of the land directly opposite across any street or streets from the land included in the proposed change, within a distance of one hundred feet from the street lines directly opposite, then no such change shall be made except by the majority vote of all of the members of the council. No change shall be made by the council in any zoning ordinance or map until such change has been referred to the town planning commission for a report thereon, and no action shall be taken by the council until a report has been received from the commission, unless a period of thirty days has elapsed after the date of reference to the commission.

(c) Within thirty days after the adoption of any zoning ordinance and map, the council shall appoint a board of zoning appeals, consisting of seven members, none of whom shall hold any other positions with the town.

The council may remove any member of the board for cause, after a public hearing. If a vacancy occurs otherwise than by the expiration of the term of the different members, it shall be filled by the council for the unexpired term.

Unless the council designates some member of the board as a chairman, the board shall select a chairman from among its own members, and may create and fill such other offices as it may choose. The board may employ such persons as the council may approve, and may expend such sums as are appropriated by the council for its work. (1942, c. 210; 1994, c. 97)

Chapter V.

§ 1. Administration and government.

(a) The present mayor and council of the Town of Chincoteague shall continue in office until the expiration of the terms for which they were respectively elected.

(b) The administration and government of the Town of Chincoteague shall be vested in one body to be called the council of the Town of Chincoteague, which shall consist of seven members, six of whom shall be known as councilmen and one to be known as mayor, all of whom shall be residents and qualified voters of the said town. No person shall be a candidate simultaneously for the office of mayor and council member. No council member shall be eligible for qualification or election to the office of mayor unless (i) the council member's term of office will expire on June 30 of the year of the

election for mayor (ii) the council member's term of office will expire after June 30 of the year of the election for mayor, the council member submits his written resignation to the council at least 120 days before the day of the election for mayor, and such resignation shall become effective on June 30 of the year of the election for mayor. The council may create, appoint, or elect such departments, bodies, boards, and other officers, or assessors or attorneys, as are hereinafter provided for, or as are permitted or required by law to be appointed by the council, or as may be deemed necessary or proper, and may fix their compensation and define their duties. (1942, c. 210; 1993, c. 578)

§ 2. Mayor and vice-mayor.

(a) The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his office. He shall be recognized as the official head of the town for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In time of public danger or emergency, he may take command of the police, maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall be entitled to vote and his vote in case of a tie only shall have the same weight and effect as the vote of a councilman.

The mayor shall have no power to suspend, remove or discharge any officer, agent or employee of the town nor shall he have any power or authority to appoint or employ any officer, agent or employee of the town nor to fix the term of office or employment, or the compensation, or to increase or decrease the power and authority of any officer, agent, or employee of the town, unless such power shall have been given him by the council, but the mayor shall have such powers with respect to the chief of police, the police, the policemen and employees of the police force when and if the mayor is given the control and supervision of the chief of police.

(b) Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative be presented to the mayor. If he approve, he shall sign it, but if not, he may return it, with his objections in writing, to the town clerk who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to re-consider such ordinance or resolution. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of the members of the council upon such reconsideration shall be determined by "yeas" and "nays," and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book by the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days.

(c) The council shall at its first meeting in July following every regular municipal election choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability.

The member of the council who shall be chosen vice-mayor, shall continue to have all of the rights, privileges, powers, duties and obligations of councilmen even when performing the duties of mayor during the absence or disability of the mayor of the town. (1942, c. 210; 1981, c. 84)

§ 3. The council.

(a) At the regular municipal election to be held in the town in 1982, and every two years thereafter, there shall be elected, in the manner prescribed by law, three councilmen for terms of four years. A mayor shall be elected for a term of four years in 1984 and every four years thereafter.

Municipal elections shall be held at the time and in the manner provided for by general law. Terms of office shall begin on the first day of July next following the election. Each councilman and the mayor elected as hereinabove provided shall serve for the term stated or until his successor shall have been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of the members of said body or any of them.

(b) The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the clerk of the council upon the request of the mayor, or any three members of the council; no business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public, except when the public welfare shall require executive sessions.

If any member of the said council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired term shall be filled according to the provisions of this act. (1942, c. 210; 1958, c. 135; 1981, c. 84)

§ 4. Town clerk.

The town clerk shall be appointed by the council, and shall attend the meetings of the council and shall keep permanent records of its proceedings; he shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he shall keep all papers, codes, documents, and records pertaining to the town, the custody of which is otherwise provided for in this charter; he shall give notice to all parties, presenting petitions, or communications to the council of the final action of the council on such communications or petitions; he shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contracts or agreements; he shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he shall upon final passage transmit to

the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he shall perform such other acts and duties as the council may, from time to time, allow or require. (1942, c. 210)

§ 5. Town treasurer.

(a) The town treasurer shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in a penalty of such amount as may be fixed by the council from time to time, payable to the town of Chincoteague, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses and levies and charges for services furnished by the public utilities of the town. The council shall have authority to place in the hands of a town collector to be appointed by it, the collection of any taxes licenses and other levies at any time if in the discretion of the council it shall be proper so to do.

(b) The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as the ordinances of the town may prescribe; to keep such moneys safely and account therefor; and to pay all drafts or orders made on him in conformity with the ordinances of the town.

(c) The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks may be required to give security in such sum or sums as the council shall fix. He shall keep books showing accurately the state of his accounts and the money of the town shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly or indirectly, the town's money, checks, or warrants in his custody and keeping for his own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

(d) The books and accounts of the town treasurer and all papers relating to the accounts and transactions of the town, shall be at all times subject to the inspection of the mayor, the town council, and such other persons as the council may appoint, to examine the same, and all such books and accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment, or delivered up as the council may at any time require.

(e) The town treasurer shall, when required by the council, render an account to the council showing the state of the treasury and the balance of money on hand. He shall also, if required so to do by the council, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts and statements as the town council may direct.

(f) The town treasurer shall annually submit to the town council, at such time as directed by the council, a full and detailed account of all receipts and disbursements made during the fiscal year just closed.

(g) All taxes, levies or other sums of money of whatever nature received by the town treasurer belonging to the town of Chincoteague shall be credited by the treasurer on his books to the town of Chincoteague and shall be paid out by him only on a warrant of the clerk of the council, countersigned, by the mayor.

(h) The treasurer shall keep a separate account of each fund and appropriation and the debts and credits belonging thereto; provided, however, that the council shall have the right to require all town funds to be deposited to the credit of the town and may prescribe by resolution or ordinance such other method of disbursement as it shall from time to time deem proper.

(i) All moneys received on all special assessments shall be held by the treasurer as a special fund, to be applied to the payment of the matter for which the assessment was made and said moneys shall be used for no other purpose.

(j) The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the State.

(k) The town treasurer shall receive for his services such compensation, if any, as the council may deem proper. (1942, c. 210)

§ 6. Chief of police.

There shall be appointed by the council a chief of police who shall qualify and give bond in such amount as the council may require. He shall be vested with powers of a conservator of the peace, and shall have the same powers and discharge the same duties as a constable within the corporate limits of the town and to a distance of one mile beyond the same, and shall perform such other duties as may be from time to time prescribed by the council. (1942, c. 210; 1958, c. 135)

§ 7. Town officers; general.

(a) The town council may combine offices when not expressly prohibited, except that the assessing and collecting officers shall not be the same person.

(b) The town council shall grant and pay to all town officers and employees such salaries or compensation, if any, as the said council may from time to time deem just and proper, or which shall be fixed by this act, except as such salaries or compensation may be fixed by general law.

(c) If any person, having been an officer of such town, shall not within ten days after he shall have vacated, or removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town, or appertaining to such office in his possession or under his

control, he shall forfeit and pay to the town the sum of five hundred dollars, to be sued for in the name of the town and recovered with costs; and all books, records, and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the town, council, or any superior officer of the said town, shall be deemed the property of the said town and appertaining to said office, and the chief officer thereof shall be responsible therefor.

(d) All officers hereafter elected under this act, shall be elected at the times and for the terms, as hereinbefore provided, and shall enter upon the discharge of their duties, in accordance with the provisions of the general laws of this State concerning town officers.

(e) The town of Chincoteague and the officers thereof, elected or appointed in accordance with the provisions of this act, shall be clothed with all the powers, and be subject to all the provisions of law not in express conflict with the provisions of this act.

(f) The mayor, the town councilmen, the chief of police and the members of the police force of the town shall have jurisdiction, power and authority in criminal and police matters for one mile from the corporate limits of the said town.

(g) All officers elected or appointed under the provisions of this charter, shall, unless otherwise provided under general law or by this charter, or by ordinance of the council, execute such bond with such approved security as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the town clerk before entering upon the discharge of their duties; and in event of default on the part of any bonded municipal officer, the town shall have the same remedies against him and his sureties as are provided for the State in enforcing the penalty of any official bond given to it.

(h) All officers elected or appointed under the provisions of this charter shall take the oath of office required by general laws before entering upon the discharge of his duties, and if these requirements have not been complied with within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. (1942, c. 210; 1958, c. 135)

Chapter VI. General Provisions.

§ 1. The major, town clerk and town treasurer shall have power to administer oaths, and to take and sign affidavits in the discharge of their respective official duties. (1942, c. 210)

§ 2. The council, mayor, and any officer, board or commission authorized by the council, shall have power to make investigations as to town affairs and for that purpose to subpoena witnesses, administer oaths and compel the production of books and papers.

Any person refusing or failing to attend or to testify or to produce such books and papers may, by summons issued by such officer or board or the town council, be summoned before the mayor of said town

by the board, official, or council making such investigation and upon his failure to give satisfactory explanation of such failure or refusal, may be fined by the mayor not exceeding one hundred dollars or imprisoned not exceeding thirty days, and such person shall have the right to appeal to the circuit court of Accomack County. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1942, c. 210)

§ 3. The plan of government provided by this charter may be changed to any other plan provided for the government of incorporated towns n the manner provided by general law therefor; and if and when the town of Chincoteague shall become a city of the second class in the manner provided by general law, the plan of government provided by this charter shall continue so far as applicable, but such plan of government may be changed to any other plan provided for the government of cities of the second class at any time in the manner provided by general law. (1942, c. 210)

§ 4. All contracts and obligations heretofore or hereafter made by the council of the town of Chincoteague, while in office not inconsistent with this charter, or the Constitution, or the general laws of this State shall be, and are hereby declared to be valid and legal. (1942, c. 210)

§ 5. All ordinances now in force in the town of Chincoteague, not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council of the said town. (1942, c. 210)

§ 6. Vacancies in all elective or appointive offices may be filled by a majority vote of the council. No appointive officer shall be appointed for a term longer than two years at any one time. Such provision shall not prevent the council from appointing such officer for as many unexpired or full terms as the council may desire. A vacancy in the elective offices of the town shall be filled by the council within thirty days of such vacancy, and upon a failure of a majority of the remaining members of council to so act, the judges of the Circuit Court of the County of Accomack shall make such appointment in accordance with the provisions of § 24.1-76 of the Code of Virginia. Any such person so appointed shall be fully eligible to hold such office. The person so appointed shall hold office until the qualified voters shall fill the vacancy in a special election in accordance with § 24.1-76 and such person so elected qualifies, or until such time as otherwise provided by § 24.1-76. Upon the occurrence of any such vacancy, the town council shall forthwith advise the judges of the Circuit Court of said County who shall, subject to the provisions of § 24.1-76, issue a writ of election to fill such vacancy. (1942, c. 210; 1993, c. 578)

§ 7. If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not effect, impair or invalidate the remainder of the said act, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1942, c. 210)

§ 8. This act may for all purposes be referred to or cited as the Chincoteague Charter of 1942. (1942, c. 210)

Christiansburg, Town of

County of Montgomery

History of incorporation

Established 1792, Chapter 71 of the Acts of Assembly.
Town of Cambria incorporated, 1906, c. 141.
Consolidated with the Town of Cambria in 1964 (information in 1964 Report of the Secretary of the Commonwealth).
Charter, 1833, c. 199, incorporated with trustees; repealed 1954, c. 240.
Charter, 1861, c. 94 (amends the 1833 charter and provides for elected officers; called a charter by c. 289, 1873 Acts); repealed 1954, c. 240.
Charter, 1916, c. 173 (amends the 1833 charter and repeals any acts inconsistent); repealed 1954, c. 240.

Current charter

Charter, 1954, c. 240 (repeals the 1833 charter and all amendments thereto).

Amendments to current charter

1968, c. 173 (§§ 1.02, 2.03, 2.04, 2.05, 2.07, 2.08, 2.14, 2.15, 2.17, 2.18, 2.19, 2.20, 2.28, 2.29, 2.30 [repealed], 2.31, 2.32, 3.05, 3.18, 3.20, 3.21, 4.06, 6.02, 7.01)

1969, c. 23 (§ 2.18)

1981, c. 616 (§§ 1.02, 2.01, 2.03, 2.16, 2.31, 3.06 [repealed], 3.09)

2004, c. 59 (§ 2.08)

2010, c. 848 (§ 2.01)

2014, c. 786 (§§ 1.02, 2.01, 2.03, 2.04, 2.09, 2.10, 2.11, 2.12, 2.16, 2.23, 2.24, 2.25, 2.27, 2.28, 2.31, 2.32, 3.19, 3.20, 3.21, 4.01, 4.06, 4.10, 6.02, 7.01, 7.03, 7.04 [repealed], 7.06 [repealed], 7.07 [repealed], 7.08 [repealed], 7.10, 7.11, 7.14)

Chapter 1. Incorporation and Boundaries.

§ 1.01. The town corporate.

The inhabitants of the territory comprised within the present limits of the town of Christiansburg, as such limitations are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Christiansburg, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of

particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation, and the town of Christiansburg, as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1954, c. 240)

§ 1.02. The boundaries.

The present boundaries of the town are as set forth in a voluntary boundary adjustment effective at midnight on the thirtieth day of April, 2009, entered on the tenth day of April, 2009, and of record as Order Instrument No. 2009023593 and 2009023717 and Deed Instrument No. 2009003478 of the Clerk's Office of the Circuit Court of Montgomery County, Virginia, and are incorporated herein by reference thereto. Future annexation orders and voluntary boundary adjustments as appropriately approved and recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia, shall act to amend these boundaries of the Town upon their effective dates and times. (1954, c. 240; 1968, c. 173; 1981, c. 616; 2014, c. 786)

Chapter 2. The Administration and Government.

§ 2.01. Vesting of administration and government in council; composition of council; election and term of council members; council to be continuing body; vacancies in council.

The administration and government of the town is vested in the council composed of a mayor and six councilmen, all of whom shall be electors of the town.

(a) The council shall be elected in the manner provided by law. Three council members shall be elected on the November 2011 general election date and every four years thereafter. A mayor and three other council members shall be elected on the November 2013 general election date and every four years thereafter.

Terms of office shall begin on the first day of January next following their election. Each council member and the mayor elected as hereinabove provided shall serve for the term stated or until his successor has been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

(b) Vacancy in the council or in the office of mayor shall be filled within forty-five days, for the unexpired term, by a majority vote of the remaining members for the remainder of the unexpired term or until a special election as required by the Code of Virginia; should a majority of the remaining members of Council fail to agree or act, the appointment may be made by the circuit court until a qualified person shall be elected by the qualified voters and shall from and after the date of his election and

qualification succeed such appointee and serve the unexpired term as required by the Code of Virginia. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms.

(c) Notwithstanding any provisions of law to the contrary, any person shall be qualified to fill a vacancy on council or as mayor who is a resident of the town and is a qualified elector therein, except that a member of council shall not be qualified to fill a vacancy as mayor. (1954, c. 240; 1981, c. 616; 2010, c. 848; 2014, c. 786)

§ 2.02. Electors.

The electors of the town of Christiansburg shall be the actual residents of the town, who are otherwise qualified to vote for members of the General Assembly. (1954, c. 240)

§ 2.03. Municipal officers.

The municipal officers of said town shall, in addition to the mayor, consist of treasurer, chief of police, clerk of the town council, town manager and town attorney; and the mayor may appoint such committees of the council as he may see fit, and the council may create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this act and the general laws of this State. The said treasurer and clerk may be one and the same person if the council deems it more expedient.

No employee of the town or either of the officers of treasurer, chief of police, clerk of the town council, town manager or town attorney shall be required at the time of their employment or appointment to be a resident of the town. (1954, c. 240; 1968, c. 173; 1981, c. 616; 2014, c. 786)

§ 2.04. Town manager.

The council of the town may, in its discretion appoint a town manager who may also serve as town engineer. Upon appointment of a town manager, he shall be vested with the administrative and executive powers of the town and shall hold office during the pleasure of the council. He shall receive such compensation as may be fixed by the council. He shall see that within the town the laws, ordinances, resolutions and bylaws of the council are faithfully executed and that the duties of the various other appointed town officers, members of the police, fire and public works departments and all other departments of the town government, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices and may examine them or their subordinates on oath, but the evidence given by the persons so examined shall not be used against them in any criminal proceedings. He shall attend all meetings of the council as deemed reasonably practical by council and recommend for adoption such measures as he may deem expedient. He shall make reports to the council from time to time as to the affairs of the town, keep the council fully advised as to the town's financial condition and its future financial needs. He shall prepare and submit to the council a tentative budget for each fiscal year. The town manager shall perform such other duties as may be

prescribed by the council and shall be bonded in such amount as the council may deem necessary. (1954, c. 240; 1968, c. 173; 2014, c. 786)

§ 2.05. Removal of officers and employees.

All officers and employees appointed may be removed by the town council at its pleasure, and where the appointment is by a committee or board, or where such appointment is by the mayor, or town manager, such removal may be by order of the mayor, town manager, or committee or board. (1954, c. 240; 1968, c. 173)

§ 2.06. Compensation.

The council shall by ordinance or resolution fix the salaries of all officers and employees of the town elected or appointed by it, or appointed by its authority and may so far as is not inconsistent with the provisions of the charter, define the powers and prescribe the duties of all such officers and employees. To effectuate the powers conferred by general laws as well as the powers herein specifically granted, the council may employ all such persons as may be necessary. (1954, c. 240)

§ 2.07. Officers; fill more than one office.

It shall be unlawful for any officer appointed by the council, any committee, municipal board, or the head of any department to fill two or more of the offices whose incumbents are appointed by the council or by any appointing power designated by the council, except as otherwise provided herein. (1954, c. 240; 1968, c. 173)

§ 2.08. Eligibility of mayor and councilmen for remunerative position.

Neither the mayor nor any member of the town council during his tenure of office as such shall be eligible to any remunerative office, position, or employment with the town, except that a member of the council appointed to a board or commission may be compensated as a member of such. (1954, c. 240; 1968, c. 173; 2004, c. 59)

§ 2.09. Mayor, councilmen and municipal officers to be sworn in before entering upon duties; duration of oath.

The mayor, councilmen and all municipal officers of said town shall, before entering upon the duties of their respective offices, be sworn in accordance with the laws of the State of Virginia by anyone authorized to administer oaths under the laws of the State. Oaths of municipal officers of the town taken upon original appointment shall be considered to remain in effect for the duration of time the municipal officer remains in the respective office and new oaths shall not be required for reappointment of municipal officers to the respective office. (1954, c. 240; 2014, c. 786)

§ 2.10. Certificate of oath.

When the mayor, councilmen, town manager, treasurer, clerk, and police chief take the oaths required of them, duplicate certificates of the court or person administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same and be by him delivered for

record as follows: one to the clerk of the circuit court of Montgomery County and one to the clerk of the town council. When any other municipal officer takes the oath required of him, a certificate as aforesaid, shall be secured by him and delivered to the clerk of the town council. (1954, c. 240; 2014, c. 786)

§ 2.11. Effect of neglect to take oath.

If any person elected or appointed to any office in said town shall neglect to take such oath within thirty days of taking office or appointment of which he is to enter upon the discharge of the duties of his office, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled as prescribed in this Charter or by the general laws of this State. (1954, c. 240; 2014, c. 786)

§ 2.12. Delivery of town property, books and papers to successor in office.

If any person, having been an officer of said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification of request of the council within such time as it may allow, deliver to his successor in office all property, books and papers belonging to the town or appertaining to such office, in possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provision of this Charter, or of any ordinances or order of the town council, or any superior officer of said town, shall be deemed the property of said town and appertaining to said office, and the chief officer thereof shall be held responsible therefor. (1954, c. 240; 2014, c. 786)

§ 2.13. Salary of mayor.

The salary of the mayor shall be fixed by the town council, and shall not be diminished during his term of office. (1954, c. 240)

§ 2.14. Duties of mayor.

The mayor shall preside at the meetings of the council, voting only in case of a tie, and perform such other duties as may be prescribed by this charter and by general law and such as may be imposed by the council consistent with his office. He shall perform the duties of the town manager during the absence of the town manager or while the office of town manager is vacant. He shall have power to investigate the acts of the various town officers, members of the police, fire and public works departments and all other departments of the town government, whether elected or appointed. The mayor shall have and exercise all power and authority conferred by general law on mayors of towns and not inconsistent with this charter; and shall, from time to time, recommend to the council such measures which he may deem needful for the welfare of the town. (1954, c. 240; 1968, c. 173)

§ 2.15. Vice-mayor.

The council shall choose from its members a vice-mayor who in case of the absence or inability of the mayor to act, shall possess the same powers and discharge the duties of the mayor during such absence or inability; and in case of the absence or inability of both the mayor and the vice-mayor, the council shall choose another of its members who shall possess the same powers and discharge the duties of the mayor during the absence or inability of both the mayor and vice-mayor. (1954, c. 240; 1968, c. 173)

§ 2.16. Vacancy in office of mayor.

In case a vacancy shall occur in the office of the mayor, the vacancy shall be filled by the method provided in § 2.01 for filling vacancies in the council. (1954, c. 240; 1981, c. 616; 2014, c. 786)

§ 2.17. Salaries of councilmen.

The town council is hereby authorized and empowered, by ordinance or resolution, passed by the affirmative recorded vote of two-thirds of the full membership thereof, to be determined by yeas and nays, to provide and fix salaries for its members, ass it may determine, to be payable in such amounts and at such time or times as it may direct. The council may provide and fix the salaries for its members, on the basis of stated amounts or sums, for each regular and special meeting of the council and each committee meeting attended by members, and may prescribe that no member shall receive any compensation for any meeting of said council or committee not attended by such member. (1954, c. 240; 1968, c. 173)

§ 2.18. Meeting of council; quorum; adoption of procedural rules.

The council shall by ordinance adopt such rules as it might deem proper for the regulation of its proceedings and shall meet at such times as may be prescribed by ordinance, provided, however, that it shall hold at least one regular meeting each month. The mayor and four councilmen shall constitute a quorum for the transaction of business, or in the absence of the mayor, four councilmen shall constitute a quorum. No ordinance, or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed by the council except by a recorded affirmative vote of a majority of all members elected to the council. No such ordinance shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid until at least three days intervene between its introduction and the date of passage. The meetings of the council shall be public, unless the council by a recorded affirmative vote of two-thirds of its members shall declare that the public welfare demands an executive session of the council ; and citizens may have access to the minutes and records of the council at any reasonable time during established office hours of the general offices of the town. (1954, c. 240; 1968, c. 173; 1969, c. 23)

§ 2.19. Special meetings.

The mayor, or any other two members of the council, may call a special meeting of the council upon at least twelve hours written notice of the time, place and purpose to each member served personally or

left at his usual place of business or residence by any police officer, and no business shall be transacted by the council in such special meeting which has not been stated in the notice, provided, however, that these regulations shall not apply when all members of the council attend such meeting or waive notice thereof, nor shall it apply to an adjourned session from a regular meeting.

No vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of members of council present as were present when such vote was taken. (1954, c. 240; 1968, c. 173)

§ 2.20. Record of proceedings.

A record shall be kept of the proceedings of the town council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they were read, but reading of minutes may be dispensed with at the pleasure of the council. (1954, c. 240; 1968, c. 173)

§ 2.21. Recording of proceedings.

The clerk of the council shall keep such record and shall record therein the proceedings of the council at large thereon, and keep the same properly indexed. (1954, c. 240)

§ 2.22. Qualifications and conduct of members.

The town council may compel the attendance of absent members, and fine them for disorderly behavior, and with the concurrence of five members, expel a member for malfeasance or misfeasance while in office. (1954, c. 240)

§ 2.23. Filling vacancy on council when member disqualified or expelled.

If any member of the council shall be adjudged by the council disqualified or be expelled, under the previous § 2.22, a special election shall be held under the general election laws of the Commonwealth to fill such vacancy, for the unexpired term. (1954, c. 240; 2014, c. 786)

§ 2.24. Power of council when member voluntarily absent from meetings consecutively for three months; irregular elections.

If any member of said council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council, and the unexpired term filled by appointment as provided in § 2.01 (b).

Where not otherwise provided for by the laws of this State the town council shall by ordinance provide for any irregular elections not herein or by the State laws provided for, and appoint the necessary officers to conduct the same. (1954, c. 240; 2014, c. 786)

§ 2.25. General powers of council; management of municipal and fiscal affairs and of town property.

The town council shall have, subject to the provisions of this Charter and the general laws of this State, the management and control of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to the town. (1954, c. 240; 2014, c. 786)

§ 2.26. Same.

The town council shall have all power and authority that is now or may hereafter be granted to the councils of towns by the Constitution and general laws of this State; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the State to town councils, but not herein specified. (1954, c. 240)

§ 2.27. Same; as to ordinances and bylaws, taxes and licenses, appointment of officers, etc.

For carrying into effect the powers granted by this Charter and the general laws of this State, the town council may make ordinances and by-laws, and prescribe fines and other punishments for violation thereof, levy taxes and licenses, keep town guard, appoint a collector of taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with surety, in such penalty as the council may deem proper, payable to the town by its corporate name, and with condition for the faithful discharge of the said duties. (1954, c. 240; 2014, c. 786)

§ 2.28. Clerk of the council.

The clerk of the council shall be appointed by the town council, and shall attend the meetings of the council and shall keep permanent records of its proceedings; and also keep such other papers, documents and records pertaining to the town as may be determined by the council; he shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he shall give notice to all parties, presenting petitions or communications; he shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contract or agreement; he shall publish such records and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he shall perform such other acts and duties as the council may, from time to time, allow or require. (1954, c. 240; 1968, c. 173; 2014, c. 786)

§ 2.29. Town treasurer.

There shall be appointed by the council a town treasurer who shall hold office during the pleasure of the council; but the present treasurer of the town shall continue to discharge the duties of the office until removed by the council or until his or her successor shall have qualified. Any vacancy in this office shall be promptly filled by the council. The said treasurer shall be the disbursing agent of the town and have the custody of all money and all evidences of value belonging to the town or held in trust by the town. He shall receive all money belonging to and received by the town and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall collect all

taxes and assessments, and other charges belonging and payable to the town, and for that purpose he is hereby vested with powers similar to these which are now or may hereafter be vested in county and town treasurers for the collection of county, town, and state taxes under the general law; he shall keep, disburse and deposit all money or funds in such manner and in such places as may be determined by ordinance or the provisions of the law applicable thereto; he shall pay no money out of the treasury, except in the manner prescribed by this charter or by ordinance or the general law; he shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and town license taxes and shall have power to administer oaths in performance of his or her official duties. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council, and before entering upon the duties of his office shall execute a bond in such amount and with such security as the council by ordinance may prescribe. The treasurer shall be subject to the administrative supervision of the town manager of the town of Christiansburg. The said treasurer and clerk may be one and the same person if the council may deem it more expedient. (1954, c. 240; 1968, c. 173)

§ 2.30. (1954, c. 240; repealed 1968, c. 173)

§ 2.31. Chief of police.

The town council shall have the power and authority to appoint a chief of police and to provide for the employment of such additional police officers and other support staff as it may deem necessary or proper, to prescribe rules and regulations for the government thereof, to prescribe their pay structure; and in addition thereto the mayor, or in his absence, the vice-mayor, or in the absence of both, any councilman, shall have the power and authority whenever the regular police force of the town is inadequate to meet the needs of the occasion, to appoint and swear in such additional or special policemen as he may deem requisite for a term of service not to exceed ten days and at such compensation as the council may fix for special policemen. The duties and powers of such special policemen shall be the same as that of patrol officer of the regular police force. (1954, c. 240; 1968, c. 173; 1981, c. 616; 2014, c. 786)

§ 2.32. Police force.

The police force shall be under the control of the town manager, and during any time that the office of the town manager is not filled, or in the absence of the town manager, under the control of the mayor, for the purpose of enforcing peace and order and executing the laws of the state and ordinances of the town. They shall perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties, each policeman is hereby invested with all the power and authority which belongs to the office of the constable at common law in criminal cases. (1954, c. 240; 1968, c. 173; 2014, c. 786)

§ 2.33. Warrants and summonses.

The policemen of the town shall have no power or authority in civil matters, but they shall in all other cases execute such warrants or summonses as may be placed in their hands by the mayor or any councilman of said town, or any other properly constituted authority, and shall make due return thereof. The criminal jurisdiction of the policemen of the town shall extend one mile beyond the corporate limits of the town. (1954, c. 240)

Chapter 3. Taxation and Finances.

§ 3.01. Other powers.

The town council shall have control of taxation and finances for its municipal purposes. It shall have the powers set forth in the following sections subject to the general laws of the Commonwealth. (1954, c. 240)

§ 3.02. To prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes. (1954, c. 240)

§ 3.03. To raise annually, by the levying of taxes and assessments in the said town, on all such property, real and personal, as is now or may be subject to taxation by the general laws of the Commonwealth, such sums of money as the council thereof shall deem necessary, for the purpose of said town, in such manner as the town council shall deem expedient in accordance with the constitution of the State; provided, however, that it shall impose no taxes on the bonds of said town. (1954, c. 240)

§ 3.04. To impose special or local assessments for local improvements and force payment thereof, subject to such limitations prescribe by the laws of the State as may be in force at the time of the imposition of such special and local assessments. (1954, c. 240)

§ 3.05. Property Assessments. The assessment of real and personal property in the town for the purpose of municipal taxation shall be the same as the assessment for the purpose of county taxation, but where the commissioner of revenue for the town knows of property that has been omitted by the commissioner of revenue of the county from his books, the commissioner of revenue of the town, shall advise the commissioner of revenue of the county thereof, and thereafter such omitted property, real or personal, shall be assessed for taxation in the manner provided by general law. However, the council may, by unanimous vote at a meeting at which all members are present, provide for another method of assessing real and personal property in the town for municipal taxation not in conflict with the laws of the Commonwealth of Virginia. (1954, c. 240; 1968, c. 173)

§ 3.06. (1954, c. 240; repealed 1981, c. 616)

§ 3.07. To impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal offices are or are not located in the town, except when pro-

hibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the state license fee if any be required. (1954, c. 240)

§ 3.08. Licenses may also be imposed upon and a fee therefor collected from persons, firms, or corporations selling and delivering at the same time at other than a definite place of business, goods, wares or merchandise, to licensed dealers or retailers in the town. (1954, c. 240)

§ 3.09. To establish rates and fees for the following services provided by the town: (1) water, (2) sewer and garbage collection, (3) other services, products, utilities or conveniences operated, rented or provided by the town. The town council shall have the power and authority to enforce collection of charges for all such services from any applicant for the same, whether it be a tenant, lessee, or owner, including interest thereon, penalty, late charges and costs, including the right to require advance deposits in a reasonable amount by any applicant for such services, together with the right to terminate such services after reasonable notice to any person, firm or corporation who is in default in the payment of any sums due for the same. (1954, c. 240; 1981, c. 616)

§ 3.10. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of same, or any of them, within the town or within one mile thereof. (1954, c. 240)

§ 3.11. To require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council of the said town, to issue said license, and to require the said owner to pay an annual license fee therefor to be fixed by the council within the limits permitted by State law. (1954, c. 240)

§ 3.12. To grant or refuse licenses to owners or keepers of wagons, drays, carts, automobiles, motorcycles, trailers and other wheeled vehicles kept, used, or employed in the town for hire, or used or the transportation of persons or property for pay, and may require the owners or keepers of wagons, drays and carts, automobiles, and other wheeled vehicles using them n the town, to take out licenses therefor, and may assess and require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and may prescribe their rates, fees and compensation. (1954, c. 240)

§ 3.13. The authority to grant franchises to public service corporations, for public transportation facilities and others, and to provide ordinances, rules and rights not contrary to State laws. (1954, c. 240)

§ 3.14. The town is empowered to levy and collect taxes, on all subjects of taxation except as restrained by the Constitution or by the general law heretofore or hereafter adopted, provided that it shall impose no taxes on the bonds of the said town. (1954, c. 240)

§ 3.15. The town council shall have the right to prescribe the dates on which all taxes and licenses shall be payable and to prescribe penalties and interest rates for nonpayment on such dates, not in conflict with the general laws of this State. (1954, c. 240)

§ 3.16. The town council, within the limits of the Constitution of this State and in accordance with the provisions of the general laws thereof, may, in the name of, and for the use of the town, contract loans or cause to be issued certificates of debts, notes or bonds. (1954, c. 240)

§ 3.17. The town council shall have the authority to issue bonds for public improvements in accordance with the statues of the Commonwealth of Virginia. (1954, c. 240)

§ 3.18. The council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the town; such loans to be evidenced by bonds or notes bearing interest at not exceeding the then current rate of interest established by State statute; such bonds or notes shall be payable within one year from date of issue out of the current revenue of the year in which the same are issued. No such temporary loan shall in the aggregate exceed fifteen per cent of the previous year's gross income. (1954, c. 240; 1968, c. 173)

§ 3.19. Execution of bonds, etc.

All bonds, and other evidences of indebtedness of the town, shall be signed by the Mayor and countersigned by the clerk of the council, who shall affix the corporate seal of the town and attest the same. (1954, c. 240; 2014, c. 786)

§ 3.20. Sinking funds.

(a) There shall be set apart from the revenues of the town an annual amount to be covered into a sinking fund sufficient to pay, at or before maturities, all outstanding bonded indebtedness of the town. This does not include so-called short term obligations of the town. The council may, in its discretion, annually, from time to time, set aside such additional sinking funds for equipment and capital improvements as it may deem advisable.

(b) All sinking funds set aside for the payment of the bonded indebtedness of the town shall be used exclusively in the payment or purchase and redemption of such outstanding bonds. When any sinking funds are not immediately needed for the purpose for which they were provided, they may be invested in securities as provided for by the Public Finance Act (§ 15.2-2600 et seq.) of the Code of Virginia under the then existing laws of the Commonwealth of Virginia for public sinking funds, to such extent as the council shall deem proper or expedient. (1954, c. 240; 1968, c. 173; 2014, c. 786)

§ 3.21. Annual audit of financial records; fiscal year.

The council shall have the financial records of the town audited by a certified public accountant annually, as soon after the close of the fiscal year as it practicable or at any other time deemed necessary

by the council. The fiscal year begins and ends in accordance with the Code of Virginia. (1954, c. 240; 1968, c. 173; 2014, c. 786)

Chapter 4. Property; Buildings; Utilities; Streets.

§ 4.01. Town plan generally; subdivision.

The town is empowered to make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within its corporate limits into streets, alleys, roads and lots or tracts shall be submitted to and approved by the council within such limitations as they may prescribe before such plats or replats are filed for record or recorded in the office of the clerk of the circuit court of Montgomery County, Virginia.

The town council shall have the authority to require real estate subdividers within the corporate limits of the town to construct, at the subdividers' expense, water mains, sewer mains, streets, drainage, sidewalks, curbs and gutters. Such construction shall be as prescribed by and under the direction of the town council.

The town council shall have the authority to negotiate with subdividers without the corporate limits as to the construction of water mains, sewer mains, and as to water and sewer service. (1954, c. 240; 2014, c. 786)

§ 4.02. The town council shall have the power and authority to acquire, establish and maintain public grounds, parks, parking lots, playgrounds and boulevards, to equip and beautify same; to erect and maintain public buildings for the proper use of the town, to provide a prison house, workhouse, and to employ managers, physicians, nurses and servants for the same, and prescribe regulations for their government and discipline, and persons therein. (1954, c. 240)

§ 4.03. To provide, in or near the town, lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, to cooperate with any nonprofit corporation in the improvement and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plat, for which the said donation, gift, or bequest shall have been made. (1954, c. 240)

§ 4.04. For the promotion of health, safety, morals, comfort, property and general welfare, the town is empowered to provide by ordinance, for the adoption of a master plan, divide the area of the town into one or more districts, establish setback building lines, regulate and restrict the location, construction, reconstruction, alteration and repair or use of buildings and other structures and their height, area and bulk and percentage of lot to be occupied by buildings or other structures and the trade, industry and

other specific uses of the premises in such districts and adapt building, plumbing, electrical and other codes to carry these purposes into effect. (1954, c. 240)

§ 4.05. The town council shall have the power and authority to establish a market or markets in and for said town, and appoint proper officers therefor; to provide suitable buildings and grounds therefor; to prescribe the time for holding markets and to regulate the same, and to make and enforce such regulations as may be necessary and proper. (1954, c. 240)

§ 4.06. Waterworks, sewage disposal facilities, etc.; eminent domain.

(a) The town council shall have the power and authority to acquire or otherwise obtain control of, or establish, maintain, operate, extend and enlarge waterworks, sewerage systems and treatment facilities, gasworks, electric plants, airports and other public utilities within or without the limits of the town; to acquire within or without the limits of the town by purchase, or otherwise, whatever land may be necessary for acquiring, locating, establishing, maintaining, operating, extending and enlarging said waterworks, electric plants, airports, and other utilities, and rights of way, rails, pipes, manholes, poles, conduits and wires connected therewith; establish rates, rules and regulations for all public utilities operated by the town, any or all of which rates, rules and regulations the council may alter at any time without notice. The town council may, by ordinance, prohibit the waste and unnecessary use of water.

(b) The town of Christiansburg may exercise the power of eminent domain with respect to land and improvements thereon, machinery and equipment, for any lawful purposes of said town.

The powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia as in force on the date of the enactment of this charter are hereby conferred on and vested in the town of Christiansburg. In addition, the town of Christiansburg shall have the powers set forth in §§ 33.1-119 through 33.1-129 of the Code of Virginia. When certificates are issued pursuant to §§ 33.1-119 through 33.1-129, inclusive, of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, they may be issued by the town council, signed by the town manager, or the mayor, and countersigned by the town treasurer. Such certificate shall have the same effect as a certificate issued by the Commissioner of the Virginia Department of Transportation under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of §§ 33.1-119 through 33.1-129, inclusive, of the Code of Virginia shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities. (1954, c. 240; 1968, c. 173; 2014, c. 786)

§ 4.07. The town council shall have the power and authority to make and enforce ordinances to secure the safe and expeditious use of the streets and alleys of the town, and to regulate traffic and parking thereon, and for the protection of persons and property thereon or near thereto. (1954, c. 240)

§ 4.08. The town council shall have the authority to open, grade, close, alter, improve, pave, drain, widen or narrow streets, avenues, alleys, construct curbs, gutters, and walkways. (1954, c. 240)

§ 4.09. The town council shall have the power to require the payment by the abutting property owners benefited by the installation of curbs, gutters and sidewalks, at half of the cost thereof. Such payments shall be made upon their real estate and collectable in the same manner as is herein provided for the collection of taxes. (1954, c. 240)

§ 4.10. Grade of streets, sidewalks, etc.; permits for street openings.
The town council shall have the exclusive authority to determine the grades for all streets, sidewalks, curbs, gutters and alleys not in conflict with the Virginia Department of Transportation, and shall have the right to require permits for, and control of any opening in any street under its jurisdiction. (1954, c. 240; 2014, c. 786)

§ 4.11. The town council shall have the power and authority to adopt ordinances authorizing owners or occupants of property abutting upon any street or alley in the town, within such limitation a they may prescribe, to construct and maintain in, upon and over such street or alley, awnings, fire escapes, sidewalk gratings, basement entrances, shutters, signs, cornices, gutters, down spouts and bay windows and other appendages to buildings; but such permission so granted shall be held and deemed to be a license merely and shall be revocable at the pleasure of the town, and said permission shall not be construed to relieve the said owners of any negligence on their part. (1954, c. 240)

Chapter 5. Fire Prevention.

§ 5.01. The town council shall have the power and authority to establish and maintain a fire department for the town, and all powers necessary for the government, management, maintenance, equipment and direction of such fire department and the premises, property and equipment thereof. The council may make ordinances as it may deem proper for the prevention and extinguishment of fires, for the regulation of the conduct of persons in attendance at fires, in relation to the powers and duties of the officers and men of the fire department, to require citizens to render assistance to the fire department in case of need, and in relation to the acquisition, use, maintenance and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1954, c. 240)

§ 5.02. The town council shall have the power and authority to regulate the keeping or storage of dynamite, gunpowder or other combustibles within the town, and to provide magazines for the same, and direct the location of all buildings for the storage thereof; to regulate the sale and use of dynamite, gunpowder and other combustibles, and firecrackers or fireworks manufactured therefrom, gasoline, kerosene oil, nitroglycerine, camphene, fuel oil, or other combustible material; to regulate the exhib-

ition of fireworks and the discharge of firearms, and to restrict the making of bonfires in streets, alleys and yards. (1954, c. 240)

Chapter 6. Health and Sanitation.

§ 6.01. The town shall have the power to provide for the general preservation of the public health of the inhabitants of the town; and to make regulations and ordinances to secure the same; to establish quarantines within or without the town; to control infectious diseases; and to enforce the removal of persons afflicted therewith to hospitals for the treatment thereof. (1954, c. 240)

§ 6.02. Connection with and use of town sewer or water pipe lines.

The town council shall have the power and authority to require the owners or occupiers of the real estate within the corporate limits of the town to use such sewer pipes and conduits and water furnished by the town under such ordinances and regulations as the council may deem necessary to secure the proper sewerage thereof and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties, under the provisions of this Charter. (1954, c. 240; 1968, c. 173; 2014, c. 786)

§ 6.03. The town is empowered to collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, to make and collect reasonable charges therefor; to acquire and operate reduction or any other plants or land for the utilization or destruction and disposal of such materials, or any of them; to require and regulate the collection and disposal thereof; to contract for and regulate the collection and disposal thereof. (1954, c. 240)

§ 6.04. The town council shall have the power and authority to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, to provide by general ordinances of the town what are nuisances, to cause abatement of any nuisance so declared to be by the general laws of the State or by the general ordinances of the town and the town shall have the authority to compel the abatement of nuisances within the town, or upon property owned by the town without the corporate limits, at the expense of the person, or persons causing the same, or of the owner or occupants of the grounds or premises whereon the same may be, and to collect said expenses by suit or motion; to require all lots, lands, and other premises within the town to be kept clean and sanitary, free from all stagnant waters, weeds, filth, fire hazards and unsightly deposits, or to make them so, at the expense of the owners or occupants thereof, and to collect said expenses by suit or motion, or by distress and sale; to regulate or prevent slaughter houses, or other noisome or offensive businesses within said town, the keeping of hogs or other animals, poultry or fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to compel the abatement of smoke or unnecessary noises; to regulate the location, construction, operation, and maintenance of billboards, signs, and advertising,

and to generally define, prohibit, abate, suppress, and prevent, all things detrimental to the health, morals, or safety, convenience or welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, free from all weeds, snow, or other obstructions. (1954, c. 240)

Chapter 7. Miscellaneous Provisions.

§ 7.01. Contracts for erection of public improvements and buildings; interest of council members in contracts.

All contracts for the erection of public improvements and buildings within the jurisdiction of the town shall be in compliance with the Code of Virginia, and in all cases where practicable, shall be let to the lowest responsible bidder, all things considered, and the party to whom any contract is let shall give bond as the council may require, but in no event shall any contract be let to any member of the town council, nor shall any member have any interest in such contract. (1954, c. 240; 1968, c. 173; 2014, c. 786)

§ 7.02. The town council shall have the power to provide for the inspection, testing, measuring, and weighing of any commodities or articles for sale, consumption or use within the town; to establish, regulate, inspect and license scales, measures, meters and similar devices; and to charge a reasonable fee for same, and to regulate the transportation of such commodities through the streets. (1954, c. 240)

§ 7.03. Protection of persons and property and preservation of peace and order.

The town council shall have the power and authority to protect the persons and property of the inhabitants of the town and others within the town, restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame and gambling houses; to prevent and punish lewd or indecent conduct or exhibitions in the town; and for any violation of such ordinances may impose fines and other punishments in addition to those prescribed by the laws of the State. (1954, c. 240; 2014, c. 786)

§ 7.04. (1954, c. 240; repealed 2014, c. 786)

§ 7.05. The town council shall have the power and authority, where any crime has been committed or attempted to be committed in the town, in their discretion to offer such reward as they think right to any person or persons for information leading to the arrest or conviction of any such criminal. (1954, c. 240)

§ 7.06. (1954, c. 240; repealed 2014, c. 786)

§ 7.07. (1954, c. 240; repealed 2014, c. 786)

§ 7.08. (1954, c. 240; repealed 2014, c. 786)

§ 7.09. The town is authorized to use the jail of Montgomery County for the confinement of persons awaiting trial for, or convicted and sentenced to jail for violation of town ordinances, upon such terms and conditions as may be agreed upon between the governing bodies of the town and county, respectively. (1954, c. 240)

§ 7.10. Working of prisoners.

Any person confined in jail as provided in this charter or for violations of town ordinances, the Code of Virginia, or federal laws may be required to work on the streets and public works of said town during the time of confinement. (1954, c. 240; 2014, c. 786)

§ 7.11. Continuation of existing ordinances.

All ordinances now in force in the town of Christiansburg, not inconsistent with this Charter, shall be and remain in force until altered, amended or repealed by the town council. (1954, c. 240; 2014, c. 786)

§ 7.12. No ordinance hereafter passed by said council, as now constituted or hereafter elected, for the violation of which any penalty is imposed, shall take effect until the same shall have been published as the council may order; and all laws regulating any ordinance of the council may be read in evidence in all courts of justice, and all proceedings before any officer, body or board, in which it shall be necessary to refer thereto; but after the expiration of six months from the date of such ordinance its publication shall not be questioned or its validity affected by any failure to publish the same; but this section shall not apply to the ordinances of whatever kind now in force in the town of Christiansburg so as to require republication thereof. (1954, c. 240)

§ 7.13. The present elective officers of the town shall be and remain in office until expiration of their several terms, and until successors have been duly elected and qualified. (1954, c. 240)

§ 7.14. Title of Charter.

This Charter may for all purposes be referred to or cited as the Christiansburg Charter of 1954, as amended. (1954, c. 240; 2014, c. 786)

Claremont, Town of

County of Surry

History of incorporation

Incorporated by an 1886 Act of Assembly.
Charter, 1885-86, c. 32; repealed 1948, c. 451.
Charter, 1948, c. 451; repealed 1977, c. 128 (except § 2).

Current charter

Charter, 1977, c. 128.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Claremont, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Claremont, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1977, c. 128)

§ 1.2. Boundaries.

The boundaries of the town of Claremont shall be in all respects the limits as described in § 2 of Chapter 451 of the Acts of Assembly of 1948 which section is incorporated herein by reference. (1977, c. 128)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Claremont shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1977, c. 128)

§ 2.2. Adoption of certain sections of the Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1977, c. 128)

§ 2.3. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of Claremont. (1977, c. 128)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for councilmen and mayor.

The town of Claremont shall be governed by a town council composed of five councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. The mayor and

councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for mayor and councilmen shall be held on the first Tuesday in May, 1978 and on the first Tuesday in May of every second year thereafter. The mayor and councilmen elected the first Tuesday in May, 1978 and thereafter shall enter upon their duties on the first day of July next succeeding their election, and shall each serve for a term of two years or until their successors have qualified. (1977, c. 128)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, including the members of the council, by a majority vote of the council. (1977, c. 128)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term from among the qualified voters of the town, including the members of council, by a majority vote of the council. (1977, c. 128)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1977, c. 128)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor for the purpose of enforcing peace and good order and executing the laws of the State and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1977, c. 128)

§ 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the major to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor over the acts of the council. (1977, c. 128)

§ 3.7. Acting mayor.

If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time but shall not exercise the veto power of the mayor over the acts of the council. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in the section. (1977, c. 128)

§ 3.8. Meetings of council.

The town council shall fix the time of its stated meetings, and it shall meet at least once a month and except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Three members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meetings and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. (1977, c. 128)

§ 3.9. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected. (1977, c. 128)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The town council may, in its discretion, appoint a town manager, town clerk, town treasurer, chief of police, town sergeant, town attorney and such other officers as it deems necessary, and may create such other boards and departments as may be authorized by law. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties, not inconsistent with general law, as this charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any such officers herein named. (1977, c. 128)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1977, c. 128)

§ 4.3. Term of office.

Appointees hereunder shall serve at all times during the pleasure of the town council and may be dismissed at any time by the council. (1977, c. 128)

§ 4.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1977, c. 128)

§ 4.5. Vacancies of office.

The town council may fill any vacancy in any appointive office. (1977, c. 128)

§ 4.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1977, c. 128)

§ 4.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for this purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth may require of town clerks. The records in his office shall be public records and open to inspection during regular business hours. (1977, c. 128)

Chapter 5. Court.

§ 5.1. Jurisdiction of court within the town.

The General District Court of Surry County, or their successors, shall have the same jurisdiction both criminal and civil within the town of Claremont over cases arising therein as those courts have in the county of Surry. (1977, c. 128)

Chapter 6. Financial Provisions.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1977, c. 128)

Chapter 7. Miscellaneous.

§ 7.1. Elections governed by State law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1977, c. 128)

§ 7.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1977, c. 128)

§ 7.3. Ordinances continued in force.

All ordinances now in force in the town of Claremont, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1977, c. 128)

§ 7.4. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1977, c. 128)

§ 7.5. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1977, c. 128)

§ 7.6. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1977, c. 128)

Clarksville, Town of

County of Mecklenburg

History of incorporation

Established by c. 110, 1818 Acts of Assembly.
Incorporated originally by an 1821 Act of Assembly.
Charter and incorporation, 1821, c. 109.
Charter, 1834, c. 223 (amends, but is a whole charter).

Charter, 1841, c. 126 (amends, but is a charter; amended in 1852, c. 372).
Charter, 1898, c. 303; repealed 1938, c. 44.

Current charter
Charter, 1938, c. 44.

Amendments to current charter
1952, c, 94 (§§ 6, 9)

1966, c. 72 (§ 5)

1973, c. 100 (§§ 1, 2, 5, 6, 8, 9, 10, 12, 15, 19 [repealed], 20 [repealed], 22, 25, 27 [repealed], 31, 34, 37 [repealed], 44, 45 through 48 [added])

1979, c. 422 (§§ 4, 6, 8, 9, 10 [repealed], 11, 15, 16 [repealed], 24, 26, 29 [repealed], 38 [repealed], 39, 47 [repealed], 48 [repealed])

1989, c. 124 (§ 39)

2009, cc. 487, 630 (§§ 1, 2, 6, 8, 9, 11, 12, 13, 14, 17, 18, 21, 22, 24, 25, 26, 28, 30, 31, 33, 34, 39, 40 [repealed], 42, 44, 49 [added])

2022, cc. 120, 121 (§§ 5, 9, 12)

§ 1. That part of the area of the County of Mecklenburg, embraced within the boundaries hereinafter in this section described, is hereby incorporated as a town under the name of the town of Clarksville, and the inhabitants within said boundaries shall henceforth constitute and be a body corporate and politic, with all the powers and privileges conferred, and subject to all the duties and obligations imposed, upon towns by general law, together with such modifications thereof and additions thereto and subject to the limitations, as hereinafter set forth, the boundaries of said town, as so incorporated, being as follows:

> Beginning at a point on the southern bank of the Dan River fifty feet north of the center of the railroad track at its entrance into the Southern railway company's bridge; thence running parallel with and fifty feet north of the track now used by the Atlantic and Danville railroad to a point one hundred yards beyond the center of the country road crossing near the Atlantic and Danville depot, and at which point a culvert passes beneath the track and empties into a certain branch or drain; thence in a southerly direction, following said branch leading into Blue Creek near the Oxford, North Carolina, country road, and following said Blue Creek to a point at which it enters the Roanoke River; thence along the bank in a northerly direction to the beginning. In addition, that territory being set forth by order of the Circuit Court of Mecklenburg, Virginia, dated July 31, 1951, and recorded in the clerk's office of the Circuit Court of Mecklenburg County, Virginia, in Chancery Order Book 29 at page 554 et seq. (1938, c. 44; 1973, c. 100; 2009, cc. 487, 630)

§ 2. The said town, and council thereof, shall in addition to the powers herein and heretofore granted to it, and the duties herein and heretofore granted to it, and the duties herein and heretofore imposed

upon it, have all the rights and powers granted to towns under all provisions of the Code of Virginia, unless hereby expressly denied to said town. (1938, c. 44; 1973, c. 100; 2009, cc. 487, 630)

§ 3. The municipal authorities of said town shall consist of a mayor and a council of six members, one of which councilmen shall be vice-mayor as hereinafter set forth, unless and until this form be changed in a manner prescribed by law. All persons who are qualified voters of the town of Clarksville shall be eligible to any of said offices. The terms of all of said offices shall begin and continue for such length of time as is prescribed by law, unless otherwise hereinafter set out. All the corporate powers of said town shall be exercised by the said council, or under its authority except when otherwise provided. (1938, c. 44)

§ 4. All corporate powers, legislative, financial and police authority vested in the town of Clarksville by law, shall be, and is hereby vested in the mayor and council of six members, all to be elected at large from the qualified voters of the town of Clarksville, except as hereinafter provided, to serve until their successors are elected and qualify. (1938, c. 44; 1979, c. 422)

§ 5. The mayor and three town council members will be elected from the town at large on the first Tuesday following the first Monday in November of even-numbered years beginning in November 2022, and three council members and the mayor biennially thereafter. Councilmen and the mayor shall be qualified electors of the town. The newly elected mayor and council members shall assume office the first day of January following each election and shall serve for terms of four years, except the mayor, who will serve for a term of two years, and until their successors are appointed or elected and qualified as provided by law. (1938, c. 44; 1966, c. 72; 1973, c. 100; 2022, cc. 120, 121)

§ 6. The town council may appoint such officers of the town as they deem necessary. Such officers may include, but shall not be limited to a town manager, a town clerk and a town attorney. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this charter, by the laws of the Commonwealth or by the town council. The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. Officers and deputies and assistant officers appointed by the town council, shall serve at the will and pleasure of the town council. The town council may appoint the same person to more than one appointive office, at the discretion of the town council, subject to the provisions of Article VII, Section 6 of the Virginia Constitution. The town manager shall be the executive officer of the town, and shall be responsible to the town council for the proper administration of the town government. It shall be the duty of the town manager to:

(a) Attend all meetings of the town council, with the right to speak but not to vote.

(b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him/her desirable.

(c) Prepare and submit the annual budget to the town council and be responsible for its administration after its adoption.

(d) Present adequate financial and activity reports as required by the town council.

(e) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

(f) Perform such other duties as may be prescribed by this charter, or required of him/her in accordance therewith by the town council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the town, except those appointed by the town council, pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. The town council shall designate by ordinance a person to act as town manager in the case of the absence, incapacity, death or resignation of the town manager, until his/her return to duty or the appointment of his/her successor. Until such time as the town council appoints any such town manager, the duties and powers outlined herein shall be given the mayor, or such other person as may be designated by the town council.

The town clerk shall be the clerk of the town council. He/she shall keep the journal of the proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He/she shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He/she shall perform such other duties and keep such other records as the town council may specify or the general laws of the Commonwealth require of town clerks. All records in his/her office shall be public records and open to inspection at any time during regular business hours. He/she shall be ex officio the assessor of the corporation with like powers and duties as a commissioner of the revenue in the assessments of the property for State and county taxation, and shall make and preserve a book in which the real estate of the town is assessed and one in which the personal property of the town is assessed for taxation, and shall return the same to the council at such time as it may prescribe for its inspection and approval. The assessment of real estate and personal property for the purpose of taxation, shall be the same as the assessment thereof, for the purpose of State and county taxes, if assessed for taxation by the State or County of Mecklenburg.

The town attorney shall be the legal adviser of the town council. He/she shall represent the town in all legal affairs as may be requested by the town council or by an officer of the town appointed under the

provisions of this charter. The town may employ the Commonwealth's Attorney of Mecklenburg County for criminal prosecutions.

The town treasurer shall collect the town taxes and licenses, and shall have the power to levy and sell for collection as given to county treasurers.

Any appointive officers or employees of the town may be appointed and serve whether or not the appointee be a resident or nonresident of the town. (1938, c. 44; 1952, c. 94; 1973, c. 100; 1979, c. 422; 2009, cc. 487, 630)

§ 7. The mayor and councilmen shall each, on or before the first day of the term for which they were elected, make and subscribe an oath of affirmation that they will truly, faithfully and impartially discharge the duties of their said office to the best of their abilities, so long as they shall continue therein, taking said oath before a notary public or some other officer authorized to administer oaths, a record of such to be entered in the town records. (1938, c. 44)

§ 8. The mayor shall preside over the meetings of the town council and shall have the same right to speak therein as other members of the town council; however, he/she shall vote only when they are equally divided. He/she shall be recognized as the head of the town government for all ceremonial purposes, for the purpose of military law and for the service of civil process. (1938, c. 44; 1973, c. 100; 1979, c. 422; 2009, cc. 487, 630)

§ 9. At or before its first meeting in January in odd-numbered years, the council shall elect one of its members to be vice-mayor who shall preside at such meetings in the absence of the mayor, and who, when the mayor is unable to perform any or all such duties so entrusted to the mayor, shall be designated acting mayor by a majority vote of the other members present. The vice-mayor, when acting as mayor, shall have all the duties and responsibilities of the position of mayor. The vice-mayor shall be entitled to a vote on all questions just as any other member except when he/she presides at a council meeting, at such time he/she shall vote only when it is necessary to break a tie. (1938, c. 44; 1952, c. 94; 1973, c. 100; 1979, c. 422; 2009, cc. 487, 630; 2022, cc. 120, 121)

§ 10. (1938, c. 44; 1973, c. 100; repealed 1979, c. 422)

§ 11. The presence of at least four members shall be necessary to make a quorum for the transaction of business. The town council shall fix the time of their stated meetings and they shall meet at least once a month. The mayor or vice-mayor when acting as mayor shall have the authority to call a special meeting of council at any time. Special meetings may also be called at any time by three members of the town council. All members shall be duly notified a reasonable period of time prior to any special meeting. If both the mayor and vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present or able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to

elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers or duties of the mayor, except as expressly stated in this section. (1938, c. 44; 1979, c. 422; 2009, cc. 487, 630)

§ 12. The town council is hereby authorized to fix the salaries of each of the members of the town council, mayor, members of boards or commissions and all appointed officers and all employees of the town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. The salaries of the mayor and town council shall be fixed by the council in February to be effective March 1 of each even-numbered year and shall not be increased or diminished during the following two-year period. (1938, c. 44; 1973, c. 100; 2009, cc. 487, 630; 2022, cc. 120, 121)

§ 13. The Treasurer, Clerk, policeman and such other officers and employees as may be required by the council so to do, shall before entering upon the duties of their offices or at such other time as the council may require, execute before the council of the said town or other officers of said town, proper bond with security and conditioned as the council may direct. The bonds of the Clerk, Treasurer or other officers from whom bonds may be required shall be conditioned for the faithful performance of their respective duties as such and for the proper collection and accounting for all money and securities which shall come into their hands, respectively, or which shall be their respective duty to collect at such time as the council may order and to pay over all moneys and securities under proper order of the council to those entitled to the same, and such other conditions as the council may direct. (1938, c. 44; 2009, cc. 487, 630)

§ 14. If any one who shall have been duly appointed or elected by the council as Clerk, Treasurer, policeman or for any other position shall refuse or neglect to take the oath of affirmation, or to give the bond required within the time prescribed, the council for the time being shall declare his/her said office vacant and shall forthwith fill such vacancy for the unexpired term, by majority vote of the entire council. (1938, c. 44; 2009, cc. 487, 630)

§ 15. Vacancies in the office of mayor and on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the remaining members of the council. (1938, c. 44; 1973, c. 100; 1979, c. 422)

§ 16. (1938, c. 44; repealed 1979, c. 422)

§ 17. If the said treasurer shall fail to account for and pay over all of any monies that shall come into his/her hands when thereto required by the council, it shall be lawful for the council, in the corporate name of the town, by motion before any court of record held in Mecklenburg county, to recover from the said treasurer and his/her sureties or their personal representatives, any sums that may be due

from the said treasurer to said town on ten days notice. But this action shall not be construed to prevent the bringing of any action by the town which it might have brought had this section not have been passed. (1938, c. 44; 2009, cc. 487, 630)

§ 18. If a policeman, treasurer, officer or employee shall fail to collect, account for, and pay over all taxes, fines and other revenues of the town coming into their hands for collection or safekeeping, according to the conditions of their respective bonds, it shall be lawful for the council to recover the same by motion in the corporate name of the town before any court of record in the said county of Mecklenburg, against the policeman, treasurer, officer or employee and sureties of either on his/her bond, or any or either of them, his/her or their executors, or administrators, on giving ten days' notice of the same. But this action shall not be construed to prevent the bringing of any action by the town which it might have brought had this section not have been passed. (1938, c. 44; 2009, cc. 487, 630)

§ 19. (1938, c. 44; repealed 1973, c. 100)

§ 20. (1938, c. 44; repealed 1973, c. 100)

§ 21. At each regular meeting of the council the proceedings of the last regular meeting and all special meetings since same, shall be read to the council and shall thereupon be corrected if erroneous and signed by the person presiding for the time being. Upon the call of any member, the ayes and nays on any question shall be called and recorded in the journal or minute book; but by unanimous vote of the members of the council present the reading of the minutes may be dispensed with. It shall be the duty of the clerk to assess all properties, the assessment of which may have been omitted by the county or State. (1938, c. 44; 2009, cc. 487, 630)

§ 22. Any appointed officer may by a three-fourths majority of the council be removed from office for good and sufficient cause and the unexpired term shall be filled by a majority vote of the entire council, but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him/her to be heard in his/her defense. (1938, c. 44; 1973, c. 100; 2009, cc. 487, 630)

§ 23. The council shall cause to be annually made up and entered upon its journal or minute book an account and estimate or budget of all sums which are, or may become lawfully chargeable to the said town, which ought to be paid within one year; and it shall order a town levy of so much as in its opinion is the amount which should be raised from taxes, license and other sources for said purposes. (1938, c. 44)

§ 24. It shall be the duty of the treasurer, or any person specifically ordered by the council to collect the taxes and/or the income and revenue of the town, to account for and pay the same to such person or persons and at such times as the council may order; and at such times as the council may prescribe to render an account to the council showing his/her receipts and disbursements of the money which

he/she has or should have collected, and to account for all taxes and other revenues which have been placed in his/her hands for collection and to return therewith a list of such as he/she shall have been unable with due diligence to collect, to which list the officer so rendering it shall make oath that he/she has used due diligence to collect the same, but has been unable to do so. (1938, c. 44; 1979, c. 422; 2009, cc. 487, 630)

§ 25. All moneys belonging to said town shall be paid over to the treasurer, and disbursed as directed by a majority vote of the council. He/she shall keep regular accounts with the town, crediting it by all moneys received, and, which by due diligence he/she might have received, and charging it with all moneys so disbursed, which books, as well as others relating to the business of the town, shall be open at any time to the inspection of the council or any member or agent thereof. He/she shall annually on the thirty-first day of August, or as soon thereafter as practicable, settle his/her accounts with the council or a committee thereof and at the same time he/she shall furnish a statement of all moneys received by him/her during the preceding year, and of all disbursements made. (1938, c. 44; 1973, c. 100; 2009, cc. 487, 630)

§ 26. The treasurer shall collect all the town taxes, licenses and other revenues, except as may be specifically otherwise ordered by the council, and shall have the power one month after he/she shall have received the books, of the assessor of the said town, to distrain and sell therefor in like manner as a county treasurer may sell and distrain for State taxes, and shall have in all other respects the same powers as a county treasurer to enforce the payments and collections thereof; and he/she and his/her securities shall be liable to all fines, penalties and forfeitures that a county treasurer is legally liable to for any failure or dereliction in his/her said office, to be recovered in the same manner and before the said courts that said fines, penalties and forfeitures are now recoverable against the county treasurer. (1938, c. 44; 1979, c. 422; 2009, cc. 487, 630)

§ 27. (1938, c. 44; repealed 1973, c. 100)

§ 28. The council so constituted shall have powers within said town to lay off, open, curb and pave streets, alleys, walks and gutters for the public use, and to alter, improve and light the same and have them kept in good order and free from obstruction on, over, under and through them; to regulate the width of sidewalks, and to order the sidewalks, footways and gutters to be kept free and clean and also may require the owners or occupants of property facing on such sidewalks to keep them free and clean; to lay off public grounds, and to provide contract for and take care of all public buildings proper for the needs of the town; to establish and regulate markets; to prescribe the time for holding the same and what articles shall be sold only in such markets; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to protect the places of divine worship and about the premises where held; to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and

other combustibles or explosives; to provide in or near the town places for the burial of the dead, and to regulate interments therein the town; to provide for and regulate building of houses or other structures and for making of division fences and for the drainage of lots; to make regulations and provisions for guarding against danger or damages from fire; to establish and regulate fire zones in said town; to provide for the poor of the town; to provide a revenue for the town and appropriate the same to its expenses and to provide the annual assessment of taxable property in the town; to adopt its own rules for the transaction of business and for the government and regulation of its own body; to promote the general welfare of the town, and to protect the property of persons therein; to keep a town guard; to appoint and order out a patrol for the town in like manner and for like purposes within the same as the patrol may be ordered out by the circuit court or justice within the county; to require and take from the policemen, treasurer and clerk bonds and sureties, in such penalty is the council may see fit, conditioned for the true and faithful discharge of their duties (all bonds taken by tile council shall be made payable to the town by its corporate name); to permit or prohibit the establishment of new places for the interment of the dead in or near the town, and to regulate the same; to erect or authorize or prohibit the erection of gas works or water works or gasoline tanks in or near the town and to regulate the transportation and sale of gas or gasoline or other explosives in or through the town; to prevent injuries or pollution, or danger to the water and healthfulness of the town; to receive gifts of real or personal property either by will or otherwise (for all which purposes named in this section, except that of taxation, the council shall have jurisdiction for one mile beyond the town); to regulate and provide for the weighing and measuring of hay, coal and other articles sold or for sale in said town, and to regulate the transportation thereof through the streets. (1938, c. 44; 2009, cc. 487, 630)

§ 29. (1938, c. 44; repealed 1979, c. 422)

§ 30. To carry into effect those enumerated powers, and all other powers conferred upon cities and towns, or its council; expressly or by implication, in this or any other Acts of the General Assembly of Virginia, the council shall have power to make and pass all needful orders, by-laws and ordinances not contrary to the Constitution of the United States, and to prescribe, impose and enact reasonable fines not exceeding one thousand dollars, and penalties, or imprisonment in the county jail for not exceeding twelve months, or both such fine and imprisonment (except that in case of contempt the imprisonment in jail should not be for more than ten days or a fine of more than twenty dollars), or to enforce the collection of a fine which fines, penalties and imprisonment shall be recovered under the judgment of the mayor of said town, or by the person lawfully exercising his/her functions. And the authorities of said town may, with the consent of the circuit court of said county, entered of record, have the right to use the jail of said county of Mecklenburg for any purpose for which the use of a jail may be needed by them, under the acts of the council or of the State. (1938, c. 44; 2009, cc. 487, 630)

§ 31. All policemen shall have the power to exercise within the corporate limits of said town and in the county of Mecklenburg within one mile of the corporate limits of said town all the duties that a

constable can legally exercise in regard to the collection of claims executing and levying processes, and he/she and his/her sureties shall be liable to all fines, penalties and forfeitures that a constable is legally liable to, for a failure or dereliction in his/her said office, to be recovered in the same manner and before the same court that said fines, penalties and forfeitures are now recoverable against a constable. (1938, c. 44; 1973, c. 100; 2009, cc. 487, 630)

§ 32. The council may regulate any theatrical performance, entertainment, show, public dance hall, pool room or any other entertainment or exhibition, or if they deem any one of them injurious to the morals or good order of the town they may prohibit the same. (1938, c. 44)

§ 33. The said council shall have the power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent hogs, dogs, or other animals from running at large or doing injury or annoying persons or property in the limits of the corporation, and may subject the owners of such animals to such fines, regulations and taxes as they may deem proper and which fines and taxes shall constitute liens on same, and said animals may be sold or killed after ten days' notice, to enforce payment of said fines and taxes. (1938, c. 44; 2009, cc. 487, 630)

§ 34. The council shall not take or use any private property for streets or other public purposes, without making to the owner or owners thereof just compensation for the same; but in all cases where the said corporation cannot be an agreement, obtain title to or an easement in the ground necessary for the purposes, it shall be lawful for said corporation to apply to the Circuit Court of Mecklenburg County for authority to condemn the same, either within or beyond the corporate limits of said town of Clarksville, which shall be applied for and proceeded with according to law. The powers of eminent domain set forth in Title 1 and Title 15.2 of the Code of Virginia, as amended, are hereby conferred upon the town. (1938, c. 44; 1973, c. 100; 2009, cc. 487, 630)

§ 35. Whenever any business, profession, trade. occupation, amusement, or solicitation of any business, services or trade, by out of town residents, or those residing within the corporate limits, of whatever kind or nature, legal under the Constitution of the United States or Acts of Congress thereunder, and the Constitution and laws of the State of Virginia, be performed, transacted, rendered or done within the said town, the council may, unless prohibited by general law, require a license for doing the same, and may impose a tax thereupon for the use of the town, whether or not the laws of the State of Virginia require such license; and the council may require from the said person so licensed, a bond with sureties in such penalty, and with such conditions as it may think proper. Said council may also grant or refuse license to owners or keepers of wagons, drays, carts or motor vehicles, in the town, and may require taxes to be paid thereon, and subject to the same to such regulations as they may deem proper. (1938, c. 44)

§ 36. The council shall not have the power to contract or authorize the contracting of any debt or liability or make any appropriation of money without concurrence of at least four members of the council, entered on the journal or minute book. (1938, c. 44)

§ 37. (1938, c. 44; repealed 1973, c. 100)

§ 38. (1938, c. 44; repealed 1979, c. 422)

§ 39. The levy so ordered may be upon all the real estate within the said town which is not exempt from taxation, and on all such other property and subjects, subject to local taxation, not prohibited by law; provided that before any bonded debt shall be created by the said council for which money is to be borrowed, the council, if it shall deem it to be to the interest of the corporation to create such debt, evidenced by a recorded vote of a majority of its members, shall hold a public hearing for citizen input. After holding a public hearing the said council may issue and sell the bonds of the said corporation, and said bonds shall be issued in such denominations and bear such interest, commonly thought to be the best rate, said interest to be payable monthly, quarterly, semi-annually or annually, as the council may prescribe. The council may select a depository for the money arising from the same or negotiations of the said bonds, and they may require such security therefor as may be approved by a majority of the council. (1938, c. 44; 1979, c. 422; 1989, c. 124; 2009, cc. 487, 630)

§ 40. (1938, c. 44; repealed 2009, c. 487, 630)

§ 41. The revenues from these and other sources shall be collected, paid over and accounted for at such time and to such persons as the council shall order, and the said council shall have the further power and authority to designate the time of the year for which taxes are assessed shall begin, except when otherwise provided by the State. (1938, c. 44)

§ 42. There shall be a lien on the real estate within said town for the town taxes assessed thereon, from the commencement of the year for which they are assessed. When any of said taxes are returned delinquent a list of the same shall be returned to the clerk of the circuit court of the county of Mecklenburg, and be by him/her entered in a book furnished by the said town, and kept in his/her said office, the form and manner of entering the same to be similar to that provided by law for the record of delinquent taxes on real estate due the State or county. In said book there shall also be records in which shall be entered the names of purchasers, the amount and date of sale or real estate sold for delinquent taxes as provided in this charter. When the taxes so returned delinquent are entered into said record as herein provided, the same shall be held to be constructive notice of the lien thereof, and the said real estate shall be liable thereto as against creditors, and in the hands of purchasers or other persons into whose hands the said real estate may pass. And the said real estate may be sold for taxes as provided in this charter, whether owned by the persons in whose name it was assessed or not. After said real estate has been so sold for taxes the same may be redeemed within such time and by such persons and upon such terms as is provided by law for the redemption of lands sold for State

and county taxes, except that the money paid for such redemption shall be paid to the treasurer of the town of Clarksville. Upon such redemption of said real estate the Treasurer shall issue to the persons so redeeming it a certificate to that effect, which certificate shall be presented to the mayor of the town, who shall countersign the same, and the same when so countersigned shall be presented to the clerk of the circuit court of the county of Mecklenburg, who shall thereupon mark in the said record the redemption of the said real estate, the name of the party redeeming it, and the date thereof, and shall preserve such certificate in his/her office. The clerk shall receive for his/her services a fee of ten cents for each lot of land so entered in such record, a fee of ten cents for the entry of such sale of real estate as is provided in this charter, and a fee of twenty-five cents for such redemption so entered, to be paid by the town of Clarksville, and which shall be charged against and be a lien upon said land along with the taxes against the same. At the expiration of the time within which said real estate may be redeemed, if the same has not been redeemed as herein provided, the clerk of the town of Clarksville shall execute to the purchaser thereof a deed conveying the same in like manner as is prescribed by law for the conveyance of real estate by the clerk of the county which has been sold for delinquent taxes to the State and such deed shall convey title as would be conveyed had the same been sold for State or county taxes. (1938, c. 44; 2009, cc. 487, 630)

§ 43. The circuit court of Mecklenburg county on application of the council may order real estate, delinquent for the non-payment of taxes, to be sold by the treasurer of said town at public auction for such taxes at such times as it shall direct; said sale and the advertisement thereof, to be made in conformity, as near as may be, to the State law with reference to the sale of delinquent land. When such sale has been made the same with the date thereof, the name of the purchaser and the amount for which the said real estate sold shall be entered by the clerk in the record of delinquent real estate provided for in § 42. (1938, c. 44)

§ 44. All the rights, privileges and properties of the said town heretofore acquired and possessed, owned and enjoyed by any act now in force, not in conflict with this act, shall continue undiminished and remain vested in the said town under this act, and all laws, ordinances, acts and resolutions of the council now in force, not inconsistent with this act, shall be and continue in full force and effect until regularly repealed by a council elected as provided under this act. (1938, c. 44; 1973, c. 100; 2009, cc. 487, 630)

§ 45. The town council shall establish its own rules of order and procedure. (1973, c. 100)

§ 46. All ordinances of the town, so far as they are applicable shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1973, c. 100)

§ 47. (1973, c. 100; repealed 1979, c. 422)

§ 48. (1973, c. 100; repealed 1979, c. 422)

§ 49. The town council may, by ordinance provide that taxes or charges hereafter made, imposed, or incurred for water use within the Town of Clarksville shall be a lien on the real estate served by such waterline. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water service was provided to the property. (2009, cc. 487, 630)

Cleveland, Town of

County of Russell

History of incorporation

Incorporated by order of the Circuit Court of Russell County in 1946.

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

IN RE: Incorporation of THE TOWN OF CLEVELAND.
ORDER
This day came Mrs. D. M. Deskins, J. B. Cook, R. D. Arrington, F. H. Price, Utah Counts, Sherman Wallace, Maynard Wallace, W. E. Fraley, W. H. Ferguson, J. E. Purcell, Stewart Campbell, Mrs. W. H. Ferugon, Ira Johnson, E. E. Hubble, W. G. Price, C. B. Jococo, Joe Boothe, Mrs. Carson Fleenor, C. H. Fleenor, and Mrs. J. E. Purcell and presented to the Court a petition praying that the hereinafter described unincorporated town or thickly settled community located in Russell County, Virginia, be incorporated as a town by the name and style of "The Town of Cleveland";
Upon consideration whereof, it appearing to the Court from the testimony of witnesses sworn and examined in open court that the said petitioners, who are twenty in number, are all duly qualified voters residing within the boundaries of the said town of Cleveland as hereinafter set out, and it further appearing to the Court from the certificate of the publisher of the Lebanon News, a weekly newspaper published in the County of Russell, Virginia, that the aforesaid petition has been published in full in the Lebanon News for four successive weeks, beginning with the issue of April 5, 1946, and the Court being satisfied from the evidence presented that it will be to the best interest of the inhabitants of said town; that the said petition is reasonable; that the general good of the said community will be promoted; that the number of inhabitants of said town exceeds two hundred and does not exceed five thousand, and that the area designed to be embraced within the town is not excessive, as is alleged by said petition, it is, therefore, adjudged, ordered, and decreed that that portion of the Cleveland Magisterial District of Russell County, Virginia, bounded as follows, to-wit:

BEGINNING at the T. V. A. River gauge located on the west bank of Clinch River, and thence by a straight line to the northeast corner of the Counts Cemetery, and with the southern bounds of said Cemetery to the southwest corner and thence by a straight line extended from and being parallel

with the southeastern boundary of said cemetery southwest to a point on the R. E. Smith - W. Kinder Kiser boundary line, and with this boundary line southeast to the south bank of Clinch River, and with the South bank of Clinch River, to the mouth of Tank Hollow Branch, and with Tank-Hollow Branch, crossing the N & W right-of-way to the Tank Hollow Falls, and thence by a straight line due east to a point 100 feet east of the drain pipe under the Lebanon to Cleveland Highway (said drain pipe being at the mouth of the John Amos hollow) and thence a straight line due north to the northeastern corner of the Towns water reservoir, and continuing due north, again crossing the N. & W. right-of-way at the wagon crossing to the south bank of Clinch River, and with the south bank of Clinch River to the mouth of Counts Branch (also mouth of towns sewage system) and diagonally across Clinch River to the T.V.A. River gauge which was the BEGINNING.

Be and the same is hereby incorporated as a town by the name and style of "The Town of Cleveland" and that henceforth the inhabitants within such bounds shall be a body politic and corporate, with all of the powers, privileges, and duties conferred upon and appertaining to towns under the general law. It is further adjudged, ordered, and decreed that one elector of the said town shall be denominated the Mayor and five electors of said town shall be denominated the councilmen of said town and that the Mayor and councilmen shall constitute the Council of said town, and that on the 11th day of July, 1946, at G. Rasnake Garage Building in said town a Mayor and Five councilmen, as aforesaid, shall be elected as provided by law and the Electoral Board of Russell County if hereby directed not less than fifteen days before said election to appoint one registrar and three judges of election, who shall act as commissioners of election and shall conform to the requirements of Section 2925 of the Code of Virginia, and that said election shall be conducted so as to conform in all respects to the requirements of the general law regarding the holding of elections in towns so far as applicable.
The Clerk of this Court is hereby directed to enter this order in the current Common Law Order Book in his office, and the Sheriff of this County is ordered and directed to post a certified copy of this order at the front door of G. Rasnakes Garage Building in the said Town of Cleveland, Russell County Virginia, and the Electoral Board of said County is directed to appoint the necessary Election officials of said Town consisting of a Registrar, three Judges and two Clerks to conduct the Election in said town as herein ordered for the purpose of electing a Mayor and members of the Town Council for said town.

Clifton Forge, Town of

County of Alleghany

History of incorporation

Originally known as Williamson's Station (*Hornbook of Virginia History,* 4th ed).
Established as a town in 1861 in County of Alleghany (*Hornbook of Virginia History*).
Named for James Clifton's iron furnace when incorporated as a town in 1884 (*Hornbook of Virginia History*).
Town charter, 1884, Extra Session, c. 200.

Town charter, 1900, c. 234; repealed 1918, c. 217.
Incorporation as a city by court order, 1906 (*Hornbook of Virginia History).*
Charter, 1918, c. 217; repealed 2002, c. 124.
Reverted from city to town status pursuant to Court Order Book 036, Page 451, order dated January 2, 2001, effective July 1, 2001.

Current charter
Charter, 2002, c. 124.

Amendments to current charter
2006, cc. 2, 17 (§§ 3.4, 3.7)

Article 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the Town of Clifton Forge, as the same are now or may hereafter be established by law, shall constitute and continue to be a body politic and corporate under the name of the Town of Clifton Forge (the town), and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal that it may alter, renew or amend at its pleasure. (2002, c. 124)

§ 1.2. Boundaries.

The corporate limits or boundaries of the town, unless and until changed in the manner prescribed by law, shall be the same as set forth in Chapter 217 of the Acts of Assembly of 1918 and as set forth in an annexation order dated December 30, 1961, entered by the Circuit Court of Alleghany County. (2002, c. 124)

Article 2. Powers.

§ 2.1. General grant of powers.

The town shall have and may exercise all powers that are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers which, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive but in addition to this general grant. (2002, c. 124)

§ 2.2. Construction.

The powers that are now or may hereafter be conferred upon or delegated to the town under the Constitution and general laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by the town. (2002, c. 124)

§ 2.3. Adoption of certain sections of the Code of Virginia.

The powers set forth in Chapter 11 (§ 15.2-1100 et seq.) and Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 of the Code of Virginia (1950), and any acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the town. (2002, c. 124)

§ 2.4. Eminent domain.

The town is hereby empowered to acquire by condemnation, gift, lease, purchase or bequest, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as the council deems expedient.

The town shall also have all powers of eminent domain that are now or may be granted to a municipal corporation under the laws of the Commonwealth. (2002, c. 124)

Article 3. The Council.

§ 3.1. Definitions.

As used in this charter, the term "officer" refers to council members and persons appointed by and responsible to the council, such as the town clerk, the town manager, and the town attorney; the term "officials" refers to administrative department heads; and all other persons employed by the town are designated "employees." (2002, c. 124)

§ 3.2. General powers and duties of the council.

The government of the town shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the town and for ensuring the implementation thereof by the town administration. (2002, c. 124)

§ 3.3. Composition and qualifications.

The council shall be composed of five council members to be elected from the town at large. The council members shall be qualified voters of the town. (2002, c. 124)

§ 3.4. Election and term of office.

The council shall be elected in the manner provided by Virginia elections laws. Three council members shall be elected on the Tuesday after the first Monday in November 2006 and every four years thereafter. Two other council members shall be elected on the Tuesday after the first Monday in November 2008 and every four years thereafter.

The term of office for all council members shall begin on the first day of January next following their election, and they shall serve for a term of four years or until a successor shall have been elected and qualified; provided, however, that the terms of the three council members subject to expire June 30, 2006, shall be extended to December 31, 2006, and the terms of the two council members subject to

expire June 30, 2008, shall be extended to December 31, 2008. The council members may succeed themselves as often as the voters may choose. (2002, c. 124; 2006, cc. 2, 17)

§ 3.5. Voters of the town.

The voters of the town shall be the actual residents of the town who are qualified to vote for members of the General Assembly. (2002, c. 124)

§ 3.6. Compensation; expenses.

The council may determine the annual salary of its members by ordinance or resolution but no ordinance or resolution increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of the office. (2002, c. 124)

§ 3.7. Mayor and vice-mayor.

At the first meeting of the council in January of each odd-numbered year, the council shall elect from its members a mayor who shall be one of said five council members and who shall serve for a term of two years. The mayor as a member of the council shall have the same powers and duties as other members of the council, with a vote, but no veto. In addition, the mayor shall preside at meetings of the council, shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes but shall have no administrative duties.

At the first meeting of the council in January of each odd-numbered year, the council shall also elect from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as mayor during the absence or disability of the mayor.

The mayor and vice-mayor in office at the time of the passage of the amendment to this charter shall continue in office as mayor and vice-mayor, respectively, until the first meeting of the council in January 2007. (2002, c. 124; 2006, cc. 2, 17)

§ 3.8. Absence or disability of mayor and vice-mayor.

If both the mayor and vice-mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the council to order and shall preside during the meeting until council elects an acting mayor. This shall not be construed to vest in the clerk any of the powers and duties of the mayor, except as expressly stated in this section. (2002, c. 124)

§ 3.9. Prohibitions.

Except as otherwise authorized by law, a member of council shall not be eligible as such member during his tenure of office, or for one year thereafter, to any compensated town employment. If appointed

by the council to a board or commission, a member of council may be compensated as a member of the board or commission.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officials or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

Except for the purpose of discussions, informal reviews, inquiries and official investigations, the council or its members shall communicate with town officials and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such official or employee, either publicly or privately. (2002, c. 124)

§ 3.10. Vacancies.

The office of a council member shall become vacant upon his death, resignation, or removal from office in a manner authorized by law.

A vacancy on the council shall be filled within forty-five days, for the unexpired term, by a majority vote of the remaining members if the vacancy occurs two years or less before the date of expiration of such term. If the vacancy occurs more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of council only until the next councilmanic election, at which election the voters of the town shall elect a person to serve as council member for the remaining years of the term.

If a vacancy is being filled by voters at the next councilmanic election, the candidates receiving the highest number of votes will be entitled to full terms and the candidate receiving the next highest number shall be entitled to the unexpired term caused by the vacancy. (2002, c. 124)

§ 3.11. Town clerk.

The council shall appoint a town clerk who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, keep all papers, documents and records pertaining to the town, keep and attest the town seal, and perform such duties as are assigned to the clerk by this charter or by the council. (2002, c. 124)

§ 3.12. Independent audit.

The council shall provide for an independent annual audit of all the town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers. (2002, c. 124)

§ 3.13. Procedure.

The council shall meet regularly at least once in every month, at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor or of any two members upon no less than twenty-four hours' notice to each member, except in cases of extreme emergency when the time limit may be waived. No business shall be transacted by the council in such special meeting that has not been stated in the notice unless all members of the council are present and give their unanimous consent to the consideration of such business, and such business is an emergency or of an unusual nature.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Each member shall cast either an aye vote or a nay vote, except in those situations in which a member must abstain from voting due to a conflict in interest. Three members of the council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the council, except as provided in the preceding sentence, shall be valid or binding unless adopted by the affirmative vote of three or more members of the council. (2002, c. 124)

§ 3.14. Town attorney.

An attorney shall be appointed by and serve at the pleasure of the council. He shall be qualified to practice law in the Commonwealth of Virginia. He shall serve as chief legal advisor to the council and to the town administration. (2002, c. 124)

§ 3.15. Committees, boards and commissions.

The council may create committees, boards and commissions to be composed of such numbers of citizens as the council may deem expedient as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and the powers and duties of such committees, boards and commissions consistent with the general law.

All members of committees, boards and commissions appointed by the town council may be removed by the council unless otherwise provided by the general law. (2002, c. 124)

Article 4. The Town Manager.

§ 4.1. Appointment, qualifications and compensation.

A town manager shall be appointed by and serve at the pleasure of the council. The amount of compensation shall be fixed by the council. The manager shall be appointed solely on the basis of executive and administrative qualifications in the profession of management and administration. The manager need not be a resident of the town or the Commonwealth at the time of appointment but may

reside outside of the town while in office only with the prior approval of the council. Council may enter into a multi-year employment agreement with the manager. (2002, c. 124)

§ 4.2. Powers and duties of the town manager.

The town manager shall be the chief executive officer of the town. The manager shall be responsible to the council for the proper management and administration of all town affairs placed in his charge by or under this charter. The manager shall have the following powers and duties. The manager shall:

1. Appoint and, when deemed necessary for the good of the service, suspend or remove any town employee or appointive administrative official provided for, by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The manager may authorize any administrative official who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that official's department, office or agency.

2. Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by other law.

3. Attend all council meetings and shall have the right to take part in discussion but may not vote.

4. See that all laws, provisions of this charter and acts of the council, subject to enforcement by the manager or by officials subject to the manager's direction and supervision, are faithfully executed.

5. Prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget.

6. Make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to the manager's direction and supervision.

7. Keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the manager deems desirable.

8. Perform such other duties as are specified in this charter or may be prescribed by the council. (2002, c. 124)

§ 4.3. Removal.

The council may remove the manager at any time at the pleasure of the council. The action of the council in suspending or removing the manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council. (2002, c. 124)

Article 5. Administrative Departments.

§ 5.1. Creation of departments.

The council may establish all departments, offices and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth. (2002, c. 124)

§ 5.2. Direction by manager.

All departments, offices and agencies except as otherwise provided by this charter or by general law shall be under the direction of the town manager and shall be administered by an official appointed by and subject to the direction and supervision of the manager. (2002, c. 124)

Article 6. Financial Procedures.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on the first day of July and end on the last day of June. (2002, c. 124)

§ 6.2. Submission of budget and budget message.

On or before the first day of May of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. (2002, c. 124)

§ 6.3. Budget message.

The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall explain the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable. (2002, c. 124)

§ 6.4. Budget.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall begin with a clear, general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual income and expenditures of the preceding fiscal year. The budget shall indicate in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

2. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

3. Anticipated net income or net loss for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated available funds. (2002, c. 124)

§ 6.5. Council action on budget.

The council shall publish in one or more local newspapers the general summary of the budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public; and

2. The time and place, not less than two weeks after such publication, for a public hearing on the budget.

After the public hearing, the council may adopt the budget with or without amendment to expenditures, revenues, programs, tax levies, or any other amendment that council deems necessary. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to any amount greater than the total of estimated available funds.

The council shall adopt the budget before the first day of the fiscal year for which adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. (2002, c. 124)

§ 6.6. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town. (2002, c. 124)

§ 6.7. Amendments after adoption.

If during the fiscal year the manager certifies that there are available for appropriation funds in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated funds to meet such appropriations, the council may by such

emergency ordinances authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

If at any time during the fiscal year it appears probable to the manager that the funds available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs, departments, office, or agency. (2002, c. 124)

§ 6.8. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered by the manager. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. (2002, c. 124)

§ 6.9. Debts and bonds.

The council of the town shall be empowered to borrow such sum or sums of money as may be necessary or convenient, subject to such limitations that are now or may be imposed by the Constitution and the laws of the Commonwealth of Virginia. The council of the town shall be empowered to issue revenue bonds as may be necessary or convenient in the manner prescribed by law. (2002, c. 124)

§ 6.10. Assessments of local improvements.

The council may impose special assessments for local improvements and force payment thereof, subject to such limitations prescribed by the laws of the Commonwealth as may be in force at the time of the imposition of such special assessments.

The council may provide that the persons, firms, and corporations against whom the special assessments have been made may pay such assessments in equal installments over a period not exceeding ten years, together with interest on the unpaid balances as allowed by the Constitution and the general laws of the Commonwealth. (2002, c. 124)

Article 7. General Provisions.

§ 7.1. Charter amendment.

Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth. (2002, c. 124)

§ 7.2. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (2002, c. 124)

§ 7.3. Oaths of office and official bonds.

All elected officers and officials of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the town clerk and the Clerk of the Circuit Court of Alleghany County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer or official within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant unless general law otherwise provides, in which event general law shall prevail. (2002, c. 124)

§ 7.4. Books, records, et cetera.

All books, records and documents used by any elected or appointed town officer, official or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this charter, the general laws of the Commonwealth or the Clifton Forge Town Code as responsible for the keeping of such books, records and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, deliver to the town clerk all such books, records, documents and town property. Any person failing to deliver such books, records, documents and property shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined no less than one hundred dollars and not more than five hundred dollars, or imprisoned not exceeding six months, or both, at the direction of the court or jury before whom the case is tried. (2002, c. 124)

Article 8. Transitional Provisions.

§ 8.1. Ordinances.

All ordinances, resolutions, orders and regulations of the town not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. Ordinances, resolutions, orders and regulations that are in force when this charter becomes effective and that are inconsistent with this charter are repealed. (2002, c. 124)

§ 8.2. Continuity of terms of officers.

The officers of the town who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified. (2002, c. 124)

§ 8.3. Citation of act.

This act may for all purposes be referred to or cited as the charter for the Town of Clifton Forge, Virginia, of the year 2002. (2002, c. 124)

Clifton, Town of

County of Fairfax

History of incorporation
Incorporated by a 1902 Act of Assembly.
Charter, 1902, c. 143; repealed 1938, c. 186.

Current charter
Charter, 1938, c. 186.

Amendments to current charter
1964, c. 250 (§ 3)
1975, c. 72 (§ 8.1 [added])
1976, c. 479 (§ 4.1 [added])
1977, c. 348 (§ 3)
1981, c. 66 (§ 3)
2004, c. 554 (§3)

§ 1. The town of Clifton, in Fairfax County, Virginia, shall continue to be a town corporate in the name and style of the town of Clifton, in Fairfax county, Virginia, and as such shall have and may exercise the powers and privileges hereinafter set forth, and all powers and privileges conferred upon it by this charter and which are now or may be hereafter delegated to towns in accordance with the Constitution or laws of the Commonwealth of Virginia. (1938, c. 186)

§ 2. The boundaries of said town shall be as follows, namely:

> Beginning at sign post corner Chappel and Main streets in said town. measuring four hundred and forty yards in opposite directions parallel with Main and Chappel streets, forming a square of one-half mile on each boundary, containing one-fourth square mile of territory. (1938, c. 186)

§ 3. (a) Government of said town shall be vested in a town council, which shall be composed of a mayor and five councilmen, who shall be residents and qualified voters in said town and whose qualifications to hold office, respectively, shall be the same as required of persons to vote and hold office under the Constitution and laws of the Commonwealth of Virginia. The mayor shall preside at all meetings of the council. In the absence of the mayor, the vice mayor shall preside at all meetings of the council. In the absence of the mayor and the vice mayor, one of the members of the council, to be chosen by the members present, shall act as mayor pro tempore and shall be clothed with all the powers of the regularly chosen mayor during the latter's absence from the meeting.

(b) The mayor and five councilmen shall be elected on the first Tuesday in May of every even-numbered year, and every two years thereafter, and shall hold office for two years from the first day of July next succeeding their election. The said mayor and five councilmen shall be elected under and pursuant to the provisions of the election laws of the State of Virginia governing town elections.

(c) The officers aforesaid shall qualify by taking the necessary oaths of office on or before the first day of July next succeeding the election, and shall enter upon the duties of their office on the first day of July next succeeding their election, and shall continue in office until their successors have qualified.

(d) The council shall appoint a clerk and town treasurer and may appoint a town sergeant, and if they deem it advisable a deputy town sergeant and such other officers as the council may deem necessary and proper, all of whom shall hold office at and during the pleasure of the council, and the said officers shall qualify and execute bond in the manner prescribed by resolution of the council, and the council shall have power to fill the vacancy in any of these offices, and in any other municipal office created by death, resignation, removal or otherwise. The same person may be appointed town clerk and town treasurer.

(e) The appointment of all election officials and the conduct of all elections for public office shall be pursuant to and in accordance with the provisions of general law.

(f) through (k) (deleted 1964)

(l) The town council may fine its members for disorderly behavior, and may, with the concurrence of two-thirds of all members elected, and after due notice, expel a member.

(m) There shall be an annual meeting of the town council on the first Tuesday of July in each year, at which time the town sergeant and treasurer shall make their annual settlements with the council, and at the annual meeting next succeeding a town election the new council shall organize and elect a town clerk, a town sergeant, a deputy town sergeant if they deem it advisable, and a town treasurer and such other officers as the town council may deem necessary and proper.

(n) There shall be such other regular and special meetings of the town council as the bylaws may prescribe, and at all meetings, four members of the council, of whom the mayor may be one, shall constitute a quorum for the transaction of all business.

(o) A vacancy in the office of mayor or councilman shall be filled within 30 days, from the electors of the town, for the unexpired term, by a majority vote of the remaining members of the council, provided, however, that a vacancy in the office of mayor may be filled from their own body by the council. (1938, c. 186; 1964, c. 250; 1977, c. 348; 1981, c. 66; 2004, c. 554)

§ 4. Insofar as not prohibited by general law, the council of said town shall have all of the general powers vested in it by the general laws of this State, and shall also have the power to mark the bounds of existing streets and to widen or narrow, lay out and graduate, pave and otherwise improve

streets and public highways within said town, to remove obstructions therefrom, and shall also have the power to pass and enforce all by-laws, rules, regulations and ordinances which the town council may deem necessary for the government of the town, the management of its property, the conduct of its affairs, the peace, order, comfort, convenience, morals, health and protection of its citizens or their property, or do such other things, adopt any ordinance that may be necessary or proper to carry into full effect all power, authority, capacity or jurisdiction which is or shall be granted to or vested in said town, or in the council or officers thereof, or which may be incident to a municipal corporation. (1938, c. 186)

§ 4.1. The powers set forth in §§ 15.1-841 and 15.1-843 of Chapter 18 of Title 15.1 of the Code of Virginia as now exist, and as hereafter amended, are hereby conferred on and vested in the town of Clifton. (1976, c. 479)

§ 5. The said council shall have the power to regulate the sanitary condition of said town, and to regulate the building and keeping in a sanitary condition all stables, hog pens, privies and slaughter houses, et cetera, and to abate nuisances at the expense of those who create them. They shall punish all violations of law by fine or imprisonment, or both, at the discretion of the mayor or the trial officer designated by the council to try such violation, subject to the general laws of this State and ordinances of said town applicable to said violations. (1938, c. 186)

§ 6. The corporate limits of said town are hereby created and declared to be a separate and distinct road district of Fairfax county, and no road tax shall be levied on any property within said limits, except by the council of Clifton, which tax shall be expended within the limits of said corporation for the construction, repair and improvement of the streets and roads therein, exclusive of the bridge across Pope's Head run, under the direction of the town council. (1938, c. 186)

§ 7. The jurisdiction of the corporate authorities of said town shall extend one mile beyond the limits thereof for imposing and collecting a license tax upon all shows or performances which may take place anywhere within said extended limits. (1938, c. 186)

§ 8. The council of said town shall have the right to impose a license tax by ordinance and collect the same from business, trades, professions or callings, and upon the persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of said town, whose principal office is or is not located in said town, except when prohibited by general law, whether or not a license may be required therefor by the State, and it may exceed the State license if any be required. It is the purpose of this section to give the council of this town the power to assess, issue a license or permit on any or all subjects within its jurisdiction not withheld from taxation by towns in accordance with the Constitution and general laws of the Commonwealth of Virginia. (1938, c. 186)

§ 8.1. Notwithstanding any other provision of law, the town council may establish one or more historic districts for the purpose of promoting the general welfare, education and recreational pleasure of the

public through the perpetuation of those general areas or individual structures and premises which have been officially designated by the town council as having historic or architectural significance. The establishment of historic districts shall be by amendment of the zoning ordinance and consistent with the purposes, criteria and procedures set forth in § 15.1-503.2 of the Code of Virginia. (1975, c. 72)

§ 9. All the rights, privileges and property of the town heretofore acquired, now owned or enjoyed, shall continue undiminished and remain vested in the town; and all laws of the Commonwealth of Virginia, ordinances, and resolutions of the council now in force and not inconsistent with this act, shall continue in full force and effect until repealed by the Commonwealth of Virginia or the council of the town of Clifton. (1938, c. 186)

§ 10. The enumeration of particular powers and authority in this charter shall not be deemed or held to be exclusive but in addition to the powers herein enumerated, implied hereby or appropriate to the exercise thereof, the said town shall have and may exercise all other powers which are now or may be hereafter conferred upon or enjoyed by towns under the Constitution and general laws of this State. (1938, c. 186)

§ 11. Subject to the provisions of the Constitution and the general laws of this State and the terms of this charter, the town of Clifton shall have the right and power to grant franchises to public utilities, persons, firms and corporations. (1938, c. 186)

§ 12. The present town council shall continue in office through August 31, 1938, and shall enjoy all the powers and privileges conferred upon the town council of the town of Clifton by this act. (1938, c. 186)

§ 13. If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1938, c. 186)

Clinchco, Town of

County of Dickenson

Current charter

Incorporation and charter, 1990, c. 925.

Amendments to current charter

1992, c. 35 (§ 3.1)

Chapter 1. Incorporation and Boundaries

§ 1.1. Incorporation.

The General Assembly incorporates the community known as Clinchco, in Dickenson County, Virginia, as a town and a body politic and corporate within the boundaries provided for in § 1.2, as such boundaries are now, or may hereafter be altered and established by law. As such, the town shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1990, c. 925)

§ 1.2. Boundaries.

The territory embraced within the boundaries shown on that certain plat recorded in Plat Book 1, page 384 in the Clerk's Office of the Clerk for the Circuit Court for the County of Dickenson shall be the territory of the Town of Clinchco. (1990, c. 925)

Chapter 2. Powers

§ 2.1. Powers of town.

The Town of Clinchco shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as now exist and as hereafter amended, and all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia are hereby conferred upon the Town of Clinchco, Virginia. (1990, c. 925)

Chapter 3. Mayor and Council

§ 3.1. Election, qualification and term of office.

A. The Town of Clinchco shall be governed by a town council composed of a mayor and six other members, all of whom shall be qualified voters of the town.

B. There shall be an election of a mayor and six other members of council in May 1992, and every four years thereafter at the regular May municipal election date. At such elections a mayor and six additional councilmen shall be elected to serve until their successors are duly elected and qualified.

C. The mayor shall preside at meetings of the council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for the purposes of military law. He shall have the same powers and duties as other members of the council with a vote, but no veto powers. (1990, c. 925; 1992, c. 35)

§ 3.2. Vice mayor.

At its first meeting in July of every even-numbered year the council shall select from its membership one member to serve as a vice mayor. The vice mayor shall preside over meetings of council in the absence of the mayor. (1990, c. 925)

§ 3.3. Qualifications of members.

Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. (1990, c. 925)

§ 3.4. Powers of council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of the Commonwealth of Virginia, and shall have the power in their discretion to appoint a town manager, a town attorney, a town clerk, a treasurer and a sergeant (who shall have the powers and duties provided in § 15.1-138 of the Code of Virginia). The persons so appointed shall have such duties and shall serve for such terms and at such compensation as the council may determine. One person may be appointed to more than one office. (1990, c. 925)

§ 3.5. Vacancies.

Vacancies on the council and in the office of mayor and vice mayor shall be filled for the unexpired term by a majority vote of the members of council. (1990, c. 925)

Chapter 4. Miscellaneous

§ 4.1. Eminent domain.

The power of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia are hereby conferred upon the Town of Clinchco, including the power to issue certificates pursuant to §§ 33.1-119 through 33.1-132 of the Code of Virginia. (1990, c. 925)

§ 4.2. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1990, c. 925)

§ 4.3. Legislative procedure.

Except in dealing with parliamentary procedure the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1990, c. 925)

Clinchport, Town of

County of Scott

History of incorporation

Incorporation and charter, 1894, c. 543; repealed 1915, c. 92.

Current charter
Charter, 1940, c. 210.

Amendments to current charter
1975, c. 154 (§§ 3, 6, 7, 11)

§ 1. Be it enacted by the General Assembly of Virginia, That the town of Clinchport, in Scott County, as the same is now or shall be laid off into lots, squares, streets and alleys, shall be and the same is hereby, made a town corporate by the name of Clinchport, and by that name shall have and exercise all the powers conferred on towns of less than five thousand inhabitants by the Code of Virginia and the general law of the State and be subject to all the provisions of said Code and to all laws now in force, or which may hereafter be enacted, in reference to the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1940, c. 210)

§ 2. The boundaries of said town shall be as follows:

> Beginning at the mouth of branch on the north side of Clinch River below Humphry Reed's; thence northwest to R. A. Smith's, near the mouth of Little Stock creek; thence with the Clinchport improvement company's line on top of the ridge to the said company's northeast corner; thence south to Clinch river; thence with meanders of said river to the beginning. (1940, c. 210)

§ 3. That the officers of said town shall consist of a mayor, five councilmen, and a recorder. The mayor and councilmen shall compose the council of said town. Said officers shall hold their office for two years, and until their successors are duly elected and qualified. (1940, c. 210; 1975, c. 154)

§ 4. The said council shall have power to pass all by-laws and ordinances for the proper government of said town, not in conflict with the Constitution and laws of the State of Virginia and the Constitution and laws of the United States. They shall have power, unless prohibited by general law, to impose a license tax upon all business upon which the State imposes license, or which is provided by law, and its officers shall have such power to collect the same as a State officer would have in like case; and to levy annually on property subject to local taxation under general law such taxes as it may deem necessary for the purposes of the town; provided that such levy shall not exceed $1.50 (one dollar and fifty cents) on the one hundred dollars' valuation of property. (1940, c. 210)

§ 5. The mayor shall be president of the council, but shall have no vote, except in case of a tie and shall be chief magistrate of the town, and as such shall see that the ordinances and by-laws of said town are faithfully executed, and that the various officers of the town faithfully discharge their duties. He shall be vested with full powers of a justice of the peace, civil and criminal, within the corporate limits, and one mile beyond and outside of the same; and shall, in addition, have such other powers and perform such other duties as are now or may be hereafter prescribed for mayors of towns of less than five thousand inhabitants. (1940, c. 210)

§ 6. The recorder shall keep an accurate record of all the proceedings of the council, its bylaws, acts and ordinances, which shall be open at all times to the inspection of any voter in the town, and the recorder shall be ex officio treasurer of said corporation, giving such bond, performing such duties and receiving such compensation as shall be prescribed by the council; he shall make out tax bills upon the estimates of property, when ordered by the council, and shall collect the same and shall have the power to distrain and sue therefor, in like manner as a county treasurer may distrain and sue for State taxes, and also administer oath of office to any officer of the corporation. (1940, c. 210; 1975, c. 154)

§ 7. The town police shall be vested with the powers of a conservator of the peace and with the powers of a constable within the limits of said town. They shall perform such other duties and receive such compensation as the council may prescribe. (1940, c. 210; 1975, c. 154)

§ 8. That until the election hereinafter provided for, and until their successors in office shall be duly elected and qualified, James H. Miller shall be mayor, Paul Dunn shall be recorder, Etta Palmer Carter shall be treasurer, and W. H. Neely, E. D. Fugate, E. M. Rhoton, J. N. Kelly, J. Dudley Ford shall be councilmen of said town. The election of said officers shall take place on the second Tuesday of June, anno domini 1941, and every two years thereafter, said election to be conducted in the manner prescribed by law. (1940, c. 210)

§ 9. Should any of the above-designated officers fail to act, it shall be the duty of the circuit court of Scott county, or the judge thereof in vacation, to appoint some other resident voter of said town to act as such until his successor shall be duly elected and qualified. (1940, c. 210)

§ 10. The authorities of said town shall have the use of the county jail of Scott county for the safe-keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town; and whenever judgment shall be rendered against any person for fines, and such person has no visible effects which the sergeant may distrain or sell therefor, such person may be compelled to work out such fine on the public streets or other improvements, and to suffer, in addition such terms of imprisonment as may be prescribed by the ordinances of said town. (1940, c. 210)

§ 11. The council of said town shall have power to appoint one or more policemen for said town, who shall be vested with the powers as set forth in § 7, and whose compensation shall be fixed by the said council. (1940, c. 210; 1975, c. 154)

§ 12. No debt or liability shall be incurred by said town, nor any claim or allowance made to any officer of said town, or any other person in excess of the taxation permitted to be imposed by this charter. (1940, c. 210)

Clintwood, Town of

County of Dickenson

History of incorporation

Incorporation and charter, 1884, c. 255; repealed, 1894, c. 616, except any parts not in conflict with the 1894 charter.
Charter, 1894, c. 616; repealed, 1946, c. 16.

Current charter

Charter, 1946, c. 16.

Amendments to current charter

1970, cc. 306, 359 (§ 3)
1978, c. 79 (§ 3)
1979, c. 166 (§ 3)
2013, cc. 270, 330 (§§ 2, 3, 4, 8)

§ 1. Establishment of Town of Clintwood.

The inhabitants of the territory embraced within the present limits of the Town of Clintwood, as hereinafter defined, or as the same may be hereafter altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Clintwood, and as such shall have and may exercise all the powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia. (1946, c. 16)

§ 2. Limits of the town.

The boundaries of said town shall be embraced within the limits of one-half mile each way from the center of the courthouse in the said town, extending east, west, north and south, making an area of one square mile or as may hereafter be altered and established by law through boundary adjustments, annexations, or other method. (1946, c. 16; 2013, cc. 270, 330)

§ 3. Town officials.

(1) The officers of the town shall be a mayor and five councilmen elected as hereinafter provided, clerk, chief of police, and such other officers as the council may deem necessary and prefer. The terms of office of mayor and councilmen shall be four years. Three councilmen shall be elected by the residents of the town qualified to vote at an election to be held on the first Tuesday in May, 1980, and every four years thereafter. The mayor and two councilmen shall be elected, by the residents of the town qualified to vote at an election to be held on the first Tuesday in May, 1982, and every four years thereafter. The terms of office for those elected shall commence on the first day of July next following their election and shall serve until their successors are elected and qualified.

Each officer of said town shall take the oath prescribed by State law, and execute the required bond, prior to entry upon his duties. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of the members. Vacancies in the council shall be filled for the unexpired term by a majority vote of the

remaining members. The present mayor, and council shall continue in office until the expiration of the terms for which they were respectively elected.

(2) The council shall appoint a clerk and such other officers as the council may deem necessary or proper, all of whom shall hold office at and during the pleasure of the council, and shall qualify for their respective offices as required by law, and shall furnish such bonds as may be required by the council. The same person may hold two or more of these offices, in the discretion of the council. The officers as appointed by the council shall perform such services, and receive such compensation, as the council may provide.

(3) The council shall appoint a chief of police who shall qualify and give bond in such amount as the council may require. The chief of police shall be vested with the powers of a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town, and to a distance of one mile beyond, as was formerly had and performed by constables. He shall perform such other duties, and receive such compensation as the council may provide. The council may appoint such other persons as policemen and assistants of the chief of police, and pay them such compensation, as the council may think necessary and proper.

(4) The mayor shall preside at all meetings of the council and perform such other duties as may be prescribed by this charter, and by the general laws, and such as may be imposed by the council consistent with his office. He shall be entitled to vote upon measures pending before the council only in event the other members voting are equally divided for and against such measure. He shall be ex officio a conservator of the peace within the town, and within one mile of the corporate limits thereof. He shall perform such other services and functions as may be necessary or proper, and shall receive such compensation as may be provided by the council. In event of the mayor's absence, or disability to act, his duties shall be performed by the vice-mayor, who shall be selected by the council for that purpose.

(5) The administration and government of the town of Clintwood shall be vested in the town council, with the mayor as the executive and tie-breaker as herein provided, all of whom shall be residents and qualified voters of the town. The council shall have full power and authority, except as herein otherwise stated, to exercise all the powers conferred upon the town, and to pass all legal laws and ordinances relating to its municipal affairs. Each member of the council may receive a salary for his services as such member, the amount thereof to be $0.00 per month and subject to increase as provided in the Code of Virginia; however, such salary shall not exceed $100 per month for each such member. The council may create, appoint, or elect such boards, bodies, departments, or officers as may be permitted or required by this charter or the general laws of the State of Virginia, and fix their compensation and define their duties.

(6) The council shall have one regular monthly meeting to be held on the second Tuesday of each month, unless changed by ordinance of the council. Special meetings shall be called by the clerk of the council upon the request of the mayor or any three councilmen. Reasonable notice of such special meetings shall be given to each member of the council and the mayor. No business shall be transacted at a special meeting expect that for which the special meeting is called, unless the council be unanimous. A majority of said councilmen shall constitute a quorum for the legal transaction of its business. (1946, c. 16; 1970, cc. 306, 359; 1978, c. 79; 1979, c. 166; 2013, cc. 270, 330)

§ 4. Powers of the town council.

In addition to the powers enumerated elsewhere in this charter, and the powers conferred by general law and the Constitution, the town council of the Town of Clintwood shall have the following powers:

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

(2) To own, operate and maintain water works, and to acquire in any lawful manner, in any county of the State, such water, lands, property rights, and riparian rights as the council of said town may deem necessary for the purpose of providing an adequate water supply for the said town, and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without the corporate limits of said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of said town, and to charge and collect water rents thereon; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary control over all land comprised within the limits of the water shed tributary to any such water supply wherever such land may be located in this state; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution, or threatened pollution, of such water supply, and any and all acts liable to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to make reasonable charges therefor; to acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; to contract or regulate the collection and disposal thereof and to require and regulate the collecting and disposal thereof.

(4) To inspect, test, measure and weigh any commodities or articles of consumption or use within the town; to establish, regulate, license and inspect weights, meters, measures and scales.

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

(6) To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use of proper operation of the various departments of the town; and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them; and, either within or without the town, to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise.

(7) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities or other service, products or conveniences operated, rented or furnished by the town; and to assess or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings, or against the tenant or tenants, and in event such rates and charges shall be assessed against a tenant, then the council may require of such tenant a deposit of such reasonable amount as it may prescribe before furnishing such service to such tenant.

(8) To establish, construct and maintain satisfactory sewers, necessary lines and systems, and to require the abutting property owners to connect therewith, and to establish, construct, maintain and operate sewage disposal plants and to acquire by condemnation, or otherwise, within or without the town, all lands, rights-of-way, riparian or other rights and easements necessary for the purposes aforesaid, and to charge, assess and collect reasonable fees, rentals, easements, or costs of service for connection with and using the same.

(9) To grant franchise for public utilities in accordance with the provisions of the Constitution and general laws; provided, however the town shall at any time have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, whether within or without the town, any and all public utilities for the town, and to sell the services thereof any existing franchises to the contrary notwithstanding.

(10) To compel the abatement and removal of nuisances within the town, or upon property owned by the town beyond its limits, at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be, and to collect said expenses by suit or motion, or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners and occupants thereof, and to

collect said expenses by suit or motion, or by distress and sale; to regulate or prevent slaughter houses, or other noisome or offensive businesses within the said town, the keeping of hogs, or other animals, poultry or fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be constructed and kept; to regulate the location, construction, operation and maintenance of billboards, signs, advertising and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetic sensibilities, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary and free from all weeds, fifth, unsightly deposits, ice and snow, and any obstruction.

(11) To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, fireworks, kerosene oil or other like material; and to regulate the exhibition of fireworks, the discharge of firearms and the making of bonfires within the said town.

(12) To provide for the preservation of the general health of the inhabitants of said town and make regulations to secure same.

(13) To prevent fowls and animals being kept, or running at large, in the town, or any thickly populated portion thereof.

(14) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(15) To restrain and punish drunkards, vagrants and street beggars; to prevent drunken and reckless driving within said town limits, and within one mile outside the town limits; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in said town.

(16) To make and enforce ordinances, insofar as not prohibited by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possessing, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout and all liquids and beverages and articles containing alcohol by distillation, fermentation or otherwise.

(17) To prohibit and punish for mischievous, wanton or malicious damage to school and public property, as well as private property.

(18) To put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the said council given by this charter, or any State law, or any amendments

thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this chapter, said penalty not to exceed $2,500 or twelve months imprisonment in jail, or both.

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

(20) To construct in any parks, playgrounds or public grounds that it may maintain, or upon any town property, stadium, swimming pools, gymnasia, and recreation or amusement buildings, structures or enclosures of every character, refreshment stands, restaurants, et cetera; to charge admission for use of same and to rent out or lease the privilege of construction or use of such stadiums, swimming pools, recreation or amusement buildings, structures, or inclosures of every character, refreshment stand or restaurants, et cetera.

(21) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction of such violation.

(22) To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

(23) To extinguish and prevent fires and to establish, operate, regulate and control a fire department or division. (1946, c. 16; 2013, cc. 270, 330)

§ 5. Streets.

The town council shall have the following additional powers:

(1) To control, regulate, limit and restrict the operation of motor vehicles, carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; to prescribe parking regulations on any or all streets and alleys; to close any street or alley temporarily to the use of heavily loaded motor vehicles which cause, especially in inclement weather, the said street or alley to become unfit for use by lighter vehicles or pedestrians.

(2) To give names to and alter the names of streets; to require the owners of houses in said town to place in public view the street number of said house or building as established in an orderly manner by the council; and to erect in a suitable manner such signs at the intersection of the streets or

alleys of said town as will plainly show the name of said streets or alleys; and to install and operate appropriate traffic control signs at the intersections of said streets and alleys.

(3) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, sidewalks, boulevards, parkways and alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways; to regulate the operation and speed of cars and vehicles within said streets and highways within the town and for a distance of one mile from the limits thereof; and to do all other things whatsoever adapted to make said streets and highways convenient and attractive.

(4) The said town shall have the authority to exercise the power of eminent domain with respect to securing proper and necessary rights-of way, or other rights, for streets and other public conveniences in said town.

(5) The said town shall have the right to require anyone desiring to excavate in or along the border of any of said streets, highways or alleys to secure a permit from the mayor, or such person as the council may designate, for such excavation, and to punish violations of any ordinance in this respect.

(6) In every case where a street, alley, park or public property of the town has been or shall be occupied or encroached upon by a fence, building, porch, projection, or otherwise, without first having obtained consent thereto from the town council, or a franchise thereof, such occupancy or encroachment shall be deemed a nuisance, and the owner or occupant of the premises encroaching, upon conviction of so doing, shall be punished as provided for violations of ordinances hereinbefore, and each day's continuance of said occupancy or encroachment, after due notice from the mayor, shall constitute a separate offense; and the town council may require the owners of the premises encroaching, if known, or if not known, the occupant thereof, to remove the encroachment within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed and collect from the owner or occupant all reasonable charges therefor with costs by the same process that they are authorized by law to collect taxes. No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to, or confer any rights upon, the person claiming thereunder, as against the town. (1946, c. 16)

§ 6. Taxation and finances.

The town council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

(1) To raise annually by levy of taxes and assessments in the said town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the said town in such manner as the said council shall deem expedient in accordance with the Constitution of this State and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(2) To impose special or local assessments for local improvements and the enforced payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this State.

(3) a. To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution and the laws of this State concerning bonds issued by towns, upon credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

b. To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes, or other obligations, or from the town taxes and revenues, as the case may be.

(4) To require every owner or operator of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of said town, or such other person as may be designated by the council; to issue said licenses, and to require the said owner to pay his annual license fee therefor to be fixed by the council, provided that the said license fee shall not exceed the amount charged by the state on the said machine. The council shall have the right to require the operator of said motor vehicle to attach a proper license plate on a conspicuous part of the said motor vehicle and to keep same thereon in plain view for common observation. The council may pro rate such license fee over periods of not less than three months.

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

(6) Except as prohibited by general law, the town may levy a legal tax or license on any person, firm or corporation, pursuing or conducting any trade, business, profession, occupation, employment or calling, whatsoever, within the boundaries of the town, whether a license may be required therefor by the state or not, and may provide penalties for any violation thereof.

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

(8) All contracts and obligations heretofore or hereafter made by the town council, not inconsistent with this charter or the Constitution or the general laws of this State, shall be, and are hereby, declared to be valid and legal.

(9) A lien shall exist on all the real estate within the corporate limits of said town for taxes, levies and assessments in favor of the town, together with all penalties and interests due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes, and for the redemption of said real estate sold for town taxes, shall be the same as provided in the general law for the State, to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the power of all other and additional remedies for the collection of town taxes which are now, or hereafter may be granted or permitted, under the general law.

(10) The town council shall provide for the assessment each year of all taxable property within said town in the same manner as provided by State law.

(11) The town council shall prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by State law.

(12) All goods and chattels wheresoever found may be restrained and sold for taxes and licenses assessed and due thereon for town purposes; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being restrained and sold for taxes and licenses assessed against the grantor in such deeds while such goods and chattels remain in the grantor's possession.

(13) Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative bodies or directing administrative actions and emergency measures shall take effect at the time indicated in such ordinances. When no effective date shall be set forth in any such ordinance, resolution or bylaw the same shall become effective thirty (30) days from the date of its passage.

(14) The Town of Clintwood may levy a tax on all subjects of taxation not prohibited to it by, nor exempted in, the Constitution and general laws of Virginia. (1946, c. 16)

§ 7. Zoning and buildings.

The town council, in addition to the foregoing powers, shall have the following powers:

(1) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and conveniences may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblages, entertainments or amusements.

(2) To provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide set-back lines on the streets beyond which no buildings may be constructed; to require the standard of all dwelling houses be maintained in residential sections in keeping with the majority of residences therein, and to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) To make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, or within one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Dickenson County, Virginia.

(4) To issue or refuse to issue permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation, failing to secure such permit prior to the beginnings of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1946, c. 16)

§ 8. Additional provisions.

(1) In addition to the aforementioned powers, the Town of Clintwood shall have all powers conferred upon towns under the Constitution of Virginia and all other laws of the Commonwealth of Virginia.

(2) If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the part of the act directly involved in the controversy in which such judgment shall have been rendered. (1946, c. 16; 2013, cc. 270, 330)

County of Wise

History of incorporation
Incorporated by an 1893-94 Act of Assembly.
Charter, 1893-94, c. 351; repealed 1952, c. 607.
Charter, 1952, c. 607; repealed 1978, c. 110 (except § 2, boundaries set out).

Current charter
Charter, 1978, c. 110.

Amendments to current charter
1979, c. 169 (§ 2.1)
2005, c. 549 (§ 3.1)
2012, c. 446 (§§ 3.4, 3.5.1 [added], 4.1, 4.5)
2013, c. 511 (§§ 3.4, 3.5.1 [repealed])

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Coeburn as such limitations are now, or may hereafter be altered and established by law, shall constitute and appoint a body politic and corporate, to be known and designated as the town of Coeburn, and such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1978, c. 110)

§ 1.2. Boundaries.

The territory embraced within the town of Coeburn is that territory in the county of Wise, Virginia, as set forth in § 2 of Chapter 607 of the Acts of the Assembly of 1952, and the annexation order of the Circuit Court of Wise County, dated May 15, 1956. (1978, c. 110)

Chapter 2. Powers.

§ 2.1. The town of Coeburn shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as amended. (1978, c. 110; 1979, c. 169)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office.

A. The town of Coeburn shall be governed by a town council composed of five members, all of whom shall be qualified voters of the town.

B. The council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

The term of the three council members who were elected at the regular municipal election in May of nineteen hundred seventy-six shall expire on June thirty, nineteen hundred eighty. At the regular town election to be held on the first Tuesday in May, nineteen hundred eighty, and every four years thereafter three members of council shall be elected for a term of four years each. The terms of the two council members who were elected at the regular municipal election in May of nineteen hundred seventy-four shall expire June thirty, nineteen hundred seventy-eight. At the regular municipal election to be held on the first Tuesday in May, nineteen hundred seventy-eight, and every four years thereafter, two members of council shall be elected for a term of four years each. No candidate for election to council shall be identified on the ballot by party affiliation.

C. At the first meeting in July, nineteen hundred seventy-eight, and biennially thereafter following the regular municipal election the council shall choose one of its members as presiding officer who shall have the title of Mayor. The Mayor shall preside at the meetings of the council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall have the same powers and duties as other members of the council with a vote but no veto powers. (1978, c. 110; 2005, c. 549)

§ 3.2. Vacancies.

Vacancies on the council and in the office of Mayor shall be filled for the unexpired term by a majority vote of the remaining members of council. (1978, c. 110)

§ 3.3. Qualifications of members.

Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. (1978, c. 110)

§ 3.4. Powers of council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of Virginia and shall have the powers in their discretion to appoint a vice-mayor, town manager, clerk, treasurer, town attorney, and chief of police, who shall have such duties and shall serve at the pleasure of the council and shall be paid such compensation as the council may determine. (1978, c. 110; 2012, c. 446; 2013, c. 511)

Chapter 3.5. Appointive Officers. (Repealed)

§ 3.5.1. (2012, c. 446; repealed 2013, c. 511)

Chapter 4. Miscellaneous.

§ 4.1. Eminent domain.

The powers of eminent domain as set forth in Title 15.2 and Title 25.1 of the Code of Virginia, as amended, are hereby conferred upon the town of Coeburn. (1978, c. 110; 2012, c. 446)

§ 4.2. Fiscal year.
The fiscal year of the town shall begin on July one of each year and end on June thirty of the following year. (1978, c. 110)

§ 4.3. Ordinances continuing.
All ordinances now in force in the town of Coeburn, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council. (1978, c. 110)

§ 4.4. Legislative procedure.
Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1978, c. 110)

§ 4.5. Office of town sergeant not to be created.
In accordance with the provisions of § 15.2-1701 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1978, c. 110; 2012, c. 446)

Colonial Beach, Town of

County of Westmoreland

History of incorporation
Incorporated by an 1891-92 Act of Assembly.
Charter, 1892, c. 373; repealed 1960, c. 261.

Current charter
Charter, 1960, c. 261.

Amendments to current charter
1970, c. 488 (§§ 3, 4)
1984, c. 211 (§§ 3, 5 [repealed], 6, 7)
1993, cc. 508, 516 (§ 3)
2007, c. 185 (§§ 3, 4)
2008, c. 342 (§ 4)
2022, c. 227 (§ 4)

§ 1. That Colonial Beach, in the County of Westmoreland, shall constitute and continue a body politic and corporate. (1960, c. 261)

§ 2. The boundaries of said town shall be as set forth in Chapter 373 of the Acts of Assembly of 1892 and as enlarged by order of the Circuit Court of Westmoreland County, duly entered in Common Law

Order Book 6, at page 392, and duly recorded in the Clerk's Office of Westmoreland County, Virginia, in Deed Book 169, at pages 319 and 320. (1960, c. 261)

§ 3. (a) The administration and government of the town shall be vested in a council, composed of a mayor and six councilmen, all of whom shall be qualified electors of the town and all of whom shall be elected as hereafter provided.

At the regular municipal election in 1994, there shall be elected a mayor and six councilmen.

The mayor shall serve for a term of two years and thereafter shall serve four-year terms.

The three councilmen receiving the highest number of votes shall serve four-year terms and the remaining three councilmen shall serve two-year terms.

In 1996 and thereafter, all councilmen shall serve four-year terms.

Elections shall be held at the time and conducted in the manner provided for by general law.

(b) Any vacancy in the office of mayor or councilmen or shall be filled within thirty days, for the unexpired term, by a majority vote of the town council provided that if the term of office to be filled does not expire for two years or more after the next regular election, following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. (1960, c. 261; 1970, c. 488; 1984, c. 211; 1993, cc. 508, 516; 2007, c. 185)

§ 4. (a) The council may appoint a clerk, a town attorney and such other officers (including those in subsection (b) of this section) as well as such other committees of the council and create such boards and departments as it deems necessary or proper, and define their duties and functions; such persons so appointed, as set out above, shall hold office during the pleasure of the council and shall give bond as the council requires and shall receive such compensation as the council prescribes.

(b) The council shall establish and maintain a police department that shall be under the supervision of a chief of police, who shall be appointed by the town manager and serve at the pleasure of the town manager. (1960, c. 261; 1970, c. 488; 2007, c. 185; 2008, c. 342; 2022, c. 227)

§ 5. (1960, c. 261; repealed 1984, c. 211)

§ 6. Pursuant to § 22.1-25 of the Code of Virginia, the Town of Colonial Beach shall be and is hereby continued as a school division. The school board for such school division shall be appointed by the governing body of the town and shall consist of five members. Members shall be appointed for three-year terms except as provided for hereinafter. Terms shall commence on July 1. A vacancy occurring on the school board at any time other than by expiration of term shall be filled by the governing body for the unexpired term. Within thirty days preceding July 1 of each year, the governing body shall

appoint a successor or successors for each member whose term expires on June thirtieth of that year; provided in 1984 there shall be appointed three members, two members to serve three-year terms and one member to serve a one-year term. The person serving the one-year term shall be selected by lot. Thereafter, all terms shall be for three years. (1960, c. 261; 1984, c. 211)

§ 7. The powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia are hereby conferred on and vested in the Town of Colonial Beach. (1960, c. 261; 1984, c. 211)

§ 8. All ordinances now in force in the Town of Colonial Beach not consistent with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the town after the effective date of this act. (1960, c. 261)

Colonial Heights, City of

History of incorporation
Established in 1920.
Incorporated as a town in 1926.
City by court order in 1948.
Town charter, 1930, c. 186; repealed 1950, c. 144.
City charter, 1950, c. 144; repealed 1960, c. 213.

Current charter
Charter, 1960, c. 213.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Colonial Heights, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Colonial Heights, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure. (1960, c. 213)

§ 1.2. Boundaries.

The corporate limits of the City of Colonial Heights shall be those set forth in Chapter 144 of the Acts of Assembly of 1950 and changed and altered by decrees entered in the Circuit Court of Chesterfield County, Virginia, in the annexation proceedings styled P. W. Covington, and others, versus City of Colonial Heights, and others, and Charles Berberich, and others, versus City of Colonial Heights, and others. (1960, c. 213)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the said Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1960, c. 213)

§ 2.2. Powers enumerated by the general statutes of Virginia.

The general powers applicable to cities set forth in §§ 15.1-6 through 15.1-37.2 of Chapter 1, Title 15.1 of the Code of Virginia of 1950, and all the powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia of 1950, as in force on January 1, 1966, are hereby conferred on and vested in the City of Colonial Heights. (1960, c. 213; 1966, c. 232)

§ 2.3. Other powers.

In addition to the powers granted by other sections of this charter, the city shall have the power:

(a) To impose special or local assessments for local improvement and force payment thereof, subject, however, to such limitations prescribed by the Constitution and Laws of Virginia, as may be in force at the time of the imposition of such special or local assessments.

(b) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided, that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall when not prohibited by the laws of the Commonwealth, have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools and a capitation tax not exceeding one dollar per annum on each resident of the Commonwealth within the limits of the city; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; unless prohibited by general law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using

the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license; provided, however, that nothing herein contained shall be construed as permitting the city to levy and collect directly or indirectly a tax on payrolls.

(c) To appropriate, without being bound by other provisions of this charter, in an amount of not more than five per cent of the receipts of the preceding fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require the affirmative votes of a majority of the entire council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(d) To control and regulate the use and management of all property of the city, real and personal, and specifically to rent or lease under such regulations as the school board shall deem expedient, school buildings, lands, grounds and equipment to persons or organizations for such health, educational, civic or recreational purposes as the school board shall deem prudent and beneficial to the community.

(e) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts or underpasses over or under any stream, creek or ravine when any portion of such bridge, viaduct or underpass is within the city limits, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned.

(f) To provide for the prevention of vice, immorality, vagrancy, street begging and drunkenness; prevention and quelling of riots, disturbances and disorderly assemblages; suppression of houses of ill-fame and gambling places; prevention of lewd and disorderly conduct or exhibitions; and prevention of conduct in the streets dangerous to the public; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

(g) To regulate the construction, maintenance and repair of buildings and other structures and the plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health.

(h) To establish, construct, maintain, regulate, and operate public employment bureaus, public markets, public improvements of all kinds, including municipal and other buildings, armories, jails, comfort stations, and all buildings and structures necessary or appropriate for the use in proper operation of the various departments of the city and to acquire by condemnation or otherwise, all lands, riparian or other rights and easements necessary for such improvements or any of them; and to make and enforce such regulations as shall be necessary to prevent huckstering, forestalling or regrating.

(i) To establish, open, widen, extend, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter or close the same; to establish and maintain parks, playgrounds and such public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways, abolish and prevent grade crossings over the same by railroads in the manner prescribed by general law for elimination of grade crossings; to require any railroad company operating a railroad at the place where any highway or street is crossed within the city limits to erect and maintain at such crossing any style of gate deemed proper and keep a man in charge thereof or keep a flagman at such crossing during such hours as the council may require, in accordance with the provisions of §§ 56-406.1 and 56-406.2 and other sections of the Code of Virginia and to regulate the length of time such crossings may be closed due to any operations of the railroads in accordance with §§ 56-412.1 and 56-412.2 of the Code of Virginia; to regulate the operations, weight of load, and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains, or railroads within the city; to regulate the service to be rendered, including route traversed, and rates charged by buses, motor cars, cabs and other vehicles for carrying passengers for hire and by vehicles for the transfer of baggage; to permit railroads and bus lines to be built in the streets and alleys; and to determine and designate the route and grade thereof; and to specify and require the proper construction and maintenance of the streets between the rails and on either side thereof for such distance as such streets may be affected by the construction, operation, repair or maintenance of such railroads, bus lines, and to require the construction of so much of said street as may be damaged by the removal of such railroad or bus line; to permit or prohibit poles and wires for electric, telephone and telegraph purposes, to be erected and gas pipes to be laid in streets and alleys, and to prescribe and collect an annual charge for such privileges, heretofore or hereafter granted; to require the owner or lessee of any electric light, telephone or telegraph pole, or poles or wires now in use or hereafter erected, to change the location or move the same; to open, lay out, and improve new streets across the track or tracks, yard or yards, of any railroad in the city and any such new or existing street or streets may cross any such track or tracks, of any railroads in the city, in the discretion of the council, either at grade, or pass above or below any such existing structure or structures; provided, that after due notice to such railroad company and full opportunity to be heard, and after the council shall have decided whether such crossing shall be made at grade, or pass above or below any such existing structure or structures, the plans and specifications for such crossing, as the council shall have determined upon, shall be submitted to the principal agent of such railroad company in the city, and in the event the city and railroad company cannot, within sixty days thereafter, agree upon such plans and specifications, or cannot agree in regard to the division of the cost of constructing such crossing, then the city shall submit such plans and specifications to the State

Corporation Commission, and the State Corporation Commission, after reasonable notice to such railroad company and after hearing such evidence as either party may adduce, shall approve, or revise and approve, the plans for such crossing as the council shall have determined shall be made, or substitute such other plans or character of crossing, whether at grade, overhead or underpass, as the State Corporation Commission may deem proper under all the facts, circumstances and conditions in the case; the said improvements shall be made by the company whose track is to be crossed and the expense thereof shall be borne as provided by the general law, and after such crossing shall have been constructed, it shall be maintained by such railroad company or by the lessee thereof; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(j) To acquire by gift, purchase, exchange, or by the exercise of the power of eminent domain within this Commonwealth, lands, and any interest or estate in lands, rock quarries, gravel pits, sand pits, water and water rights, and the necessary roadways thereto, either within or without the city and acquire and install machinery and equipment, and to build the necessary roads or tramroads thereto; and operate the same for the purpose of producing materials required for the construction, repair and maintenance of streets, highways, sidewalks, waterworks, reservoirs, sewer, electric lights and public buildings in the city; and to acquire by gift, purchase, exchange, or by the exercise of the power of eminent domain within this Commonwealth, lands and machinery and equipment, and build and operate a plant or plants for the preparation and fixing of materials for the construction of improved streets and other public improvements, and the maintenance and repair thereof; and to build and operate coal tipples and yards in connection therewith.

(k) To collect and dispose of sewerage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and to make reasonable charges therefor; and to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; to contract for and regulate the collection and disposal thereof, and to require and regulate the collection and disposal thereof and to regulate the disposal of commercial and industrial garbage and refuse and to make such additional reasonable charges as are necessary and commensurate with the volume of commercial and industrial garbage and refuse collected or disposed of at such additional charges as are reasonable to dispose of commercial or industrial garbage or refuse in a sanitary and healthful manner.

(l) To regulate or prevent slaughter houses or other noisome or offensive business within said city, the keeping of hogs, dogs, cats, cattle or other animals, poultry or other fowls therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of

billboards, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the city; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, snow and unsightly deposits.

(m) To provide by ordinance for a system of meat and milk inspection, and appoint meat and milk inspectors, agents, or officers to carry the same into effect, within the corporate limits of the said city; to license, regulate, control and locate slaughter houses within the corporate limits of the city; and for such services of inspection to make reasonable charges; and to provide such reasonable penalties for the violation of such ordinances.

(n) To acquire by purchase, gift, devise, condemnation or otherwise, lands, within, or acquired by purchase, gift, devise or otherwise land without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of the dead, including the establishment and maintenance of a crematory. Subject to limitations prescribed by the Constitution and the Laws of Virginia, the city may remove at its own expense, abandoned graves or abandoned grave yards to public city-maintained cemeteries.

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

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

(q) To contract with the County of Chesterfield or the City of Petersburg regarding the health and welfare of the citizens residing in said city, pending the setting up of a Board of Health and Welfare Department in said city; and also regarding any water, sewer, sewer disposal, garbage disposal or other municipal functions which may be for the best interest of the citizens of said city and said county or the City of Petersburg.

(r) To regulate the speed of vehicles and parking in private parking and general shopping areas, upon the request of and with the consent of the owners thereof.

(s) To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate, and control a paid or voluntary fire department or division; to regulate the size, height, materials and constructions of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, damage by fire, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to

establish and designate, from time to time, fire limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged or repaired, and to direct any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron, or other fire-proof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

(t) To charge and to collect fees for permits to use public facilities and for public service and privileges.

(u) To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace or safety of the city, from coming to said city from without the same; and for this purpose to require the owner of any conveyance other than a common carrier bringing such person to the city to take such person back to the place when he was brought, or enter into bond with satisfactory security that such person shall not become a charge upon said city within one year from the date of his arrival; also to expel from the city all persons found therein dangerous to the peace, safety, and welfare of the city.

(v) If any ground in the said city shall be subject to be covered by stagnant water or if the owner or occupant thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said council may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, provided, that reasonable notice shall be first given to said owner or occupant or his agent. In case of nonresident owners who have no agent in said city, such notice may be given by publication for not less than ten days in any newspaper having general circulation in said city, and in addition notice shall be sent by registered mail to their last known address.

(w) To direct or prevent the location of all buildings for storing gunpowder or other explosive or combustible substances, to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerin, camphene, burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons.

(x) To levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service.

(y) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary for the purposes of the city, and in such manner as the council of the city shall deem expedient, in accordance with the Constitution of this Commonwealth and the United States; provided, however, that it shall impose no tax on the bonds of the city; and the council of the city may make said taxes and assessments payable at such times and in such installments as it may deem proper, and may add thereto a percentage not exceeding that set by general law, if such

taxes and assessments, or any installment thereof, be not promptly paid, and may also charge interest on each installment of said taxes and assessments at the rate set by general law until paid. (1960, c. 213; 1962, c. 467; 1981, c. 513)

Chapter 3. Elections.

§ 3.1. Election and composition of councilmen.

The council shall consist of seven members, who shall be elected by the qualified voters of the city on a general ticket at large, and shall serve for a term of four years from the first day of January next following the date of their election and until their successors shall have been duly elected and qualified, provided, that the members of the council in office at the effective date of this act are hereby continued in office for the terms for which they were elected. At the regular November election in 2004, and at the regular November election in every fourth year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the city at large four members of the council for terms of four years from the first day of January following their election. At the regular November election in 2006, and at the regular November election in every fourth year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the city at large three members of the council for terms of four years from the first day of January following their election. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. The council may punish its members for misconduct and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. A majority of all the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

The terms of the four Council members subject to expire June 30, 2004, shall be extended to December 31, 2004, and the date for the next election of those Council positions subject to election shall be extended to the regular November election date in 2004, and then every regular November election every four years thereafter.

The terms of the three remaining Council members subject to expire June 30, 2006, shall be extended to December 31, 2006, and the date for the next election for those offices shall be the regular November election date in 2006, and then every regular November election every four years thereafter, so as to retain the staggered terms of office. (1960, c. 213; 1968, c. 474; 2004, c. 518)

§ 3.2. Nomination of candidates for council.

Candidates for the office of councilmen may be nominated by petition or under general law. There shall be printed on the ballots used in the election of councilmen the names of all candidates who have been so nominated. The requirements for nomination by petition shall be:

(a) Any qualified voter of the city may be nominated by filing not less than sixty days before such election, with the Clerk of the Circuit Court having jurisdiction of the city a petition signed by not less than fifty qualified voters of the city; each signature to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto, together with the notice of candidacy required by the general laws of the Commonwealth relating to elections.

(b) The petition shall state the name and address of the residence of the person whose name is presented thereby as a candidate, and the street address of the residence of the persons signing the same.

The requirements for nomination under general law shall be as therein prescribed. (1960, c. 213)

§ 3.3. Conduct of general municipal election.

The ballots used in the election of councilmen shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to vote for as many persons as there are vacancies to be filled, and no more; and no qualified voter shall cast more than one vote for the same person. In counting the vote any ballot found to have voted for a greater number of names for the office of councilman than the number of vacancies in the council to be filled shall be void, but no ballot shall be void for containing a less number of names than is permitted hereby. The candidates equal in number to the places to be filled, who shall receive the highest number of votes cast in such election, shall be declared elected. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of a general municipal election. (1960, c. 213)

§ 3.4. Vacancies in office of councilman.

Vacancies in the office of councilman, from whatever cause arising, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council. If the council shall fail to fill a vacancy in its membership within ninety days of the occurrence of the vacancy, such vacancy shall be filed by appointment by the judge of the court of record having jurisdiction of the city. (1960, c. 213)

§ 3.5. Election of other city officers.

All other city officers required by the laws of the Commonwealth to be elected by the qualified voters of the city shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. A vacancy in the office of commissioner of revenue, city treasurer, or city sergeant shall be filled by the council by majority vote of all its members for the interim period until a successor is elected at the next general election and takes office, as is provided in the Code of Virginia. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1960, c. 213)

Chapter 4. Council.

§ 4.1. Composition.

The council shall consist of seven members elected as provided in Chapter 3. They shall receive in full compensation for their services the sum $100 per month and shall not be entitled to any other allowance of any kind except that the mayor or vice-mayor or members of council, subject to the approval of council, may be allowed actual expenses incurred in representing the city. No member of the council shall during the term for which he was elected and one year thereafter be eligible to hold or be appointed as judge, substitute or associate judge of the municipal court or juvenile and domestic relations court or to any office of profit under the government of the city. (1960, c. 213; 1970, c. 183)

§ 4.2. Powers.

All powers vested in the city shall be exercised by the council except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers;

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies other than those specifically established by Chapters 16.6 and 20.2 of this charter.

(c) Upon recommendation of the city manager, to assign and reassign to departments, all bureaus, divisions, offices, agencies, departments and functions thereof except the city school board and constitutional officers.

(d) To provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city, subject to the case of members of the classified service to the provisions of Chapter 9 of this charter.

(e) To provide for the form of oaths and the amount and conditions of surety bonds to be required of certain officers and employees of the city. (1960, c. 213)

§ 4.3. Mayor and vice mayor.

On the second day in January 2005 and on the second day of January of every second year thereafter, or if such day shall fall on Saturday, Sunday or a holiday then on the following day, the newly elected council, having taken the oath of office as hereinafter provided, shall proceed to choose by majority vote of all the members thereof one of their number to be mayor and one to be vice mayor for the ensuing two years. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein in all proceedings as other members, but no veto. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The vice mayor shall in the absence or disability of the mayor,

perform the duties of mayor, and if a vacancy shall occur in the office of mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice mayor, the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor. The mayor, in addition to his salary as a councilman, shall receive an additional salary of $50 per month. The vice mayor, in addition to his salary as a councilman, shall receive an additional salary of $25 per month.

The council members chosen to be mayor and vice mayor in July 2002 shall continue as mayor and vice mayor until the council meeting in January 2005. (1960, c. 213; 1968, c. 474; 1970, c. 183; 2004, c. 518)

§ 4.4. City clerk.

The city council shall appoint a city clerk who shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances, resolutions, and minutes, in separate books provided by council for the purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the council. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, an assistant city clerk who shall be authorized to act as city clerk in the absence or disability of the city clerk, and all deputies and other employees in his office, and shall have such other powers and duties as may be prescribed by this charter or by ordinance. He shall upon final passage, transmit to the proper departments or officials, copies of all ordinances or resolutions that may affect or relate to them or their respective departments. The city clerk shall within ten days after the results of the regular city election of councilmen have been declared, send a written notice by mail to each councilman who has been declared elected, which notice shall specify the office to which such person has been elected, the term of the office, procedures and requirements of qualification, and he shall require such councilman to appear and qualify as provided by law. The city clerk shall also send a notice by mail to any person elected or appointed by city council within ten days after such election or appointment, which notice shall specify the office to which such person has been elected or appointed, the term of office, procedures and requirements of qualification and he shall require such person to appear and qualify as provided by law. (1960, c. 213; 1962, c. 467; 1968, c. 474; 2006, cc. 14, 761)

§ 4.5. Organization; first meeting of a newly elected council; judge of qualification and election of members.

The first meeting of a newly elected council shall take place in the council chamber in the city hall at 7:30 P.M. on the second day of January following their election, or if such day shall fall on Saturday, Sunday or a holiday, then on the following day. It shall be called to order by the city clerk who shall administer the oath of office to the duly elected members. In the absence of the city clerk the meeting may be called to order and the oath administered by any judicial officer having jurisdiction in the city.

The council shall be the judge of the election and qualifications of its members, but the decision of the council in this matter shall be subject to review by the judge of the court of record having jurisdiction in the City of Colonial Heights. The first business of the council shall be the election of a mayor and vice mayor and the adoption of rules of procedure. Until this business has been completed the council shall not adjourn for a period longer than 48 hours. (1960, c. 213; 1968, c. 474; 2004, c. 518)

§ 4.6. Rules of procedure.

The council shall have power, by resolution and subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once each month. They shall also provide for calling of special meetings by the mayor, the city manager or any two members of the council and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council. (1960, c. 213)

§ 4.7. Voting and meetings.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public. All voting except on procedural motions shall be by roll call and the ayes and noes shall be recorded in the journal. No member of the council shall participate in the vote on any ordinance, resolution, motion or vote in which he, or any person, firm or corporation for which he is attorney, officer, director, employee, or agent, has a financial interest other than as a minority stockholder of a corporation or as a citizen of the city. All meetings of the council, except as hereinafter provided, shall be public and any citizens may have access to the minutes and records thereof at all reasonable times. Notwithstanding any other provisions of this section a majority of the members of the council may by a recorded vote declare that the public welfare demands an executive session. (1960, c. 213)

§ 4.8. Ordinances, when required.

In addition to such acts of the council which are required by the Constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department, or creating, altering, assigning or abolishing any bureau, division, office, agency or employment, fixing the compensation of any officer or employee of the city, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance. (1960, c. 213)

§ 4.9. Form of ordinances.

Every ordinance except the annual appropriation ordinance and any ordinance codifying ordinances shall be confined to one subject. All ordinances shall be introduced in typewritten or printed form or a combination of both. The enacting clause of all ordinances passed by the council shall substantially

be "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS" or "THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS." (1960, c. 213; 1962, c. 467)

§ 4.10. Procedure for passing ordinances.

An ordinance may be introduced by any member or committee of the council or by the city manager at any regular meeting of the council or at any special meeting when the subject thereof has been included in the notice for such special meeting or been approved by a majority vote of all elected members of the council. No ordinance, or resolution having the effect of an ordinance, or resolution suspending an ordinance, unless it be an emergency measure, shall be passed until it has been read by title at two meeting not less than six days apart counting the day of introduction and the date of adoption as a part thereof, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting. Any ordinance or resolution read at one such meeting may be amended and passed as amended at the next such meeting, provided that the amendment does not materially change the ordinance. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section or subsection as revised or amended. The ayes and noes shall be taken and recorded upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council. Except as otherwise provided in this charter an affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance or resolution. Unless another date is specified therein and except as otherwise provided by this charter, an ordinance shall take effect on the tenth day following its passage. All ordinances and resolutions having the effect of an ordinance shall be authenticated by the signature of the presiding officer and the city clerk. Every ordinance of a general or permanent nature shall be published in full once within ten days after its final passage by posting a copy thereof at the front door of the municipal building and at one other public place in the city or when ordered by the council by publication in a newspaper published or circulated in the city for such time as the council may direct; provided, that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation or codification of ordinances printed by authority of the council. A record or entry made by the city clerk, or a copy of such record or entry when certified by him shall be prima facie evidence of the terms of the ordinance and its due publication. All ordinances and resolutions of the council may be read as evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified by the city clerk, or from any volume of ordinances printed by authority of the council. (1960, c. 213; 1962, c. 467; 1966, c. 232)

§ 4.11. Emergency ordinances.

An emergency ordinance, which is an ordinance for the immediate preservation of the public peace, property, health or safety or providing for the daily operation of a municipal department, may be read one time and passed with or without amendment at any regular or special meeting at which the

ordinance was introduced. An emergency ordinance so read and passed must contain a specific statement of the emergency claimed, and affirmative votes of not less than two-thirds of the entire membership of council shall be necessary for its adoption. All emergency measures shall take effect at the time indicated therein and shall be effective for no longer than sixty days. (1960, c. 213; 1979, c. 246)

§ 4.12. Submission of propositions to the qualified voters of the city.

The council shall have authority, by resolution, to submit to the qualified voters of the city for an advisory referendum thereon, any proposed ordinance or amendment to the city charter, not less than thirty nor more than sixty days after the passage of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by § 24-141 of the Code of Virginia. If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten percent of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding and verified as hereinafter provided, is filed with the city clerk he shall forthwith certify that fact to the council. The signatures to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto. Upon the certification of such petition the council shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the results thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approve the proposed amendment, such result shall be communicated by the city clerk to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment. (1960, c. 213)

§ 4.13. Record and publication of ordinances.

Every ordinance after passage shall be given a serial number and shall be kept in a safe place by the clerk in his office in the municipal building. Within one year after the first day in January, 1966, there shall be prepared under the direction of the city attorney, who is hereby authorized to employ such assistance as he deems necessary for the purpose, a codification or revision of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without prior publication. Upon its passage, it shall be published in bound or loose-leaf form. This codification, to be known and cited officially as the city code, shall be furnished to city officers and shall be sold to the public at a price to be fixed by the council. A similar codification shall be prepared, passed, without prior publication, and distributed, as above provided, at least every five years. It shall be the duty of the city clerk to cause all ordinances adopted to be printed or reproduced as promptly as possible after their adoption in substantially the same style and format as the codification or revision of ordinances and sold at such prices as the council may establish. (1960, c. 213; 1966, c. 232)

§ 4.14. Appointments.

The council in making appointments shall act only by the affirmative votes of a majority of the members elected to the council. (1960, c. 213)

§ 4.15. Removal of councilmen and members of boards and commissions appointed by the council for specified terms.

Any member of the council or any member of a board or commission appointed by the council for a specified term may be removed for cause in accordance with the general law. (1960, c. 213)

§ 4.16. Power of investigation.

The council shall have power to investigate any or all of the departments, boards, commissions, offices and agencies of the city government, including the school board, and any officer or employee of the city. The council, or any of its committees, when authorized by the council, the city manager, the heads of all departments, all boards and commissions appointed by the council, collector of city taxes, license inspector, and auditor of municipal accounts, in any investigation or hearing held by them, within their respective powers and duties, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person refusing or failing to obey such order may be summoned by the municipal court judge to appear before him and upon failure to give a satisfactory excuse to said judge may be fined not exceeding the sum of $100 or imprisoned not exceeding thirty days or both. Witnesses may be sworn by the officer presiding at such investigation and shall be liable to prosecution for perjury for any false testimony given at such investigation. (1960, c. 213)

Chapter 5. City Manager.

§ 5.1. Appointment and qualifications.

There shall be a city manager who shall be the executive officer of the city and shall be responsible to the council for the proper administration of the city government. He shall be appointed by the council for an indefinite term and may be removed by the council at any time by a majority vote of all its members. At least sixty days before such removal shall become effective the council shall advise the manager in writing of the reason for his removal. The council may suspend the manager from duty (with pay) during the sixty day period. The manager shall receive such compensation as shall be fixed by the council, by resolution, and shall devote his entire time to the business of the city. He shall be chosen solely on the basis of his executive administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the city or the Commonwealth, but during his tenure of office he shall reside within the city. (1960, c. 213)

§ 5.2. Power of appointment and removal.

The city manager shall appoint for an indefinite term and remove, subject to the provisions of Chapter 9 of this charter and except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city, except the school board and constitutional officers, provided that where the council is given power by this charter to establish a board or commission for any purpose, the council may provide for the appointment of the members of such board or commission by the city manager or by the council, and for the appointment by such board or commission of its employees, and may specify which, if any, of such employees shall not be included in the classified service. The city manager shall have power to remove any officer or employee appointed by him or his subordinates, provided that the officer or employee shall have been served with a written notice of the intention of the city manger to remove him, containing a clear statement of the grounds for such removal and of the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard. After such hearing, which shall be public at the option of such officer or employee, the action of the city manager shall be final. Pending final action, the city manager may suspend from duty for not more than sixty days any such officer or employee. (1960, c. 213; 1962, c. 467)

§ 5.3. Council not to interfere in appointment or removals.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by any of his subordinates except as specifically provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. (1960, c. 213)

§ 5.4. Temporary transfer of personnel between departments.

The city manager shall have power, whenever the interests of the city require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency, the head of which is appointed by the city manager, to the temporary performance of duties in another department, bureau, office or agency. (1960, c. 213)

§ 5.5. Duties.

It shall be the duty of the city manager to: (a) attend all meetings of the council with the right to speak but not to vote; (b) keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit to the council not later than sixty days after the end of each fiscal year of the city a concise, comprehensive report of the financial transactions and administrative activities of the city government during the preceding fiscal year and cause to be printed such number of copies

thereof as the council shall direct; (e) present adequate financial and activity reports at each regular meeting of the council; and (f) perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter. (1960, c. 213)

§ 5.6. Relations with boards, commissions and agencies.

The city manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance, except the school board, the personnel board, the board of zoning appeals, and any other board or commission the council may designate. (1960, c. 213)

§ 5.7. Acting city manager.

The council shall designate by ordinance one or more department heads to act, in succession, as city manager in case of the absence, incapacity, death or resignation of the city manager, until his return to duty or the appointment of his successor. (1960, c. 213; 1981, c. 513)

Chapter 6. Budgets.

§ 6.1. Fiscal and tax years.

The fiscal year of the City of Colonial Heights shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year. Unless and until otherwise provided by council by ordinance, the tax year for taxes levied on real estate, tangible personal property, machinery and tools shall begin on the first day of January and end on the thirty-first day of December following, and the tax year for all other taxes shall be fixed by the council by ordinance. Unless and until otherwise provided by council by ordinance, the rates of all taxes and levies, except on new sources of tax revenue, shall be fixed before the beginning of the tax year. The council shall have the power and may by ordinance provide for the tax year for taxes levied on real estate, or tangible personal property, or machinery and tools, or all other taxes to begin on the first day of July and end on the thirtieth day of June of the succeeding year. The council shall also have the power to fix the rates or levies on real estate, or tangible personal property, or machinery and tools, or all other taxes at the time of adoption of the general fund budget. (1960, c. 213; 1966, c. 232)

§ 6.2. Budget and levy for the fiscal year 1966-1967.

a. Upon the passage of this act, the City Manager shall prepare and submit to the council, for its information, a general fund budget for the ensuing fiscal year beginning July 1, 1966, and ending June 30, 1967, based upon detailed estimates furnished by the several departments and other divisions of the city government.

b. A brief synopsis of the general fund budget for the fiscal year beginning July 1, 1966, and ending June 30, 1967, shall be published in a newspaper having a general circulation within the city and

notice given of a public hearing at least seven days prior to the date set for hearing, at which any citizen of the city shall have the right to attend and state his views thereon.

c. Upon the passage of this act and after due notice has been given as provided in § 6.2 b, council shall adopt a general fund budget for the fiscal year beginning July 1, 1966, and ending June 30, 1967, and council shall at the time of the adoption of said budget lay its levy, if any, at such rates fixed by council at the time of such levy and adoption of said budget, on all real estate, tangible personal property, machinery and tools, and all other sources of tax revenue subject to taxation for city purposes. Upon final adoption, the general fund budget shall be in effect for the fiscal year beginning July 1, 1966, and ending June 30, 1967. (1960, c. 213; 1966, c. 232)

§ 6.3. Submission of budgets.

The city manager, at least sixty (60) days prior to the beginning of each budget year, shall submit to the council a general budget. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered. (1960, c. 213)

§ 6.4. Preparation of budgets.

It shall be the duty of the head of each department, each board or commission and each other office or agency supported in whole or in part by the city, including the commissioner of revenue, city attorney, commonwealth attorney, and the city sergeant, to file with the city manager or with the director of finance designated by him, at such time as the city manager may prescribe, estimates of revenue and expenditure for that department, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the director of finance and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the city manager may require to be submitted thereon. The director of finance shall assemble and compile these estimates and supply such additional information relating to the financial transaction of the city as may be necessary or valuable to the city manager in the preparation of the budgets. The city manager shall hold such hearings as he may deem advisable and with the assistance of the director of finance shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose. The school board shall furnish a copy of its budget to the city manager. (1960, c. 213)

§ 6.5. Scope of the general budget.

In respect to the public schools there shall be included only the total amount to be appropriated by the city for their support. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques and shall contain:

(a) An estimate of such portion of the general fund cash surplus, if any, at the end of the current fiscal year as it is proposed to use for meeting expenditures in the general budget.

(b) An estimate of the receipts from current ad valorem taxes on real estate and personal property during the ensuing fiscal year.

(c) An estimate of receipts from all other sources of revenue.

(d) A statement to be furnished by the director of finance of the debt service requirements for the ensuing year.

(e) An estimate of the city's cash deficit, if any, at the end of the current fiscal year and of any other obligations required by this charter to be budgeted for the ensuing fiscal year.

(f) An estimate of expenditures for all other purposes to be met in the ensuing fiscal year.

All the estimates shall be in detail, showing receipts by sources and expenditures by operating units, functions, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year in comparison with estimated receipts and recommended expenditures for the ensuing year. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present a simple and clear summary of the detailed estimates of the budget. (1960, c. 213)

§ 6.6. A balanced budget.

In no event shall the expenditures recommended by the city manager in the general budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, as provided in the preceding section, unless property assessments have been raised or unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures the city manager may recommend revisions in the tax and license ordinances of the city, in order to bring the general fund budget into balance. (1960, c. 213)

§ 6.7. Budget message.

The budget message submitted by the city manager to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. As a part of the budget message, with relation to the proposed expenditures for down payments and other proposed expenditures for capital projects stated in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects,

relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year. (1960, c. 213)

§ 6.8. Appropriation and additional tax ordinances.

At the same time that he submits the general fund budget the city manager shall present to the council a general appropriation ordinance. The appropriation ordinance shall be based on the general fund budget but need not be itemized further than by departments and the major operating units thereof, and by courts, bureaus, boards, commissions, offices and agencies submitting separate budget estimates, and by the principal object of expenditures. At the same time the city manager shall also present any ordinance or ordinances altering the tax rate on real estate and personal property or levying a new tax or altering the rate of any other tax necessary to balance the general fund budget as hereinbefore provided. The hearing on the budget plan as a whole, as provided in this chapter shall constitute the hearing on all ordinances referred to in this subsection. (1960, c. 213)

§ 6.9. Budget a public record.

The budget and budget message and all supporting schedules shall be a public record in the office of the city manager open to public inspection after the budget has been submitted to the council and made public by it; provided, however, that no department or agency, head or judge or board or commission, manager, or director of finance shall divulge details of the proposed budget or make public statements regarding budget estimates until the budget has been submitted to the council and made public by it. The city manager on authorization from the council shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons. (1960, c. 213)

§ 6.10. Publication of notice of public hearing.

At the meeting of the council at which the budget and budget messages are submitted, the council shall determine the place and time of the public hearing on the budget, which time shall be at least thirty days prior to the beginning of each budget year, and shall cause to be published a notice of the place and time, not less than seven days prior to the date of the public hearing. (1960, c. 213)

§ 6.11. Public hearing on budget.

At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof. (1960, c. 213)

§ 6.12. Action by the council on the general budget.

After the conclusion of the public hearing on the general budget the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service as required by law shall be reduced or stricken out.

The council shall in no event adopt a general budget in which the total of expenditures exceeds the receipts, estimated as hereinbefore provided, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as hereinbefore provided, sufficient to make up the difference. (1960, c. 213)

§ 6.13. Adoption of budget.

The budget shall be adopted by the votes of at least a majority of all the members of the council. The budget shall be finally adopted not later than the last day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council. (1960, c. 213)

§ 6.14. Effective date of general fund budget; certification; copies made available.

Upon final adoption, the general fund budget shall be in effect for the ensuing fiscal year. A copy of such budget as finally adopted shall be certified by the city manager and city clerk and filed in the office of the director of finance. The general fund budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all departments, courts, boards, commissions, offices and agencies and for the use of interested persons and organizations. (1960, c. 213)

§ 6.15. Transfer of appropriations.

At the request of the city manager, the council may during the fiscal year, by resolution, order the transfer of any unencumbered balance, or portion thereof, in any general fund appropriation from one department, board, commission, office or agency to another. (1960, c. 213; 1962, c. 467)

§ 6.16. School budget.

It shall be the duty of the school board to file its budget estimates with the city manager at the same time as other departments and in the form prescribed by the city manager. The action of the city manager and council on the school budget shall relate to its total only and the school board shall have authority to expend in its discretion the sum appropriated for its use, provided that if it receives an appropriation greater or less than its original request, it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The school board shall before the beginning of the fiscal year file with the city manager its budget as finally revised and its appropriations based on said revised budget, which need not be itemized further than by operating units and principal objects of expenditure. They shall have power to order during the course of the fiscal year transfers from one item of appropriation to another, notice of which shall be immediately transmitted to the city manager. The school board, notwithstanding the provisions contained in § 6.9 of this charter, may hold a public hearing on the school board budget at any time after the school board has filed its budget estimates with the city manager and prior to the adoption of the general fund budget of the city by council. (1960, c. 213; 1962, c. 467; 1968, c. 474)

§ 6.17. Additional appropriations.

An appropriation in addition to those contained in the general appropriation ordinance, except for the purpose of meeting a public emergency as provided for elsewhere in this charter, may be made by the council, by a majority affirmative vote of the entire council, only if there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. (1960, c. 213; 1962, c. 467)

§ 6.18. Appropriations to lapse.

Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse, except that any balance remaining in the funds of the school board at the end of the fiscal year shall remain to the credit of that board and an estimate of any such balance shall be included in the school budget of the ensuing year as an estimated receipt. (1960, c. 213)

§ 6.19. Certification of funds.

No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made; provided that the council shall have the power to authorize and direct and making of expenditures and contracts for the expenditure of funds not appropriated in any budget for the then current fiscal year. No payment shall be made from or obligation incurred against any allotment or appropriation, except those of the School Board, unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in this charter. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein, such action shall be cause for his removal. (1960, c. 213; 1980, c. 206)

§ 6.20. Reserve for permanent public improvements.

The council may, by ordinance, establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible property not to exceed ten cents on $100 of the assessed valuation thereof or the whole or part of the proceeds of any other tax. Appropriations from the said fund shall be made only to finance permanent public improvements. (1960, c. 213)

Chapter 7. Borrowing.

§ 7.1. Borrowing power.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner provided in this chapter, and to the extent provided in this chapter and under the general law. (1960, c. 213)

§ 7.2. Purposes for which bonds or notes may be issued.

(a) To finance capital projects. Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the costs of any capital improvement project which is hereby defined to include any public improvement or utility which the city is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, structure or facility necessary or useful in carrying out the powers of the city, and the equipment or reequipment of the same.

(b) To anticipate the collection of revenue. Notes may be issued when authorized by the council, at any time during the fiscal year in anticipation of the receipt of taxes and revenue of the current fiscal year.

(c) To finance increased operating expenses. Notes to be repaid within four years of the date of issuance may be issued when authorized by the council for the purpose of meeting increased operating expenses, including debt service, provided, however, that no notes shall be issued pursuant to the authority of this section after January 1, 1965.

(d) To provide for emergency expenditures. Notes may be issued to finance an appropriation for the purpose of meeting a public emergency, as provided in subsection (c) of § 2.3 of this charter, when authorized by the ordinance making such appropriation. Notes so issued shall be authenticated by the signature of the city manager and city treasurer and shall mature not later than twelve months after the date of issue. Bonds may be issued, when authorized as hereinafter provided, for the purpose of funding such notes or other obligations incurred in accordance with such appropriation.

(e) To refund outstanding bonds. Bonds may be issued, when authorized as hereinafter provided, for the purpose of refunding bonds, provided that the director of finance shall certify in writing that such refunding is necessary to prevent default on the interest or principal of the city's outstanding bonds. (1960, c. 213)

§ 7.3. Limitation on indebtedness.

In the issuance of bonds and notes, the city shall be subject to the limitations as to amount contained in § 127 of the Constitution of the Commonwealth. (1960, c. 213)

§ 7.4. Notes in anticipation of bonds and revenue.

Whenever an issue of bonds for any capital improvement project has been authorized as hereinafter provided, the director of finance, when authorized by ordinance, shall have power to issue notes of the city in anticipation of such bonds, for the purpose of defraying the whole or any part of the cost of such

project. Such notes in anticipation of bonds shall be authenticated by the signature of the director of finance and shall mature not later than five years after the date of issue. They shall be paid at maturity from the proceeds of the sale of the bonds in anticipation of which they have been issued; provided, however, the city may in its discretion, retire any such loans by means of current revenues, special assessments, or other funds, in lieu of retiring them by means of bonds. Notes in anticipation of revenues shall be authorized by the council by ordinance. They shall be authenticated by the signature of the director of finance and shall mature not later than twelve months after the date of issue. If not paid at maturity, the amount of such unpaid notes shall be included as an appropriation in the general fund budget for the ensuing fiscal year. (1960, c. 213; 1968, c. 474)

§ 7.5. Form and term of bonds.

All bonds shall be in serial form payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than five years from the date of issue of such bonds. Bonds shall be authenticated by the seal of the city attested by the facsimile signature of the city clerk and by the signatures of the city manager and director of finance or by the city manager and city treasurer, if the city manager and the director of finance are the same person. All bonds shall be made payable within the probable life of the improvement or undertaking on account of which they are to be issued or, if the bonds are to be issued for several improvements or undertakings, within the average probable life of such improvements or undertakings. In the case of a bond issue for several improvements, or undertakings having different probable periods of usefulness, the council shall determine the average of said periods, taking into consideration the amount of bonds to be issued on account of each purpose, and the period so determined shall be the average period of usefulness. The determination of the council as to the probable life of any such improvement or undertaking shall be conclusive. The probable life of no public improvement shall be considered over thirty years, except that the possible life of public buildings other than schoolhouses, may be forty years; concrete bridges, forty years; and parks or other real estate, fifty years. (1960, c. 213)

§ 7.6. Restrictions on loans and credits.

The credit of the city shall not directly, or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, association or corporation. (1960, c. 213)

§ 7.7. Issuance of bonds; how authorized.

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be the same as for the passage of any other ordinance, except that such ordinance must be adopted by the recorded affirmative vote of a majority of the entire council. Upon the adoption of an ordinance authorizing the issuance of bonds and a resolution fixing the form and details thereof which may be finally adopted at the meeting at which it is introduced, which may be a regular or special meeting, by a majority of the members of the entire council, and which need not be published or posted, a certified copy of the same shall be filed with the corporation or circuit court having jurisdiction over the city, or to the judge

thereof in vacation. A notice setting forth (1) in brief and general terms the purpose or purposes for which the bonds are to be issued, and (2) the amount of such bonds and, if bonds are to be issued for more than one purpose, the amount for each purpose, except that with respect to bonds for school purposes the amount of each separate purpose is not required, shall be published once in a newspaper having a general circulation in the city within ten days after such filing. For a period of thirty days after the date of the filing with the corporation or circuit court having jurisdiction over the city of a certified copy of the resolution of the governing body of the city authorizing the issuance of bonds and fixing the form and details thereof any person in interest shall have the right to contest the validity of such bonds or the taxes to be levied for the payment of the principal of and the interest on such bonds or the rates, rents, fees and other charges for the services and facilities furnished by or for the use of or in connection with the project or the pledge of the revenues or receipts of the project or any provisions which may be recited in such resolution or in any trust agreement securing the bonds, or any amendment thereof, or any matter therein contained or provided for or done or to be done pursuant thereto. If such contest shall not have been begun within the thirty days' period, the authority to issue the bonds, the validity of the taxes necessary to pay the principal of and the interest on the bonds, and the validity of any other provision contained in such resolution or any such trust agreement and all proceedings in connection with the authorization and the issuance of the bonds shall be conclusively presumed to have been legally taken and no court shall have authority to inquire into such matters and no such contest shall thereafter be instituted. (1960, c. 213)

§ 7.8. Procedure for sale of bonds and notes.

All bonds issued under this charter may be sold either at public or private sale. All bonds sold at public sale shall be sold upon sealed proposals after at least ten days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, published in the city of New York, New York, and at least ten days' notice published at least once in a daily newspaper of general circulation or published in the City of Colonial Heights. The terms of the sale of bonds shall be approved by the council by resolution. Notes in anticipation of bonds, in anticipation of revenue, or to provide for emergency expenditures, when authorized by the council, may be sold by the director of finance, with the approval of the city manager, at private sale without prior public offering.

In the event bonds issued under this charter are sold at public sale the council may waive all technicalities existing in sealed proposals and accept the low bid or the council may reject all bids and negotiate the sale of such bonds to the low bidder. (1960, c. 213; 1968, c. 474)

§ 7.9. Contents of the bond ordinance.

An ordinance authorizing the issuance of bonds shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or more capital improvement projects, it shall describe each of them sufficiently for purposes of identification, and shall estimate the cost of the

project or projects and the portion thereof to be defrayed from sources, specifying them, other than the proposed bond issue. The bond ordinance shall also include the amount of the proposed issue, a statement showing the proposed issue to be within the limitation of indebtedness as provided in § 7.3, the length of time for which they are to run, the maximum rate of interest to be paid thereon, not to exceed such maximum interest rate as may be set by general law, the probable life of the purpose or the average probable life of the purposes to be financed, as determined by council, and a declaration that principal of and interest on the proposed issue are to be paid from ad valorem taxes on real estate and tangible personal property and that the full faith and credit of the city are pledged to such payment, and the procedure for the sale of the proposed issue. All other matters relating to the authorization, issuance or sale of the bonds or notes may be provided by resolution. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold. The council is authorized and empowered to sell all bonds issued under this charter for such prices or rate of interest as it may determine to be in the best interests of the city, not to exceed such maximum interest rate as may be set by general law. All other matters relating to such bonds may be determined by resolution within the limitations prescribed by such ordinance or by this charter. (1960, c. 213; 1970, c. 183; 1983, c. 106)

§ 7.10. Payment of bonds and notes.

The power and obligation of the city to pay any and all bonds and notes hereafter issued by it pursuant to this charter, except revenue bonds, as provided in § 7.12, shall be unlimited, and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount. The faith and credit of the city are hereby pledged for the payment of the principal of and the interest on all bonds and notes of the city hereafter issued pursuant to this chapter, except revenue bonds, as provided in § 7.12, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance. (1960, c. 213)

§ 7.11. (1960, c. 213; repealed 1980, c. 206)

§ 7.12. Revenue bonds.

In addition to the authority to issue bonds otherwise provided in this chapter, and in addition to the authority of § 127 (b) of the Constitution of Virginia, the council may, in the manner provided for the issuance of other bonds and subject to the limitations of this chapter, except that the faith and credit of the city need not be pledged to their payment and except as hereinafter provided, authorize the issuance of revenue bonds to be secured by mortgage upon the property of the city devoted to the use of a revenue-producing utility, project or enterprise and the interest and principal of which may be paid exclusively from the revenues of such utility, project or enterprise; provided that such issue need not be limited to a term of thirty years. (1960, c. 213)

§ 7.13. Applicability of general law.

If there shall be omitted from this charter any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of the city, the provisions of the general law, with reference to similar bonds, shall supply said omission. (1960, c. 213)

Chapter 8. Financial Administration.

§ 8.1. Department of finance.

The city council may by ordinance create a department of finance which shall include the functions of accounting and control; budgeting; purchasing; the collection of locally imposed taxes, fees, special assessments, and other revenues; and such other functions as may be provided by ordinance or by orders of the director of finance consistent therewith. (1960, c. 213; 2016, c. 514)

§ 8.2. Director of finance; appointment.

The head of the department of finance shall be known as the director of finance, and council may by ordinance provide that the director of finance shall be the city manager, or it may establish a director of finance separate from the city manager. When the city council shall by ordinance establish a director of finance separate from the city manager, he shall be appointed by the city manager. In making such appointment, the city manager shall give consideration to the applicant's qualifications in municipal finance and financial control. (1960, c. 213; 2016, c. 514)

§ 8.3. Director of finance; powers and duties.

The director of finance shall have general management and control of the functions of the department of finance. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. He shall have charge, subject to the direction and control of the city manager, of the administration of the financial affairs of the city, except those of the school board, unless specified in this chapter, and to that end shall have authority and be required to:

(a) Compile the departmental estimates and other data necessary or useful to the city manager in the preparation of the current expense and capital budgets.

(b) Supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded.

(c) Maintain a general accounting system for the city government and each of its departments, boards, commissions, offices and agencies, in conformity with the best recognized practices in governmental accounting; and encumber each item of appropriation and the allotments thereof with the amount of each purchase order, payroll or contract which he has approved, including each advance authorization as provided in subsection (f) of § 8.3.

(d) Prescribe the form of receipts, vouchers, bills or claims to be used, and of accounts to be kept by all departments, boards, commissions, offices and agencies of the city, provided that in so doing he shall consult with any officer appointed by the council for the purpose.

(e) Require daily, or at such other intervals as he may deem expedient, a report of receipts from each of such departments, boards, commissions, offices and agencies, and prescribe the times at and the manner in which moneys received by them shall be paid to the office of the director of finance.

(f) Examine all contracts, purchase orders and other documents, except bonds and notes authorized as provided in Chapter 7, which create financial obligations against the city and approve the same only upon ascertaining that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same, provided that the director of finance may give advance authorization for expenditures in conformance with a procurement policy approved by the council and consistent with the laws of the Commonwealth.

(g) Audit before payment, for legality and correctness, all accounts, claims and demands against the city, and no money shall be drawn from any bank account of the city or school board except by warrant or check, signed, if from an account of the city, by the director of finance, based upon a voucher duly approved by him as above provided.

(h) Supervise and be responsible for provision of tax maps, property descriptions and such other information as may be necessary or convenient for the scientific assessment of property for taxation within the city.

(i) Have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this charter or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange.

(j) Submit to the city manager for presentation to the council not later than the tenth day of each month, a statement concerning the financial transactions of the city and each utility respectively, prepared in accordance with accepted principles of municipal accounting and budgetary procedure, and showing: (1) the amount of each appropriation with transfers to and from the same, the allotments thereof to the end of the preceding month, the encumbrances and expenditures charged against such appropriation and the allotments thereof during the preceding month, the total of such charges for the fiscal year to the end of the preceding month, and the unencumbered balance remaining in such appropriation and the allotments thereof; (2) the revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total

receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected.

(k) Furnish to the head of each department, court, board, commission, office and agency of the city a copy of that portion of the statement relating to such department, court, board, commission, office or agency.

(l) Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city.

(m) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted.

(n) Unless otherwise authorized by the city council, collect all tax payments, fees, assessments, and charges that the City of Colonial Heights imposes.

(o) Unless otherwise authorized by the city council, employ any procedure that is now or hereafter prescribed by law to collect locally imposed taxes, assessments, fees, and charges that are delinquent. (1960, c. 213; 1980, c. 206; 2006, cc. 14, 761; 2016, c. 514)

§ 8.4. City treasurer.

The city treasurer shall collect and receive all money due the city from the State and all taxes and levies due the State and collected within the city, and disburse the same, using any procedure now or hereafter prescribed by law. In performing his duties, the city treasurer shall be entitled to employ such staff as the State Compensation Board authorizes.

The city council may authorize the treasurer to assume such duties of the director of finance as the council deems appropriate. (1960, c. 213; 1981, c. 513; 2016, c. 514)

§ 8.5. Commissioner of revenue.

The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the director of finance. The council may by ordinance require that all tax bills shall be made out by the commissioner of revenue and delivered in such manner as said ordinance may prescribe. (1960, c. 213)

§ 8.6. Sale of property for taxes.

The council may require real estate in the city, delinquent for the nonpayment of taxes, to be sold for said taxes, as provided in the Code of Virginia, except that if at any such sale no bid shall be made for

any such real estate, or such bid shall not be equal to the tax or assessment, with interest, charges and expenses, then such real estate shall be struck off to the city. As soon as practicable thereafter, the director of finance shall prepare a statement of sales made to the city, in which the real estate so sold shall be described, and the aggregate amount of tax or assessment with interest, charges and expenses specified.

(a) The owner of any real estate so struck off to the city, his heirs or assigns, or any person having the right to charge such real estate for a debt, or any person having interest in such real estate by way of reversion, remainder or otherwise, may redeem the real estate within three years from the sale thereof, by payment to the city of the amount for which it was sold, with such additional sums as would have accrued for taxes thereon if it had not been purchased for the city, with interest on the purchase money and taxes at the rate of six percent per annum from the time that they may have been so paid.

(b) In case that any real estate, struck off to the city as hereinbefore provided, shall not be redeemed within the time specified, the director of finance may, at the direction of the council, within sixty days after the expiration of three years from the sale, cause to be recorded in the Clerk's Office of the Circuit Court having jurisdiction of the city a certificate of sale with his oath that the same has not been redeemed, and thereupon the city, or its assignee, shall acquire an absolute title in fee in chancery proceedings to such real estate, and every interest therein, subject to be defeated only by proof that the taxes for which said real estate was sold were not properly chargeable thereon, or that the taxes properly chargeable thereon had been paid at the time of the execution of such certificate. The said certificate shall be recorded in the said Clerk's Office in a record book known as "deed book, recording conveyances to city lands sold for delinquent taxes," for recording which certificate the clerk shall be entitled to a fee of ten cents, payable out of the city treasury. The council may impose penalties upon its officers for their failure to comply with the requirements of this section. The said certificate, or the record thereof, or a certified copy thereof, shall, in all courts and other places, be evidence of the facts therein stated; provided, however, that the failure to obtain or record such certificate shall not invalidate the lien of the city for all taxes assessed against such real estate, but the city may, at any time, elect to enforce its lien for taxes in a court of equity and real estate. When real estate is sold at a tax sale, it shall be continued upon the land books in the name of the former owner or owners until there is a transfer of title of record and taxes and levies shall be annually extended thereon the same as if such tax sale had not taken place.

(c) When land sold for delinquent taxes or struck off to the city is redeemed by persons under disability at the time of sale, in addition to the payments otherwise required for redemption, the person or persons so redeeming the land shall pay to the purchaser, his heirs or assigns, the appraised value of any improvement that may have been made thereon after three years from the date of the sale for delinquent taxes. (1960, c. 213; 2016, c. 514)

§ 8.7. Correction of assessments and exoneration of taxes.

(a) The officer or board responsible for making any assessment of taxes or levies, or the director of finance, may require the production of the books and records of any taxpayer containing information concerning the tax liability of such taxpayer for the purpose of verifying or amending or correcting the assessment of city taxes for any tax year of the three tax years last past or for the then current tax year. The council may provide by ordinance for the issuance of a summons requiring the production of the taxpayer's books and records and for the imposition of fines and penalties for the failure to obey such summons.

(b) If the officer or board responsible for making any assessment or the director of finance ascertain that any taxpayer has not been assessed with taxes of any kind for any tax year of the three tax years last past or for the then current tax year, or that said taxpayer has been assessed with taxes of any kind at less than the law required for or during any one or more for such years, or that the said taxes for any cause have not been realized, it shall be the duty of the officer or board responsible for making the assessment or the director of finance, upon his or its own examination and audit, to assess the taxpayer with the taxes at the rate or rates prescribed for said year or years and in cases where the error has been due to the failure of the taxpayer to file a proper return, or in cases of omitted taxes upon lands, and excluding cases where the erroneous assessment has been due to the mistake of the assessing officer, to include in such assessment penalties and interest as may be prescribed by the council, not to exceed, however, a penalty of five percent of the tax and interest upon said tax and penalty at the rate of six percent per annum from the time when such tax would have borne a penalty for nonpayment had it been regularly assessed and remained unpaid, and the council may provide for the imposition of additional interest not to exceed interest upon the entire assessment at the rate of six percent per annum from the date of assessment, if such assessment be not paid within thirty days after its date.

(c) If in the regular course of the audit of such taxpayer's records the officer or board responsible for making any assessment and the director of finance ascertain that the amount of license taxes assessed against the taxpayer for any one or more of said years is in excess of the amount of license taxes which should have been assessed against said taxpayer upon a correct computation thereof, then the director of finance, with the approval of the city attorney, may refund out of the city treasury the excess of such taxes erroneously assessed if said excess be paid or exonerate the taxpayer from the payment of said excess if the excess be not paid. If the officer or board responsible for making the assessment, or the director of finance, ascertain that there be additional liability for one or more years and also an excessive assessment for one or more years, then the excess of one assessment may be credited against the deficiency of the other assessment and the taxpayer be assessed with the net deficiency or be refunded the next excess if paid or exonerated from the payment of the net excess if unpaid, by order of the director of finance, with the approval of the city attorney.

(d) Any person, firm or corporation assessed with any local tax or levy and who is aggrieved thereby may, at any time within one year from the thirty-first day of December of the year in which such assessment is made apply to the officer or board making such assessment for a correction of said assessment. Notice of such application shall also be given to the director of finance and the city attorney, and if the officer or board making such assessment, with the approval of both the director of finance and the city attorney, be satisfied that such person, firm or corporation has been erroneously assessed with any such tax or levy, then the director of finance, with the approval of the city attorney, may order the officer or board making such assessment to correct the assessment and it shall be the duty of said officer or board to make such correction in accordance with the orders of the director of finance, with the approval of the city attorney. The director of finance, with the approval of the city attorney, shall have the power to order that the taxpayer be exonerated from the payment of so much as is erroneously charged if unpaid, and if said assessment be paid, then the director of finance, with the approval of the city attorney, shall have the power to order the refund of the excess of said assessment out of the treasury of the city. But where it is shown to the satisfaction of the officer or board making such assessment, with the approval of both the director of finance and the city attorney, that there has been a double assessment in any case, one of which assessments is proper and the other erroneous, and that a proper single tax has been paid thereon, the director of finance, with the approval of the city attorney, may order that such erroneous assessment be corrected whether the erroneous tax has been paid or not, and even though the application be not made within the one year as hereinbefore required. The remedy granted by this section shall be in addition to the right of any taxpayer to apply within the time prescribed by law to the proper court as provided by law for the correction of erroneous assessments of the taxes described in this section, and application may be made to the proper court irrespective of whether such applicant has or has not theretofore made application to the officer or board making such assessment for the correction of any such assessment. The approval or withholding of approval by the city attorney in the matters provided for in §§ 8.7 (c) and 8.7 (d) shall relate only to the legality of the proposed action. (1960, c. 213)

§ 8.8. Annual assessment and equalization of assessments.

The council may, in lieu of the methods prescribed by general law, provide by ordinance for the annual or quadrennial assessment and reassessment and equalization of assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city and to prescribe their duties and terms of office. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and shall have the same authority as the assessors appointed under the provisions of general law and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of general law. And the council

may authorize the commissioner of revenue to act as the assessor provided herein, and provided further that application for relief from assessments may be made to the circuit court of appropriate jurisdiction. (1960, c. 213; 1966, c. 232)

§ 8.9. City purchasing agent; appointment; qualifications; powers and duties generally.

The city council shall, by resolution, designate the city manager or director of finance as city purchasing agent, or it may, at its discretion, appoint any other qualified person as city purchasing agent. In selecting the city purchasing agent, consideration shall be given to the applicant's experience in private business purchasing, or governmental purchasing, or comparable kind of institutional purchasing, and property control and accountability. He shall, pursuant to the provisions of this charter and to such rules and regulations consistent therewith as may be established by the council, purchase for the use of the city and all its departments, bureaus, boards, commissions, offices, and agencies, hereinafter in this chapter referred to as "using agencies," including at its option the city school board, but not excluding any other bureau, agency or official of said city, which purchases anything on behalf of said city, all supplies, materials, equipment, medicines and drugs, legal and scientific books and periodicals, and printing of legal briefs; manuscripts, maps, charts, sheet music, phonograph records, books, pamphlets and periodicals, when ordered by a city public library; such perishable articles and other articles as may be designated in the rules and regulations established by ordinance; and such supplies, materials, equipment and contractual services as may be required by any using agency in an emergency as defined in the said rules and regulations. The services of the purchasing agent shall be available to the school board whenever it wishes to make use thereof. (1960, c. 213; 1979, c. 246)

§ 8.10. Further powers and duties of purchasing agent.

The purchasing agent, for the purpose of giving effect to the provisions of the preceding section, shall have the following powers and duties:

(a) To establish, with the approval of the city manager, and after consultation with the heads of the using agencies concerned, and enforce standard specifications for all supplies, materials and equipment required by the city government except as to the purchases exempted above.

(b) To prescribe the time of making requisitions for such supplies, materials, and equipment and the future period which said requisitions are to cover.

(c) To inspect or cause to be inspected, all deliveries of such supplies, materials and equipment, and to cause tests to be made, when necessary, in order to determine their quality, quantity and conformance with specifications.

(d) To supervise and control such central storerooms, workshops, garages and repair shops as the council may provide by ordinance to serve the several using agencies or any of them.

(e) To transfer to or between using agencies, sell or trade-in supplies, materials and equipment determined by him, with the approval of the city manager and after consultation with the head of the using agency concerned, to be surplus, obsolete or unused.

(f) To maintain an adequate system of accounting for all property received and all property issued by the bureau of purchasing, in accordance with accepted principles of accounting for property and inventory control, and to maintain such inventory of all movable property belonging to the city, as may be required by the council.

(g) To perform such duties with regard to the letting of contracts for public works or improvements as are provided in Chapter 12 of this charter and to have such other powers and duties as may be provided by ordinance. (1960, c. 213)

§ 8.11. Purchasing.

All purchases shall be in conformance with a procurement policy approved by the council and consistent with the laws of the Commonwealth. (1960, c. 213; 1973, c. 500; 1979, c. 246; 2006, cc. 14, 761)

§ 8.12. Accounting control of purchasing.

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition, in such form as may be prescribed by the director of finance, from the head of the using agency whose appropriation is to be charged, or from the head of a bureau or other operating unit to whom such authority has been delegated in writing, filed with the purchasing agent, except as provided in subsection (f) of § 8.3 of this charter, by the head of the using agency. No purchase order made or contract entered into by the purchasing agent shall be valid unless there be endorsed thereon the certificate of the director of finance that there is an unexpended and unencumbered balance in the appropriation and allotment applicable thereto. Nothing herein, however, shall be taken to prevent the purchasing agent from making purchases from a store's revolving fund which the council is hereby authorized to establish, or from making sales from the stores to the several using agencies based on their requisitions, provided the director of finance certified that there is an unexpended and unencumbered balance in the appropriation to be charged. (1960, c. 213)

Chapter 9. Personnel.

§ 9.1. Merit basis of appointments.

Appointments and other personnel actions shall be made according to merit and fitness. The council shall have all necessary powers to carry out this purpose, including, if the council so determines, the establishment and operation of a competitive examination or selection system. The council may vest the following powers in the city manager, who may delegate them to any officer or department of the city government, as he may decide:

(a) To administer recruitment and selection to fill positions in the city government, except the following: (1) Officers elected by the people and persons appointed to fill vacancies in elective offices; (2) members of boards and commissions; (3) officers appointed by the council; (4) the municipal judge, the juvenile and domestic relations judge and the justices of the peace provided for in this charter; (5) employees of the school board; (6) assistant city attorneys, special counsel and technical advisors employed by the city attorney;

(b) To administer any system of competitive examination or selection which may be established by the council;

(c) To prepare and recommend to the council a classification plan;

(d) To prepare and recommend to the council a pay plan covering all employees in the city government, including school board employees, if the board so requests;

(e) To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city, of such personnel records and service rating of city employees (except employees of the school board) as he shall prescribe;

(f) To maintain a roster of all persons in the employ of the city (except employees of the school board) which shall specify as to each such person such information as (1) the class title of the position held, (2) the salary or pay, (3) any changes in class title, salary or pay, and (4) such other data as may be deemed useful or significant;

(g) To certify all payrolls, except those of the school board, and to make no payment for personal services to any person unless the payroll voucher bears the certificate of the city manager that the persons named therein have been appointed and employed in accordance with the provisions of this chapter;

(h) To provide a systematic program of in-service training for city employees (other than employees of the school board) to improve their performance and their potentialities for service to the city;

(i) To investigate the operation and effect of the personnel provisions of this charter and the rules adopted thereunder and report annually his findings and recommendations to the council;

(j) To recommend to the council and to effectuate such rules and regulations as may be necessary for the purpose of carrying out the provisions of this charter and to perform such other powers and duties as may be assigned to him by ordinance. (1960, c. 213)

§ 9.2. Unclassified service.

The service of the city shall be divided into the unclassified and classified services. The unclassified service shall consist of: (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members of boards and commissions, all officers appointed by the council and, any of their deputies, appointees, assistants or employees designated by council as in the

unclassified service and persons appointed by officers elected by the people; (c) the justices of the peace, municipal judge and the juvenile and domestic relations judge provided for in this charter; (d) the assistant city manager, if there be one; (e) employees of the school board, provided that any class of such employees may be transferred to the classified service on the request of the school board; (f) assistant city attorneys, special counsel and technical advisors employed by the city attorney; (g) licensed physicians and dentists employed by the city in their professional capacities; (h) persons temporarily employed in a professional or scientific capacity or to conduct a special inquiry, investigation, examination or installation, if the council or the manager certifies that such employment is temporary and that the work should not be performed by employees in the classified service; (i) per diem employees. (1960, c. 213; 1980, c. 206; 1981, c. 513)

§ 9.3. Classified service.

The classified service shall comprise all positions, including those in the police and fire departments not specifically included by the preceding section in the unclassified service. (1960, c. 213)

§ 9.4. Appointment and removal.

All original appointments to positions in the classified service shall be for a probationary period. The probationary period shall be six months, but at any time prior to the conclusion of the probationary period of any employee, his services may be terminated by the officer having the power of appointment to the position, if, in the opinion of such officer, the employee does not possess the qualifications to perform satisfactorily the duties of the position. Upon the conclusion of the probationary period, no employee shall be suspended for more than sixty days, reduced in rank or pay, or removed, except after notice in writing of the grounds of the proposed action. Such notice shall be from the officer who has the power of appointment to the position. The decision of the city manager (or for positions not under his appointing power, the decision of the appointing officer) shall in all cases be final. (1960, c. 213; 1981, c. 513)

§ 9.5. Tenure.

An employee who has been continued in employment after the conclusion of the probationary period may not, so long as he continues in the employ of the city, be required to serve a new probationary period upon appointment or transfer to a position not involving different skills. (1960, c. 213)

§ 9.6. Rules.

Within six months after this charter becomes effective, the city manager shall prepare and recommend to the council such rules as he may consider necessary to carry out the provisions of this chapter with respect to persons in the classified service. The council shall cause to be published at least once in a newspaper of general circulation in the city, a notice of the time and place of a public hearing to be held on such proposed rules, to take place not less than five days after the publication of such notice. Thereafter, the council shall reject or adopt the rules recommended by the city manager with such modifications as it may deem advisable. Amendments to the rules may be adopted from time to time

after public hearing as above provided, but no change in the rules shall be set for hearing which has not been recommended by the city manager unless the same shall have first been referred to him for his opinion at least ten days prior to such hearing. The rules and amendments thereof so adopted shall have, to the extent that they are consistent with the terms of this charter, the force of law. Among other things, they shall provide for the administration of the classification plan and pay plan; hours of work, vacations, sick leaves and other leaves of absence; overtime pay; the order and manner in which layoffs shall be effected; procedure on appeals from orders of suspension or removal or other disciplinary action; and such other matters as may be necessary to provide adequate and systematic handling of the personnel affairs of the city. (1960, c. 213)

§ 9.7. Classification plan.

The city manager first appointed shall, within seven months after his appointment, prepare, after consultation with all officers having the power of appointment, and submit to the council a plan of classification and grading for all positions in the classified service according to similarity of authority, duties and responsibilities. The council shall hold a public hearing thereon, at least ten days' notice of which shall be given by publication in a newspaper of general circulation in the city, and within thirty days after the submission of the plan by the city manager, it shall reject or adopt the same with or without modifications. Changes in the classification plan may thereafter be recommended from time to time by the city manager and shall take effect when approved by the council. When the specifications of any job are changed or a new position created the city manager shall recommend the necessary changes in the classification plan. After the adoption of the classification plan the class title set forth therein shall be used to designate such positions in all official records, documents, vouchers and communications, and no person shall be appointed to or employed in a position in the classified service under any class title which has not been recommended by the city manager and approved by the council as appropriate to the duties to be performed. Employees affected by the allocation or reallocation of a position to a class or by any changes in the classification plan shall be afforded an opportunity to be heard thereon by the city manager after filing a request for such hearing. After such hearing, the decision of the city manager shall be final. (1960, c. 213)

§ 9.8. Pay plan.

There shall be a pay plan consisting of a salary range for each class of position in the classification plan, which shall provide for regular increments within such range to be earned by length of service upon certification of satisfactory service by the supervisor. Each such range shall be determined with due regard to the salary ranges for other classes and to the relative difficulty and responsibility of characteristic duties of positions in the class, the minimum qualifications required, the prevailing rate paid for similar employment outside the city service, and any other factors that may properly be considered to have a bearing upon the fairness or adequacy of the range. The city manager shall prepare within thirty days after the adoption of the classification plan by the council a pay plan as described above

which shall be transmitted to the council, with his recommendations. The council shall have power to adopt the same by ordinance with or without modifications. When so adopted by the council the pay plan shall remain in effect until amended by the council. When a pay plan has been adopted, the council shall not increase or decrease the salaries of individual members of the classified service but shall act in fixing the salaries of members of the classified service only by amendment of the pay plan. (1960, c. 213)

§ 9.9. Status of present employees.

All persons holding positions in the service of the city at the effective date which are included by this chapter in the classified service, shall immediately become members of the classified service, upon certification by the city manager with the approval of the council. Nothing in this section, however, shall be deemed to limit the power of the council by ordinance to abolish any position, or positions, or to establish a classification plan affecting any position in the classified service, or to adopt a pay plan altering the compensation thereof. (1960, c. 213)

Chapter 10. Department of Law.

§ 10.1. Department of law.

There shall be a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance. (1960, c. 213)

§ 10.2. Qualifications and appointment.

The head of the department of law shall be the city attorney. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. He shall be chosen in the manner provided in § 10.5. (1960, c. 213)

§ 10.3. City attorney; powers and duties.

The city attorney shall (a) be the legal advisor of (1) the council, (2) the city manager, (3) the city school board, and (4) all departments, boards, commissions, and agencies of the city, in all matters affecting the interests of the city, and shall, upon written request, furnish a written opinion of any question of law involving their respective official powers and duties; (b) at the request of the city manager or any member of the council, prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the city or city school board is a part or in which it has an interest; (d) have the management and control of all the law business of the city and of the city school board and the departments, boards, commissions and agencies thereof, or in which the city has an interest, and represent the city and the city school board as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (e) with the approval of the council or of the city school board, as the case may be, institute and prosecute all legal proceedings

he shall deem necessary or proper to protect the interests of the city or the city school board; (f) attend in person or assign one of his assistants to attend all meetings of the council and any regular meeting of the city school board when requested by the Superintendent of Schools; (g) appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 9 of this charter as to employees in the classified service, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter; and (h) have such other powers and duties as may be assigned to him by ordinance. The city attorney may, with the concurrence of the Commonwealth's Attorney, prosecute misdemeanor violations of city ordinances not prosecuted by the Commonwealth's Attorney pursuant to § 21.7 of this charter. The approval or withholding of approval by the city attorney in the matters provided for in §§ 8.7 (c) and 8.7 (d) shall relate only to the legality of the proposed action. (1960, c. 213; 1962, c. 467; 1981, c. 513)

§ 10.4. Restrictions on actions for damages against city.

No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any city officer, employee or agent thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time an place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney within sixty days after such cause of action shall have accrued, except that when the claimant is an infant or non compos mentis, or the injured person dies within such sixty days, such statement may be filed within one hundred and twenty days. Neither the city attorney nor any other officer, employee or agent of the city shall have authority to waive the foregoing conditions precedent or any of them. (1960, c. 213)

§ 10.5. Qualifications and appointment.

The city council shall appoint a city attorney who shall be an attorney at law licensed to practice under the laws of the Commonwealth. In addition to the other powers conferred upon the city by general law, the city council shall have the power to appoint a city attorney who shall not be required to reside in or be a resident of the city at the time of his appointment or during the term of his office for which he was appointed. (1960, c. 213; 1968, c. 474; 1973, c. 500; 1974, c. 9; 2006, cc. 14, 761)

§ 10.6. Salary of city attorney.

The salary or compensation of the city attorney shall be as determined by resolution or ordinance adopted by the council. (1960, c. 213; 1962, c. 467)

§ 10.7. (1960, c. 213; repealed 1962, c. 467)

Chapter 11. Public Safety.

§ 11.1. Functions.

The functions of public safety shall be performed by the police department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the city manager consistent therewith.

The City of Colonial Heights may enter into contractual relationships with neighboring political subdivision for the support and utilization of a joint fire department which shall be responsible for the protection from fire of life and property within the city, and may, at any time, establish a city fire department for such purpose. (1960, c. 213)

§ 11.2. Police department.

The police department shall consist of the chief of police and such other officers and employees of such ranks and grades as may be established by ordinance. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, the ordinances of the city and all rules and regulations made in accordance therewith. The chief of police and the other members of the police force of the city shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth. (1960, c. 213)

§ 11.3. Chief of police.

The head of the police department shall be the chief of police and shall be appointed by the city manager. Under the general supervision of the city manager, he shall be in direct command of the police department. He shall appoint all members of the department and assign all members of the department to their respective posts, shifts, details and duties. He shall with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. The chief of police shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager, relating to the police department shall be transmitted in all cases through the chief of police or in his absence from the city or incapacity through an officer of the department designated as acting chief by the city manager. Disobedience to the lawful commands of the chief of police or violation of the rules and regulations made by him with the approval of the city manager shall be ground for removal or other disciplinary action as provided in such rules and regulations, subject to the provisions of Chapter 9 of this charter. (1960, c. 213)

§ 11.4. Special police.

The Municipal Judge in time of grave public emergency, may appoint and equip a sufficient number of special policemen to preserve the peace, safety and good order of the community. The Municipal Judge shall also appoint such employees of the city to be special policemen who while in the performance of their official duties shall have the powers and duties of policemen. The Municipal Judge may in his discretion, upon the application of any individual, firm or corporation showing the necessity

therefor, appoint one or more special policemen, to be paid by the applicant, who shall have the powers and duties of policemen while in or on the premises of such applicant or in the actual performance of the duties for which employed. Special policemen shall be subject to the rules and regulations of the police department and their appointment shall be revocable at any time by the Municipal Judge. (1960, c. 213)

§ 11.5. Fees.

The regular members of the police force and the special police shall receive all fees and allowances prescribed by law arising out of the exercise of their powers and duties, which shall be collected by the chief of police and paid into the city treasury, except that witness fees allowed for attendance upon the courts of record may be paid to and retained by such members as individuals. (1960, c. 213)

§ 11.6. Civil defense traffic police.

The City Manager when advised of any large gathering of people requiring additional traffic control police and with the consent of the local coordinator of Civil Defense may appoint and equip a sufficient number of regular civil defense police to act as special policemen to regulate traffic and to preserve the peace, safety and good order of the community. Civil Defense Traffic Police shall be subject to the rules and regulations of the police department and shall have official status as city policemen only while such gathering is coming together, assembled or departing therefrom. (1960, c. 213)

§ 11.7. Fire department.

The city council by ordinance may establish a paid or voluntary fire department and provide for its composition and all orders, rules and regulations for the government of the department. (1960, c. 213)

Chapter 12. Department of Public Works.

§ 12.1. Department of public works.

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of public works which shall consist of the director of public works, who shall be, or be appointed by, the city manager, and such other officers and employees organized into such bureaus, divisions and other units as provided by this chapter or as may be provided by ordinance or by the orders of the director consistent therewith. (1960, c. 213)

§ 12.2. Functions.

The department of public works shall be responsible for: (a) the making of such surveys, reports, maps, drawings, plans, specifications and estimates as may be requested from time to time by the council, the city manager or the head of any department, or any board, commission or agency of the city, provided that the city manager may, with the approval of the council, employ consulting engineers or architects in connection with the design of any building, work or improvement; (b) the custody of all maps or plans of the city or any part thereof which were filed at the effective date of this charter in the office of the director of public works and all such maps or plans hereafter made and not expressly

required by law or ordinance to be filed in some other place, and any map or plan of the city or any part thereof made in accordance with any law or ordinance and in the custody of the department of public works, or a copy thereof attested by the director of public works, shall be evidenced in the courts of the Commonwealth of the facts shown thereon; (c) the supervision of the execution and performance of all contracts for capital improvement projects as defined in subsection (a) of § 7.2 of this charter, and no payment shall be made by the city upon any such contract without the certificate of the director of public works that the work or the portion thereof for which such payment is to be made has been satisfactorily performed in accordance with the terms of such contract, provided that when the plans and specifications for any capital improvement project have been prepared under the authority of the school board or department of public utilities by some person or agency other than the department of public works, the contract may be supervised and the certificate above required shall be issued by a person or agency to be designated by the school board or the director of public utilities, as the case may be; (d) the construction of any capital improvement project by employees of the department of public works when ordered, as hereinafter provided in this chapter, by the council or the city manager; (e) the maintenance and cleaning of streets, alleys, other public places, bridges, viaducts, subways and underpasses; (f) the maintenance of storm water sewers, drains and culverts, the collection of garbage and other refuse and the maintenance and operation of facilities for the disposal of the same, subject to the authority of the director of public health in matters affecting the public health; (g) the maintenance, heating, lighting and janitorial service for all city-owned buildings except those under the jurisdiction of the school board and the department of public utilities, and except when otherwise provided by this charter, law, ordinance or the directions of the city manager; (h) the determination, in accordance with such ordinances on the subject as the council may adopt, of the conditions under which street surfaces may be cut by the department of public utilities or any person, firm or corporation, for the purpose of laying, relocating, removing, connecting or repairing pipes or conduits therein, and the time within and the manner in which such work shall be completed and such cuts filled and the street surface restored; (i) the inspection of buildings, and electrical wiring and plumbing installations, and the issuing of permits for such construction, maintenance, repair and installations to secure compliance with existing codes or as may be provided by ordinance; (j) requiring every merchant, retailer, trader, and dealer in merchandise, or property of any description, which is sold by measure or weight, to cause their weights to be sealed by a city sealer, and to be subject to his inspection; and (k) such other powers and duties as may be assigned to the department by ordinance. (1960, c. 213)

§ 12.3. Director of public works; qualifications.

The head of the department of public works shall be the director of public works. In making the appointment of such director, consideration shall be given to the applicant's experience in public works problems and public works administration. (1960, c. 213)

§ 12.4. Director of public works; powers and duties.

The director of public works shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all the officers and employees of the department and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. (1960, c. 213)

§ 12.5. Grading of streets.

Whenever the council shall have determined to grade or change the grade of any street, alley or public place within the city, if the work be of such a nature as may cause damage to the abutting landowners it shall be the duty of the director of public works to ascertain what damages, if any, will accrue to the owners of the property likely to be so affected. It shall further be the duty of the director of public works, such ascertainment having been made, to give such notice and hearings and to make such reports and proceed in such manner as is required by §§ 15-767, 15-768, 15-769 and 15-770 of the Code of Virginia. The amount finally ascertained, in the manner provided in the said sections, to be due to any property owner shall have the effect of a judgment in favor of the property owner and against the city as of the date of such final ascertainment. (1960, c. 213)

§ 12.6. Assessment of the cost of certain improvements upon abutting landowners.

Before the council shall order the assessment of the whole or any portion of the cost of any improvement, as provided in subsection (a) of § 2.3 of this charter, it shall give notice to the abutting landowners as required by §§ 15-669 through 15-671, and § 15-674 of the Code of Virginia, and all further proceedings in relation to such assessment shall be governed by the provisions of §§ 15-669, 15-670, 15-671, 15-672, 15-673, 15-674, 15-675, 15-676 of the Code of Virginia relating to notice, hearings, appeals and other procedural matters; provided that it shall be the duty of the director of public works to ascertain the cost of such improvement and that any duties which under said sections may be performed by an officer of the city, shall be performed by the director of public works. (1960, c. 213)

§ 12.7. Contracts for capital improvement projects.

Whenever any capital improvement project is to be undertaken by the city or any department, board, commission or agency thereof, including the school board, the department of public works shall cause plans, specifications and estimates of cost of such capital improvement project to be made. The school board and department of public utilities may utilize the services of the department of public works in preparing plans, specifications and estimates of cost for capital improvement projects relating to their respective functions but they may, in the discretion of the school board or director of public utilities, as the case may be, cause such plans and specifications to be prepared by their own employees or by architects and engineers engaged for the purpose. In the case of any capital improvement project, except one relating to school buildings and grounds, if the estimate of cost is $10,000 or less it may, in the discretion of the city manager, be constructed either by contract or by the employees of the department of public works or the department of public utilities, as the case may be. If the estimate of

cost is more than $10,000, such capital improvement project shall, except as hereinafter provided, be constructed by contract. No contract for any capital improvement project estimated to cost more than $1000 shall be let except upon sealed bids based on the plans and specifications prepared by the department of public utilities, which bids shall be advertised for, received, opened and tabulated by the purchasing agent in the manner and subject to the conditions prescribed by ordinance. The contract shall be awarded by the purchasing agent to the lowest responsible bidder, provided that the city manager, when the estimated cost of the capital improvement project is $10,000 or less, and the council in all cases, may authorize the rejection of all bids, instruct the purchasing agent to readvertise for bids with or without modification of the plans and specifications for such capital improvement project or order the same to be constructed by the department of public works or the department of public utilities, as the case may be. A record of all bids, showing the names of the bidders and the amounts of the bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of contracts, shall be preserved by the purchasing agent for six years in a file which shall be open to public inspection during regular business hours. No capital improvement project which is essentially a unit shall be divided for the purpose of evading the intent of this section. (1960, c. 213)

§ 12.8. School board contracts for capital improvement projects.

The school board may make use of the contract procedure provided by § 12.7 and if it does so, the authority to reject all bids and order the purchasing agent to readvertise for bids shall be vested in the school board, provided that the execution of any capital improvement project relating to school buildings or grounds shall not be undertaken by the department of public works except upon the request of the school board and with the approval of the city manager. The school board may, in its discretion, adopt its own procedure for the letting of contracts for capital improvement projects, provided that no such project involving an estimated cost of more than $10,000 shall be let except on sealed bids. No contract or bid of the city school board for capital improvements shall be let out for bid or entered into until the same shall have been first forwarded to the director of public works for approval or disapproval as to contents and to the City Attorney for approval or disapproval as to form. The director of public works and the City Attorney shall return the same to the school board within 15 days endorsed approved or disapproved and in the event the same is disapproved, the director of public works or the City Attorney, as the case may be, shall state in writing his reasons for disapproval. In the event that the director of public works or the City Attorney fail to return the contract or bid within the said 15 days, approval of the contract or bid shall be deemed approved by said official. (1960, c. 213)

§ 12.9. Inspection functions.

The director of public works shall supervise and be responsible for: (a) receiving all applications for permits under the existing building, electrical, and plumbing codes of the city or as may be provided by ordinance, as well as applications for any work sought to be done by private parties in the streets of

the city or upon public property, and shall issue or refuse such permits according to the regulations of the existing code or as may be provided by ordinance, and inspecting all such construction, maintenance, repair, and installations to insure compliance with all of the requirements of the aforementioned code and the approved plans and permits; (b) the inspection by the city sealer of all weights, measures and weighing or measuring devices used in the city, and all weights, scales and measures used in commerce which may be found, or can be made to agree with the standard as provided by existing code or as may be provided by ordinance, shall be sealed by the city sealer, and all which do not or cannot be made to agree therewith shall be defaced and destroyed by the city sealer. (1960, c. 213)

Chapter 13. Department of Public Utilities.

§ 13.1. Department of public utilities.

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of public utilities which shall consist of the director of public utilities, who shall be, or be appointed by, the city manager, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1960, c. 213)

§ 13.2. Functions.

The department of public utilities shall be responsible for: (a) the operation of the water and sanitary sewer utilities of the city; (b) the collection of all charges for the services of such utilities; (c) such other powers and duties as may be assigned to the department by ordinance. (1960, c. 213)

§ 13.3. Director of public utilities; qualifications.

The head of the department of public utilities shall be the director of public utilities. He shall be a person trained and skilled in public utility problems and shall have had at least five years' experience in public utility operation or administration. (1960, c. 213)

§ 13.4. Director of public utilities; powers and duties.

The director of public utilities shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. (1960, c. 213)

§ 13.5. Bureau of billing and collection.

There shall be a bureau of billing and collection in the department of public utilities, which shall be responsible for the collection of all charges for the use of water, sanitary sewers and other services incident thereto. The collection of unpaid bills may be enforced in the manner now or hereafter prescribed by law or ordinance. (1960, c. 213)

§ 13.6. Each utility a separate enterprise.

The city council by ordinance, may provide that the water and sanitary sewer utilities shall be conducted as a separate enterprise and may further provide for the billing and collection of each utility, for separate budgets for each utility and for separate accounting of each utility. (1960, c. 213)

§ 13.7. Changes in rates.

The rates to be charged for the respective services of the water and sanitary sewage utilities shall be fixed from time to time by the council on the recommendation of the director of public utilities and the city manager. (1960, c. 213)

§ 13.8. May utilize department of public works.

The functions of construction, maintenance, repair and installation pertinent to the operation of the water and sanitary sewer utilities, including sewage disposal plants may be performed, at the option of council, by the department of public works and the director of public works shall charge all costs incident thereto to the department of public utilities. (1960, c. 213)

Chapter 14. Department of Public Health.

§ 14.1. Department of public health.

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b), and 4.2 (c) of this charter, there shall be a department of public health which shall consist of the director of public health and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1960, c. 213)

§ 14.2. Functions.

The department of public health shall be responsible for: (a) enforcing all laws and ordinances and all lawful rules and regulations of the department as hereinafter provided, relating to the preservation and promotion of public health and sanitation; (b) the protection of the inhabitants of the city from contagious, infectious and other diseases; (c) the abatement of nuisances detrimental to public health; (d) the operation of city hospitals, sanatoria and laboratories and the furnishing of medical aid and care to the indigent; (d) the conducting of clinics, nursing and educational services for the preservation and promotion of public health; (f) the collection of morbidity and vital statistics; and (g) such other powers and duties as may be assigned to the department by ordinance. (1960, c. 213)

§ 14.3. Director of public health; qualifications.

The head of the department of public health shall be the director of public health. He shall be a person trained and skilled in public health problems and shall have had at least five years' experience in public health work. (1960, c. 213)

§ 14.4. Director of public health; powers and duties.

The director of public health shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department, provided that all regular officers and employees of the department who are included in the unclassified service by reason of their professional status as physicians or dentists shall be disciplined or removed only in the manner prescribed for the discipline or removal of members of the classified service and shall be subject to the provisions of §§ 9.7, 9.8 and 9.10 of this charter. (1960, c. 213)

§ 14.5. Director of public health; further powers and duties.

The director of public health shall further have all the powers and duties with respect to the preservation of the public health which now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth, as well as all the powers and duties conferred or imposed on him by this charter and the ordinances of the city. He shall have the power, with the approval of the board of health, to make rules and regulations for the preservation of the public health, not inconsistent with the laws of the Commonwealth and the ordinances of the city, which shall have the force of law. The penalties for the violation of any such rules and regulations shall be fixed by ordinance. (1960, c. 213)

§ 14.6. Contractual relationships.

The City of Colonial Heights may enter into contractual relationship with the Commonwealth and neighboring political subdivisions for the support and utilization of a joint board of health to effectuate any, or all of the functions of the department of health. (1960, c. 213)

Chapter 15. Department of Public Welfare.

§ 15.1. Department of public welfare.

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of public welfare which shall consist of the director of public welfare and such officers and employees organized in such bureaus, divisions and other units as may be provided by ordinance or the orders of the director consistent therewith. (1960, c. 213)

§ 15.2. Functions.

The department of public welfare shall be responsible for: (a) the duties imposed by the laws of the Commonwealth relating to public assistance and relief of the poor; (b) the operation of a city home; and (c) such other powers and duties as may be assigned to the department by law or ordinance. (1960, c. 213)

§ 15.3. Director of public welfare; qualifications.

The head of the department of public welfare shall be the director of public welfare. He shall be a person trained and experienced in welfare administration. (1960, c. 213)

§ 15.4. Director of public welfare; powers and duties.

The director shall have, subject to the laws of the Commonwealth relating to public assistance, general management and control of the several bureaus, divisions and other units of the department, including the appointment and removal, subject to the provisions of Chapter 9 of this charter, of all officers and employees of the department and the making of rules and regulations, consistent with this charter and the ordinances of the city, for the conduct of its business. (1960, c. 213)

§ 15.5. Contractual relationships.

The City of Colonial Heights, at the option of the council, may enter into contractual relationships with neighboring political subdivisions for the administration of public aid and assistance, and the care, maintenance and support of the aged, indigent, and infirm. (1960, c. 213)

Chapter 16. Department of Recreation and Parks.

§ 16.1. Department of recreation and parks.

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of recreation and parks which shall consist of the director of recreation and parks and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1960, c. 213)

§ 16.2. Functions.

The department of recreation and parks shall be responsible for: (a) organizing and conducting recreation programs for all age groups in various parts of the city; (b) operating and maintaining all public parks, grounds, playfields and playgrounds of the city both within and without its boundaries, except those under the jurisdiction of the school board; (c) operating and maintaining all city cemeteries: (d) operating and maintaining nurseries for flowers, vines, shrubs and trees for use in the public parks, grounds, streets and ways of the city; (e) planting and care of all flowers, vines, shrubs and trees in the public parks, grounds, streets and ways of the city; (f) operating and maintaining all buildings, museums, gardens, monuments, lakes, swimming pools, rest rooms, restaurants, refreshment stands and other facilities and establishments situated in the public parks and grounds under the jurisdiction of the department; (g) promoting, sponsoring and managing public concerts, entertainments and other recreational activities; and (h) such other powers and duties as may be assigned to the department by ordinance. The department of recreation and parks shall be permitted to utilize grounds and buildings under the jurisdiction of the school board at such hours and on such days as they are not in use for other educational purposes, subject to such reasonable rules and regulations as the school board may establish, and provided that the department of recreation and parks shall be responsible for any damage or extra expense arising from its use of the school grounds and buildings. When authorized by the council and upon such terms and conditions as it may provide, the department of recreation may lease concessions and other facilities in the public parks and grounds under its jurisdiction, fix

and collect charges for the use of its facilities and services, fix and collect charges for admission to concerts, entertainments and other recreational activities sponsored by it and sell or exchange the surplus products of the city nurseries. The repair and maintenance of all buildings, drives and walks in parks and grounds under the jurisdiction of the department may, when so directed by the city manager, be performed by the department of public works. (1960, c. 213)

§ 16.3. Director of recreation and parks; qualifications.

The head of the department of recreation and parks shall be the director of recreation and parks. He shall be a person trained and experienced in recreational activities, with experience in the administration of public recreation or parks. (1960, c. 213)

§ 16.4. Director of recreation and parks; powers and duties.

The director of recreation and parks shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department, and he shall have the power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. (1960, c. 213)

§ 16.5. Rules and regulations.

The council shall have power to adopt by ordinance all needful rules and regulations relating to the use of public grounds, parks, playfields, playgrounds and cemeteries, whether within or without the city, and for the preservation of order, safety and decency therein. For the purpose of enforcing such rules and regulations, all such public grounds, parks, playfields, playgrounds and cemeteries shall be under the police jurisdiction of the city. Any member of the police force of the city, or park employee appointed as a special policeman shall have power to make arrests for violations of any such rule or regulations. (1960, c. 213)

§ 16.6. Advisory board of recreation and parks.

There shall be an advisory board of recreation and parks consisting of five members, of whom one shall be a member of the school board, appointed by the school board, and one a member of the city planning commission, appointed by the city planning commission, for terms of two years from the first day in September, 1960, and every two years thereafter, but in no case shall a member so appointed continue to be a member of the advisory board of recreation and parks after the expiration of his term as a member of the school board or the city planning commission, as the case may be; and of whom three shall be appointed by the council for terms of three years, provided that the members in office at the effective date of this charter are hereby continued in office for the terms they were appointed, and new appointments shall be made annually from the first day in September in such a manner that one or more, but less than three, of the appointments expire annually. Vacancies shall be filled by the Authority making the appointment, for the unexpired portion of the term. The advisory board of recreation and parks shall choose annually one of its own number to be chairman for a term of one year

and until his successor is chosen and qualified. An employee of the department of recreation and parks shall be assigned by the director of recreation and parks to act as secretary of the board. It shall hold such regular meetings as it may determine. Special meetings may be held at any time on the call of the director of recreation and parks. The advisory board of recreation and parks shall advise with the director of recreation and parks on all matters submitted by him for their consideration. The members of the advisory board of recreation and parks shall serve without compensation. (1960, c. 213)

Chapter 17. Planning, Zoning and Subdivision Control.

§ 17.1. Planning powers.

In addition to the powers granted under prevailing State laws and elsewhere in this charter, the council is authorized and empowered to make and adopt planning ordinances and approve a comprehensive master plan for the orderly development of the city to promote health, safety, morals, comfort, prosperity, and general welfare. The master plan may include but shall not be limited to the following:

(a) The general location, character and extent of all streets, highways, superhighways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, terminals, airports, and other public places or ways, and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension thereof.

(b) The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof.

(c) The general location, character and extent of slum clearance, housing, and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings.

(d) A general plan for the control and routing of railways, streetcar lines, bus lines and all other vehicular traffic.

(e) A comprehensive zoning plan for the zoning of all or any part of the area within the city.

(f) The general location, character and extent of use and development of land in areas beyond the corporate limits of the city which may be considered for annexation. (1960, c. 213)

§ 17.2. City planning commission; established; composition; terms of members; vacancies; compensation.

There shall be a city planning commission which shall consist of seven members appointed by the council. One member shall be a member of the council who shall be appointed for a term coincident

with his term in the council; one member shall be a member of the board of zoning appeals appointed for a term coincident with his term on such board; five citizen members shall be qualified voters of the city who hold no office of profit under the city government, appointed for terms of four years; provided that the citizen members of the city planning commission previously appointed by the mayor and in office at the effective date of this charter shall continue to serve as members of the commission for the terms for which they were appointed, and provided further, that of the citizen members first appointed thereafter by the council, two shall be appointed for two years and two for four years from the first of January following their appointment. Vacancies shall be filled for the unexpired portion of the term. Members of the city planning commission shall serve as such without compensation. In addition to the seven members appointed by the council, the city manager, or his designee, shall be a nonvoting member of the city planning commission. (1960, c. 213; 1973, c. 500; 1979, c. 246)

§ 17.3. Organization and expenditures.

The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for reelection, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects and other consultants for services it may require. All expenditures, exclusive of gifts to the commission, shall not exceed the sums appropriated by the council therefor. A majority of the members shall constitute a quorum and no action of the commission shall be valid unless authorized by a majority vote of all members, but a smaller number may adjourn from time to time. (1960, c. 213; 1970, c. 183)

§ 17.4. Duty to adopt master plan.

It shall be the duty of the commission to make and adopt a master plan which, with accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with existing and future needs, best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development. (1960, c. 213)

§ 17.5. Control of monuments and other works of art.

It shall be the further duty and function of the commission to make recommendations to the city council to provide for the preservation of historical landmarks; and to control the design and location of statuary and other works of art which are or may become the property of the city, and the removal, relocation and alteration of any such work; and to consider and suggest the design, of bridges, viaducts,

airports, stadia, arenas, swimming pools, street fixtures and other public structures and appurtenances. (1960, c. 213)

§ 17.6. Adoption of master plan by commission.

The commission may adopt the plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the area to be covered by the master plan or with functional subdivision of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the city. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, shall be certified to the council and upon approval by it to the clerk of the circuit court of the city who shall file the same. (1960, c. 213)

§ 17.7. Effect of adoption of master plan.

(a) Whenever the commission shall have adopted a master plan for the city or one or more parts thereof, geographical, topographical or functional, and the master plan or such part or parts thereof shall have been approved by the council, and it has been certified and filed, as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure, shall be constructed or authorized in the city or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission; and no ordinance giving effect to or amending the comprehensive zoning plan as provided in § 17.10 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the

commission to act within sixty days from the date of the official submission to it shall be deemed approval.

(b) However, the widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city, as well as the acquisition by the city of any improved or unimproved land within or without the city for public purposes, or the sale of any improved or unimproved land then held by the city, shall not be referred to or considered by the commission unless the council specifically makes such a referral to the commission and asks for its recommendation. If the council does make such a referral to the commission, the council subsequently shall act on the commission's recommendation by a majority vote of its members, or an affirmative vote of three-fourths of all members if required by the Constitution of this Commonwealth.

(c) The pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way shall not be submitted to the commission or otherwise considered by it. (1960, c. 213; 2009, cc. 126, 438)

§ 17.8. Capital budget.

It shall be the duty of the commission to prepare and revise annually a program of capital improvement projects for the ensuing five years, and it shall submit the same annually to the city manager, at such time as he shall direct, together with its recommendations, and estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year and in the next four years, as the basis of the capital budget to be submitted to the council by the city manager. In the preparation of its capital budget recommendations, the commission shall consult with the city manager, the heads of departments and interested citizens and organizations, and shall hold such public hearings as it shall deem necessary. (1960, c. 213)

§ 17.9. Further planning powers and duties of the commission.

The commission shall have power to promote public interest in and understanding of the plan, and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine. The commission shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional or other organizations, and with citizens, with relation to the protection or carrying out of the plan. All public officials shall, upon request, furnish to the commission within a reasonable time, such available information as it may require for its work. The commission, its members, officers and employees in the performance of their duties, may enter upon any land in the city and make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its function, promote planning and carry out the purposes of this charter. The commission shall make an annual report to the council concerning its activities. (1960, c. 213)

§ 17.10. Zoning powers.

In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt by ordinance, a comprehensive zoning plan designed to lessen congestion in streets; secure safety from fire, panic and other danger; promote health, sanitation and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provisions for schools, parks, playgrounds and other public improvements and requirements. The comprehensive zoning plan shall include the division of the city into districts with such boundaries as the council deems necessary to carry out the purposes of this chapter, and shall provide for the regulation and restriction of the use of land, buildings, and structures in the respective districts and may include, but shall not be limited to, the following:

(a) It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses.

(b) It may regulate the heights, area, bulk, size, design and appearance of buildings and structures and the appropriateness of their use in the districts.

(c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.

(d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.

(e) It may prescribe the area of lots and the space in buildings that may be occupied by families.

(f) It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles.

(g) It may permit the designed use and development of land not less than ten acres in extent in a manner varying in certain respects from the regulations and restrictions prescribed for the district or districts in which such land is situated, provided that such designed use shall be approved by the city planning commission and the council, and adopted as a part of the master plan of the city.

(h) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall

conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event, within a reasonable period of time to be specified in the ordinance. (1960, c. 213)

§ 17.11. Considerations to be observed in adoption of regulations.

The regulations and restrictions shall be enacted with reasonable consideration, among other things of the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of land, buildings and structures and encouraging the most appropriate use thereof throughout the city. Upon the enactment of the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein in accordance with a comprehensive zoning plan; no land, building or structure shall be changed from one district to another district unless the change is in accord with the interest and purposes of this section and will not be contrary to the comprehensive zoning plan and the enumerated factors upon which it is based and the regulations and restrictions applicable to the districts involved in the change. (1960, c. 213; 1966, c. 232)

§ 17.11-1. Uniformity of regulations within a district; special use permits.

(a) The regulations and restrictions shall be uniform and shall apply equally to all land, buildings, and structures and to the use and to each class or kind thereof throughout each district but the regulations and restrictions applicable in one district may differ from those provided for other districts.

(b) The council shall have the power to authorize by ordinance adopted by not less than five affirmative votes the use of land, buildings and structures in a district that does not conform to the regulations and restrictions prescribed for that district and to authorize the issuance of special use permits therefor, whenever it is made to appear that such special use will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air. No such ordinance shall be adopted until (1) the ordinance has been referred to the city planning commission for investigation of the circumstances and conditions upon which the council is empowered to authorize such use and until the commission has reported to the council the results of such investigation and its recommendations with respect thereto, and (2) until after a public hearing in relation to such ordinance is held by the council at which the persons in interest and all other persons shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be given by publication thereof in a daily newspaper of general circulation published in the city. The council shall have the power to require such other notice as it may deem expedient. The city planning commission may recommend and the council may impose such conditions upon the use of the land, buildings and

structures as will, in its opinion, protect the community and area involved and the public from adverse effects and detriments that may result therefrom. (1966, c. 232)

§ 17.12. Duties of the city planning commission with relation to zoning.

It shall be the duty of the city planning commission to prepare and submit to the council a comprehensive zoning plan as referred to in § 17.10 and from time to time prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary. (1960, c. 213)

§ 17.13. Adoption and amendment of zoning regulations and restrictions; determination of district boundaries, etc.

Subject to the other provisions of this chapter, the council shall have power by ordinance to adopt the regulations and restrictions hereinbefore described and determine the boundaries of the districts in which they shall apply, provide for their enforcement, and from time to time, amend, supplement or repeal the same. The council shall also have authority to provide for the collection of fees to cover at least the costs involved in the consideration of any request for amendment, supplement or repeal of any such regulations, restriction or determination of boundaries, to be paid to the city clerk by the applicant upon filing such request. No such ordinance or amendment shall be adopted until: (a) the ordinance or amendment has been referred to the city planning commission and approved by it, or disapproved by it, subject to overrule by the council, as provided in § 17.7; and (b) until after a public hearing in relation thereto shall be held by the council at which the parties in interest and other persons shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be given by publication thereof in a newspaper of general circulation in the city. (1960, c. 213; 1979, c. 246)

§ 17.14. Effect of protest by twenty per cent of the owners of property.

If a protest is filed with the city clerk against such amendment, supplement or repeal, signed and acknowledged before a person authorized to administer oaths, by the owners of twenty percent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change, any point in which is within one hundred and fifty feet of the boundary of such area, the council shall not adopt the ordinance making such amendment, supplement or repeal, except by the votes of two-thirds of the entire council. (1960, c. 213)

§ 17.15. Board of zoning appeals; composition.

There shall be a board of zoning appeals which shall consist of five regular members and one alternate. They shall be qualified voters of the city, shall hold no office of profit under the city government and shall be appointed by the council for terms of four years; provided that the members of the board of zoning appeals in office at the effective date of this charter shall continue to hold office until the first day of January following the expiration of the terms for which they were appointed, and the first alternate member shall be appointed to serve until the said date; and provided, further, that the council shall appoint two regular and one alternate member to serve for two years, and three regular members to

serve for four years from said date. Thereafter, their successors shall be appointed for full terms of four years. Vacancies shall be filled by the council for the unexpired portion of the term. A regular or alternate member may be removed by the council for neglect of duty or malfeasance in office, upon written charges and after public hearing. Members of the board of zoning appeals shall serve without compensation. (1960, c. 213)

§ 17.16. Board of zoning appeals; organization.

The board shall elect a chairman and a vice-chairman from among its regular members for a term of one year who shall be eligible for re-election. The chairman shall preside at all meetings of the board and, in his absence, the vice-chairman or other member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and such other employees as may be needed for the conduct of the work of the board. The alternate member may take the place of any regular member who is absent or disqualified, in hearing and determining any matter before the board. (1960, c. 213)

§ 17.17. Board of zoning appeals; procedure.

The meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep minutes of its proceedings showing the vote of each member on each question or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record. (1960, c. 213)

§ 17.18. Appeals to board of zoning appeals.

Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the city affected, by any decision of the administrative officer designated by the council to administer and enforce the ordinance dividing the city districts and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule, by filing with the said administrative officer and with the board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the administrative officer from whose decision the appeal is taken certifies to the board that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application and on notice to the administrative officer and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the issue within a reasonable time. At the hearing, any party may appeal in person, by agent, or by attorney, and shall be given an opportunity to be

heard. The board may prescribe a fee to be paid whenever an appeal is taken which shall be paid into the city treasury. (1960, c. 213)

§ 17.19. Powers of board of zoning appeals.

The board shall have the following powers and it shall be its duty:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the administrative officer in the administration and enforcement of the provisions of the ordinance.

(b) To grant variations in the regulations when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of the exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the ordinance actually prohibit or unreasonable restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, the granting of such variation will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the owner; provided, however, that all variations granted shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.

(c) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures, in any district in which they are prohibited by the ordinance, by any agency of the city, county or state or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

(d) To permit such other exceptions or grant variances from the strict application of the terms of the zoning regulations under the principles, standards, rules, conditions, and safeguards set forth in the zoning ordinance, provided they are determined to be consistent with the general purpose and intent of such ordinance. (1960, c. 213)

§ 17.20. Form and scope of decisions by board of zoning appeals.

In exercising the powers conferred upon it, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall act by formal resolution which shall set forth the reason for its

decision and the vote of each member participating therein, all of which shall be spread upon its records and shall be open to public inspection. The board may, upon the affirmative vote of three members, reconsider any decision made and, upon such reconsideration, render a decision by formal resolution. Every decision of the board shall be based upon a finding of fact based on sworn testimony, which finding of fact shall be reduced to writing and preserved among its records. (1960, c. 213)

§ 17.21. Appeals from board of zoning appeals.

Any person, firm or corporation, jointly or severally aggrieved, or in fact affected by any decision of the board of zoning appeals, or any officer, department, board or agency of the city government charged with the enforcement of any order, requirement or decision of said board, may appeal from such decision by filing a petition in the court of appropriate jurisdiction, verified by affidavit, setting forth the alleged illegality of the action of the board and the grounds thereof. The petition shall be filed within thirty days from the date of the decision of the board. No appeal from the decision of the board shall be allowed in any case involving the same petitioner, principles, property and conditions, previously passed upon by such court. (1960, c. 213)

§ 17.22. Procedure on appeal.

Upon filing of the petition, the court may cause a writ of certiorari to issue directed to the board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from, which writ shall be served upon any member of the board. The issuance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, notice to the board and due cause shown, issue a restraining order. The board shall not be required to produce the original record and documents, but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents, the board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, verified by affidavit. (1960, c. 213)

§ 17.23. Powers and duties of the court.

The court shall review the record, documents and other matters produced by the board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. (1960, c. 213)

§ 17.24. Proceedings against violators of zoning ordinance.

Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with § 17.13, the city may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property. (1960, c. 213)

§ 17.25. Penalties for violation of zoning ordinance.

The council may, in such ordinance, provide that fines and jail sentences, either or both, shall be imposed for violations of the ordinance by owners of land, buildings or structures, their agents having possession or control of such property, lessees, tenants, architects, builders, contractors or any other persons, firms or corporations or who maintain any land, building or structure in which such violations exist, which penalties shall not exceed those prescribed in Title 16.1 Chapters 6 and 7 of the Code of Virginia in force on November 1, 1959. (1960, c. 213)

§ 17.26. Powers relative to land subdivision generally; contents of subdivision regulations.

In order to provide for the orderly subdivision of land within the city, there is hereby conferred upon the city the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include, but shall not be limited to, the following: the location, size and layout of lots so as to prevent congestion of population, to provide for light and air, and to prevent the hazard of inundation, the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the master plan; access for fire-fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; reservation or dedication of suitable sites for schools, parks and playgrounds; planting of shade trees and shrubs; naming and designation of streets and other public places; laying out, construction and improving streets, alleys and sidewalks, the installation of public utilities and other physical improvements therein and the conditions under which the cost thereof shall be borne by the developer; and provisions for the guarantee of payment by the developer for the required improvements; procedure for making such special exceptions as may be provided by ordinance to such regulations and restrictions; requirements for preparing and recording plats of subdivisions including their size, scale, contents and other matters; and for the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines. (1960, c. 213; 1979, c. 246)

§ 17.27. Hearing on subdivision ordinance.

The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been published once a week for two successive weeks in a newspaper of general circulation in the city. The notice shall specify the time, not less than ten days after final publication, and the place at which persons affected may appear before the council and present their views. (1960, c. 213)

§ 17.28. Adoption of regulations and restrictions applicable only within the city limits.

After hearing, as above provided, the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the city which, when recorded in the office of the clerk of the circuit court of the county, shall be in full force and effect. (1960, c. 213)

§ 17.29. Appeals of preliminary subdivision plat approvals.

Consistent with applicable regulations and restrictions, the planning commission shall approve or disapprove all submitted preliminary subdivision plats. If a city council member believes that the planning commission has approved a preliminary subdivision plat in violation of a city ordinance, or arbitrarily or capriciously, he may, within 20 days of the commission's approval, appeal the commission's decision to the city council by filing a written appeal with the city manager. The city manager or his designee shall give the subdivider notice of the appeal. The council, within a reasonable period of time, shall hold a hearing on the matter and affirm, modify or reverse the commission's decision. If the subdivider is aggrieved by the council's decision on the preliminary subdivision plat, he may appeal to the circuit court, subject to the same state code provisions that would apply if he was appealing a planning commission decision to the circuit court. (1960, c. 213; 2009, cc. 126, 438)

§ 17.30. Approval of final plat prerequisite to recordation; recordation prerequisite to sale of lots.

From and after the date on which such regulations and restrictions become effective in the city, no final plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided by applicable law. No owner of land in the city in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the final plat of such subdivision has been approved as provided by applicable law and has been recorded in the office of the clerk of the court or courts in which a deed conveying such lot would be required to be recorded. (1960, c. 213; 2009, cc. 126, 438)

§ 17.31. Penalty for transfer of lots in unapproved subdivisions.

Whoever being the owner or agent of the owner of any land in a subdivision subject to such regulations and restrictions, the plat of which has not been approved and recorded as above provided, shall transfer, sell or offer for sale or agree to sell any lot in such subdivision by reference to or exhibition of an unapproved and unrecorded plat or otherwise, shall forfeit and pay a penalty of $100 for each lot or similar parcel of land transferred or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer of other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies herein provided. The city may enjoin such transfer or sale or agreement by proceedings for injunction brought in a court having jurisdiction of the land to which the injunction applies. The city in which any lot transferred, sold or offered for sale in violation of this chapter is situated, may recover the penalty provided therefor in a civil action brought in a court in whose jurisdiction such lot is situated, for the benefit of the city. In the absence of intent to evade the provisions of this section, the penalty may be waived in the case of an attempted transfer by will. (1960, c. 213)

§ 17.32. Transfer of portion for public use.

The recordation of the plat shall operate to transfer in fee simple to the city such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose and to create a public right of passage over or uses of the same. The owner or owners of the land subdivided may construct, reconstruct, operate and maintain with the consent of the city where the land lies, sewer, gas and water pipes or electric lines along or under the streets, alleys, easements or other land devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate and maintain such works. (1960, c. 213)

§ 17.33. Vacation of plats.

Any plat or part thereof recorded may be vacated, with the consent of the council by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated, which shall be duly executed, acknowledged and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements and other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat or part thereof or any unaccepted or abandoned street, or street recommended by the Planning Commission for vacation may be vacated according to the procedure provided in §§ 15-766, 15-766.1, 15-766.2 and 15-766.3 of the Code of Virginia as amended, for the alteration and vacation of streets and alleys. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated," and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded. (1960, c. 213)

§ 17.34. Use of street for twenty years; dedication.

Whenever any piece, parcel or strip of land shall have been opened to and used by the public as a street, alley, lane or other public place or part thereof for the period of twenty years, the same shall thereby become a street, alley, lane, public place or part thereof for all purposes, and city shall have the same authority and jurisdiction over and right and interest therein that it has by law over the streets, alleys, lanes and public places laid out by it, and thereafter no action shall be brought to recover such piece, parcel or strip of land so opened to and used by the public as aforesaid. Any street, alley, lane or other public place reserved in the division or subdivision into lots within the corporate limits of the city by a plat or plan of record shall be deemed and held to be dedicated to the public use and the council shall have authority, upon the petition of any person or corporation interested therein, to open such street, alley, lane or other public place or any portion of the same. No agreement between, or release of interest by, persons or corporations owning the lands immediately contiguous to any such street, alley, lane or other public place, whether the same has been opened or used by the public or not, shall avail or operate to abolish such street, alley, lane or other public place or to divest the interest of the public therein or the authority of the council over the same. (1960, c. 213)

§ 17.35. Present master plan, comprehensive zoning plan and subdivision ordinance.

The master plan, the comprehensive zoning plan, and subdivision ordinance as heretofore adopted, approved and filed, with all amendments, additions and extensions thereto, in force and effect at the effective date of this charter are hereby validated and confirmed as if the same had been prepared, adopted, approved and filed in accordance with the provisions of this chapter. Every amendment or addition thereto or extension thereof and every other master plan, comprehensive zoning ordinance, or subdivision ordinance henceforth adopted shall be in accordance with the provisions of this chapter. Where existing ordinances are at variance with the provisions of this chapter, they shall be deemed to be amended in accordance with the provisions of this chapter. (1960, c. 213)

§ 17.36. Vacation of streets, alleys, and easements by agreement of abutting land owners.

Notwithstanding any other provisions of law to the contrary, and in addition to any other methods provided by law, any street, alley or easement, or part thereof, shown on a plat of subdivision or other plat, heretofore or hereafter recorded, may be vacated by all owners of properties abutting such street, alley, or easement, or part thereof, to be vacated, by instrument in writing signed by all owners of properties abutting such street, alley, or easement, or part thereof, to be vacated, approved by the city council, acknowledged in the manner of a deed and filed for record in the Clerk's Office of the Circuit Court. In the case of an alley separating lots or parcels of land within any block bounded by one or more streets, it shall be presumed that only property owners within such block and whose properties abut the alley have any rights or privileges therein. In the case of a street, it shall be presumed that only property owners reasonably needing to use such street as a means of ingress and egress to and from their properties have any rights or privileges therein. As used in this section, the word "street" shall include any road, avenue, drive or parkway; and the word "owners" shall include lien creditors; and as used in this section, the word "easement" shall include drainage easements, sewer easements and other easements of a public nature, not constituting a street, alley or passageway. (1966, c. 232)

Chapter 18. Acquisition of Property for Public Purposes.

§ 18.1. Acquisition, ownership and use of property.

The city shall have, for the purpose of carrying out any of the powers and duties, power to acquire by gift, bequest, purchase or lease, and to own and make use of, within and without the city, lands, buildings, other structures and personal property, including any interest, right, easement or estate therein, and in acquiring such property to exercise, within and without the city, the right of eminent domain as hereinafter provided in this chapter. This power shall be in addition to the powers granted to the school board in § 20.2. (1960, c. 213)

§ 18.2. Eminent domain.

The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein, of any person or corporation,

whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, or whether or not such lands, buildings, structures or personal property or interest, right, easement or estate has already been devoted to a public use, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the Commonwealth and cannot with reasonable diligence be found in the Commonwealth or is unknown. Provided, however, when any such property is owned by a corporation authorized to exercise the power of eminent domain, such proceedings will be governed by § 25-233 of the Code of Virginia.

Such proceedings may be instituted in the Circuit Court of the City of Colonial Heights if the subject to be acquired is located within the city, or, if it is not located within the city, in the circuit court of the county in which it is located. If the subject is situated partly within the city and partly within any county the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the Circuit Court of the City of Colonial Heights. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders any or all of whom reside either in the county or city, any three of whom may act as commissioners, as provided by law. (1960, c. 213; 1962, c. 467)

§ 18.3. Alternative procedures in condemnation.

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law as modified by said section or may elect to proceed as hereinafter provided. In the latter event the resolution or ordinance directing acquisition of any property, as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owner or owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the city manager or the city attorney and set forth the interest or estate or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile, if pertinent to the question of damage to remaining property of the owner or owners, showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners and tenants of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed

to the owners and tenants of the property, if known, copies of which shall be served on such owners and tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the Commonwealth or cannot with reasonable diligence be found in the Commonwealth, or if the residence of the owner or tenant be unknown, he may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ 8-71, 8-72 and 8-76 of the Code of Virginia, of 1950, as amended.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceeding is instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his deed book and index them in the name of the person or persons who had the property before and in the name of the city for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the city. From the funds so paid into court or to the clerk thereof, the court shall, at the request of the owner, pay any indebtedness of the owner which is a lien upon such property and is evidenced by a deed of trust or other instrument duly recorded; provided, that not in excess of ninety per centum of the money paid into court or to the clerk may be so used, and provided further, that if the award of the court in condemnation proceedings be less than the amount so paid, the city may recover the excess from any person to whom the same has been paid. The balance of such money shall be held by the court for disposition in accordance with the order of the court in the condemnation proceedings.

If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making of such inquiries by such special commissioner.

If the city and owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in § 25-12 of the Code of Virginia or as provided for in § 18.2 of this chapter, and all proceedings thereafter shall be had as provided in §§ 25-12 through 25-38 of the Code of Virginia insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding sections, and the court shall order the deposit in the bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to the bringing of any proceeding for the condemnation of such property, whether the same shall have been dismissed or not nor the value thereof nor the enhancement of the value of said property by said improvements in making their award. (1960, c. 213; 1962, c. 467)

§ 18.4. Enhancement in value when considered.

In all cases under the provisions of §§ 18.2 and 18.3, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the city, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage, there shall be no recovery over against the owner for such excess. (1960, c. 213)

§ 18.5. Disposition of remaining money in condemnation proceedings.

Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in § 18.2 in any condemnation proceeding instituted therein by the city, without any claim having been asserted thereto such court shall, where the amount is $100 or more, cause a publication to be made once a week for two successive weeks in a newspaper of general circulation published in the city, setting forth the amount of such money, the source from which it was derived and the proceeding in which it is held, and requiring all persons having any claim to said money to appear before said court within such time after the completion of the publication as the court may prescribe, and establish their claim. If the sum be less than $100, the court shall direct the same to be paid into the treasury of the city, and proper receipt for the payment taken and filed among the records of the proceeding. If no person shall appear and show title in himself the court shall order the money, after deducting therefrom the costs of such publication if such publication is made, and any other proper charges, to be paid into the treasury of the city and a proper receipt for the payment to be taken and filed among the records of the proceeding. The director of finance shall, in a book provided for the purpose, keep an account of all money thus paid into the city treasury, showing the amount thereof, when, by whom, and under what order it was paid, and the name of the court and, as far as

practicable, a description of the suit or proceeding in which the order was made and, as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the city shall be paid out on the order of the court having jurisdiction of the proceeding, to any person entitled thereto who had not asserted a claim therefor in the proceeding in which it was held, upon satisfactory proof that he is entitled to such money. If such claim be established the net amount thereof, after deducting costs and other proper charges, shall be paid to the claimant out of the treasury of the city on the warrant of the director of finance. No claim to such money shall be asserted after ten years from the time when such court obtained control thereof, provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted by such person, claim to such money may be asserted within five years after the removal of such disability. (1960, c. 213; 1962, c. 467)

Chapter 19. Courts Not of Record.

§ 19.01. Courts and judges.

The City of Colonial Heights shall have a General District Court and a Juvenile and Domestic Relations District Court, each of which shall have one or more judges. The General District Court and the Juvenile and Domestic Relations District Court shall exercise all of the powers and duties specified in the Code of Virginia. All district court judges shall be elected or appointed pursuant to the provisions of the Code of Virginia, and the number of judges, as well as their qualifications, residency requirements, powers, functions, and compensation, also shall be as specified in such Code. (2014, c. 498)

§ 19.02. Clerks of the district courts.

The General District Court and the Juvenile and Domestic Relations District Court shall each employ a clerk, and each court also may employ one or more deputy clerks. The manner of appointment, as well as the qualifications, powers, duties, and compensation, of each court's clerk and deputy clerks shall be as specified in the Code of Virginia. (2014, c. 498)

(a) Municipal Court. (Repealed)

§ 19.1. (1960, c. 213; repealed 2014, c. 498)

§ 19.2. (1960, c. 213; repealed 2014, c. 498)

§ 19.3. (1960, c. 213; repealed 2014, c. 498)

§ 19.4. (1960, c. 213; 1968, c. 474; repealed 2014, c. 498)

§§ 19.5 through 19.10. (1960, c. 213; repealed 2014, c. 498)

§ 19.11. (1960, c. 213; 1973, c. 500; 2014, c. 498)

(b) Juvenile and Domestic Relations Court. (Repealed)

§ 19.12. (1960, c. 213; repealed 2014, c. 498)

Chapter 20. Miscellaneous Provisions.

§ 20.1. School district.

At such time as the City of Colonial Heights shall be proclaimed a city of the first class, the City of Colonial Heights shall constitute a separate school district effective on the 1st day of July following such proclamation. (1960, c. 213)

§ 20.2. School board.

The school board shall consist of five members and shall be elected as provided by general law.

Except as provided in this charter the school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of the Commonwealth, including right of eminent domain within and without the city. None of the provisions of this charter shall be interpreted to refer to or include the school board unless the intention so to do is expressly stated or is clearly apparent from the context.

The salary of school board members shall be as determined by ordinance adopted by the city council.

In addition to the authority conferred upon the city by Chapter 7, the school board may borrow from the Literary Fund of Virginia or from such other sources as may be made available to it by general law.

The school board shall meet annually in January, at which time the board shall fix the time for holding regular meetings for the ensuing year, elect one of its members chairman and on recommendation of the division superintendent, elect or appoint a competent person as clerk of the school board, and shall fix his compensation. The chairman and clerk shall be selected annually. (1960, c. 213; 1968, c. 474; 1970, c. 183; 1979, c. 246; 2004, c. 518)

§ 20.3. Transfer of books and papers.

If any person, having been an officer of the city, shall have vacated or been removed from office, and shall fail or refuse to deliver over to his successor in office, all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of $500, to be sued for and recovered with costs. All books, records and documents used in any office, by virtue of any provision of this charter or of any ordinance or order of the council or any superior officer of the city, shall be deemed the property of the city and appertain to said office, and the chief officer thereof shall be responsible therefor. (1960, c. 213)

§ 20.4. Surety bonds required.

All officers elected or appointed under the provisions of this charter shall, unless otherwise provided by general law or by this charter, execute such bonds with such corporate surety as may be required

by the general law, or by this charter, and file the same with the City Clerk before entering upon the discharge of their duties. The city shall pay the premium on such bonds. (1960, c. 213)

§ 20.5. Rules and regulations to be filed.

All departments, boards, commissions, officers and agencies of the city, authorized to make rules and regulations by this or any previous charter of the city or by the general laws of the Commonwealth, shall immediately after the first day of September, 1960, file with the city clerk, copies of all such rules and regulations previously issued by them and in force on such day, and shall thereafter file with said city clerk, copies of all rules and regulations and amendments thereof subsequently issued by them upon their issuance. It shall be the duty of the city clerk to keep in his office for public inspection a well-indexed file of the rules and regulations so filed. (1960, c. 213)

§ 20.6. Officers must not be interested in contracts.

No officer or employee of the city shall be interested in any contract entered into by the city with any person, firm or corporation, but this prohibition shall not apply to nonsalaried officers or nonsalaried members of boards and commissions in respect of contracts other than those in the making of which they have a part. (1960, c. 213)

§ 20.7. Contractual relationships.

The City of Colonial Heights may, at the option of the council, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performance of any part of, or all of the functions, or purposes of the city, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. (1960, c. 213)

§ 20.8. Reprinting of charter after amendment.

Within a reasonable time after the conclusion of any session of the General Assembly and the effective date of any amendment or amendments to this charter adopted at such session, the amendment or amendments shall be printed in such number of copies as the council shall order. (1960, c. 213)

§ 20.9. Officers to hold over until their successors are appointed and qualified.

Whenever under the provisions of this charter, any officer of the city, judge or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer, judge or member shall continue to hold office until his successor is appointed and qualified. (1960, c. 213)

§ 20.10. Courtroom for municipal judge and office space for constitutional officers.

It shall be the duty of the city to provide a suitable courtroom for the municipal judge of the city and suitable offices for the commissioner of revenue, city treasurer, city sergeant, commonwealth attorney and city attorney. (1960, c. 213)

§ 20.11. Posting of bonds unnecessary.

Whenever the general law required the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the city, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the city has not filed or executed the bond that might otherwise be required, and the city shall be bound to the same extent that it would have been bound had the bond been given. (1960, c. 213)

§ 20.12. Code references.

All references in this charter to the Code of Virginia are to the Code of 1950. (1960, c. 213)

§ 20.13. Definitions.

(a) As used in this charter, the term "at the effective date of this charter" shall be interpreted to refer to a period immediately preceding the taking effect thereof.

(b) As used in this charter in reference to voting by the council, the term "elected members of the council" shall include those members, if any, elected by the council.

(c) Wherever in this charter any department, bureau, division, office, agency or officer is empowered or directed to take any action or perform any duty or function, such action may be taken or duty or function performed by the appropriate department, bureau, division, agency or officer to whom the duty or function is transferred by or pursuant to action of the council under §§ 4.2 (a), 4.2 (b), and 4.2 (c) or upon whom it is conferred by § 21.5.

(d) The term "board" or "boards," as used in this charter shall not include the school board unless the school board is specifically named. The term "member of the school board" shall have the same meaning as the term "school trustee," as used in the provisions of the Code of Virginia which refer to the school boards of cities and towns.

(e) As used in this charter, the term "print" shall include any method of reproducing or making multiple copies. (1960, c. 213)

§ 20.14. United State government employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the Government of the United States, from serving as an officer or employee of the city, or as a member, officer, or employee of any board or commission, including the school board. (1960, c. 213)

§ 20.15. Oath of office and qualification.

Except as otherwise provided by general law or by this charter, all officers elected or appointed under the provisions of this charter shall take oath of office and execute such bond as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the City Clerk, before entering upon the discharge of their duties, and if the requirements of this section have

not been complied with by an officer within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. (1960, c. 213)

§ 20.16. Officers to administer oaths.

The Commissioner of the Revenue, City Clerk and City Treasurer, shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties. (1960, c. 213)

§ 20.17. Bond.

All officers elected or appointed under the provisions of this charter, shall, unless otherwise provided by general law or by this charter, execute such bonds, with such approved corporate security, as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the City Clerk before entering upon the discharge of their duties. The city shall pay the premiums on such bonds. (1960, c. 213)

§ 20.18. Place of holding elections.

All elections shall be held at such place or places within the city as the council by ordinance may prescribe. (1960, c. 213)

§ 20.19. Working prisoners.

Subject to the general laws of the Commonwealth regulating the working of those convicted of offenses against the city, the council shall have the power to provide by ordinance for the employment or the working, either within or without the city limits, or within or without any city prison or jail, of all persons sentenced to confinement in the prison or jail for the violation of the ordinances of the City of Colonial Heights. (1960, c. 213)

§ 20.20. Penalty for officers failing to perform duties.

If any officer of the City of Colonial Heights, whether he be elected by vote of the people or by the council, or appointed by the council or the City Manager, who shall fail or refuse to perform any of the duties required of him by this charter by ordinance or resolution of the city council, shall be fined not less than five dollars nor more than $100 for each offense, and he and his sureties on his official bonds shall be liable for all damages which may accrue to the city or any other person by reason of such failure or refusal. (1960, c. 213)

§ 20.21. Powers of policemen.

For the purpose of enabling the city to execute its duties and powers, each member of the police force and each policeman is hereby made and constituted a conservator of the peace and endowed with all the power of a constable in criminal cases and all other powers which under the laws of the Commonwealth of Virginia and of the city may be necessary to enable him to discharge the duties of his office. (1960, c. 213)

§ 20.22. Partial invalidity.

If any clause, sentence, paragraph, or part of this act, shall for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1960, c. 213)

§ 20.23. General laws to apply.

The enumeration of particular powers and authority in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, the city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this Commonwealth. (1960, c. 213)

§ 20.24. Board of Assessors.

There shall be a Board of Assessors consisting of three qualified voters of the City who shall assess all real property in the City, as the council may by ordinance provide. The members of the Board of Assessors shall serve at the pleasure of the council. The duties and salary of the Board of Assessors shall be as the council shall provide by ordinance not inconsistent with the general laws of the Commonwealth, and other provisions of this charter. (1960, c. 213)

§ 20.25. Allowances and expenses of officers and employees representing city.

The city council by resolution may provide for allowances and expenses of officers and employees representing the city. (1960, c. 213)

§ 20.26. Notwithstanding the provisions of § 21.8 of this Chapter, upon the passage of this Act and until September 1, 1960, the powers and the duties of the Mayor and the City Council, in addition to such powers and duties set forth in this Charter, shall be as outlined in the charter granted the city under the Acts of the General Assembly of 1950 and the same are incorporated herein by reference. (1960, c. 213)

§ 20.27. Validation of transition procedure and certain acts.

The City of Colonial Heights, as shown by a legal census provided by law, contains 10,000 inhabitants or more, and is hereby declared to be a city of the first class as heretofore proclaimed. All acts, orders, and procedures heretofore done or entered pursuant to the applicable provisions of § 21.7 of the Colonial Heights Charter of 1960 relating to the legal enumeration of the city as provided by law, constituting the County of Chesterfield and the City of Colonial Heights as the thirty-seventh judicial circuit, the establishment of a circuit court in said city, and the appointment and election of constitutional officers are hereby ratified, affirmed, and validated. (1962, c. 467)

§ 20.28. Administration of justice.

The County of Chesterfield and the City of Colonial Heights shall constitute the thirty-seventh circuit.

There shall be for the City of Colonial Heights a circuit court as presently established which shall continue to be called the Circuit Court of the City of Colonial Heights. The regular terms of the Circuit Court of the City of Colonial Heights shall be held on the third Monday in the months of February, June, and October of each year at a time to be fixed by the judge of said circuit court and for as many days as are necessary.

The Circuit Court of the City of Colonial Heights is hereby vested with all the powers and duties and jurisdiction as provided for circuit courts by general law.

The judge of the thirty-seventh judicial circuit shall be the judge of the Circuit Court of the City of Colonial Heights and said court and the judge thereof shall possess the same jurisdiction and powers and shall perform the same duties which are vested, or may be conferred, or which are imposed upon other circuit courts and the judges thereof by any law or statute of this Commonwealth relating to circuit courts. (1962, c. 467)

§ 20.29. Closing of clerk's office of the Circuit Court of the city on certain days.

The clerk's office of the Circuit Court of the City of Colonial Heights, when authorized by the judge of the circuit court for said city, may be closed on all days which are made legal holidays under the provisions of § 2-19 of the Code of Virginia of 1950, as amended; may be closed on Saturday, when authorized by the judge of said court and by resolution of the city council; and may be closed on any day which is established as a general holiday for the employees of the city, when authorized by resolution duly adopted by the city council and approved by the judge of the circuit court for said city and filed in the office of such clerk. The powers and authority in this section contained shall not be deemed or held to be exclusive, but shall be in addition to the powers and authority now contained or set forth in the city charter. (1962, c. 467)

§ 20.30. City sergeant.

There shall be one city sergeant who shall attend the terms of the Circuit Court of the City of Colonial Heights and shall act as an officer of the said court, and shall perform such other duties as may be prescribed by general law for cities of the first class, and shall receive such compensation allowed by general law to city sergeants. He shall perform such other duties as may be prescribed and ordained by the city council. The city sergeant, with approval of the judge of the circuit court of said city, may appoint a part-time deputy.

The city sergeant's bond shall be as determined by general law.

The city council may in its discretion allow additional compensation or salary to the city sergeant.

The City Sergeant of the City of Colonial Heights shall also be known as the Sheriff of the City of Colonial Heights and in addition to his powers and duties as city sergeant he shall exercise the same powers, perform the same duties, and be subject to the same penalties that a sheriff of a county exercises, performs and is entitled or subject to in a county, provided he shall be entitled to no additional

compensation, fees, or allowances as Sheriff of the City of Colonial Heights and shall not be required to post any additional bond unless the senior judge of the Circuit Court of the City of Colonial Heights shall by order require him to post an additional bond. (1962, c. 467; 1968, c. 474)

§ 20.31. Appointment of bail commissioner.

The circuit court of the city, or the judge thereof in vacation, may appoint one of the commissioners in chancery of the court bail commissioner of the city. Such court or judge may appoint a justice of the peace to serve as a bail commissioner for the city. The fees of the bail commissioner for admitting a person to bail and the powers and duties of such bail commissioner shall be as provided under the provisions of the general law. (1966, c. 232)

§ 20.32. Terms of Circuit Court.

The regular terms of the circuit court for the City of Colonial Heights shall begin on the third Monday in the months of February, June and October, provided that the senior judge of the circuit may provide for such other terms as the business of the court may require. In the event the senior judge of the circuit court provides for terms of court other than the regular terms of court provided for herein then a notice of all terms, when so fixed, shall be posted on the front of the courthouse of the city. (1966, c. 232)

Chapter 21. Transitional Provisions.

§ 21.1. Present ordinances and rules and regulations continued in effect.

All ordinances of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1960, c. 213)

§ 21.2. Validation and ratification of bonds, taxes and contracts.

All bonds issued and sold, all contracts and obligations heretofore made by the council and government of the town and city, not inconsistent with the Constitution and the law of the Commonwealth, all taxes assessed and levied when the city was a town, and when the city was in transition from the status of a town to that of a city of the second class and when the city was a city of the second class, from March 10, 1950, to the effective date of this charter, are hereby validated, ratified and confirmed; and all proceedings authorizing the issuance of bonds, notes or other obligations of the City of Colonial Heights heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this charter, and such bonds, notes or other obligations may be authorized, sold or issued in accordance with the provisions of law in force prior to the effective date of this charter, or in accordance with the provisions of this charter. (1960, c. 213)

§ 21.3. Present mayor to continue in office until the first day of September, 1960.

The mayor in office on the date of the passage of this charter, or his successor, shall remain in office until the First day of September, 1960, at which time his term of office, irrespective of the term for which he was originally elected, shall terminate. (1960, c. 213)

§ 21.4. Continuance of internal organization of departments.

Except where this charter otherwise provides, the several bureaus, divisions and other administrative units of the departments of police, fire, public works, public health, public welfare and public utilities shall remain in the department in which they were located at the effective date of this charter until otherwise provided by ordinance, and present incumbents of positions shall continue to serve until the council provides otherwise in accordance with this charter. (1960, c. 213)

§ 21.5. Acting city manager.

Immediately upon passage of this charter, the city council shall consider the appointment of a temporary or acting city manager, whose powers and duties as contained in this charter shall not become effective until September 1, 1960, and may take such other action and prepare and adopt such ordinances as may be necessary or expedient to effectuate the transition from the present form of government to that established by this charter. (1960, c. 213)

§ 21.6. Severance clause.

If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1960, c. 213)

§ 21.7. Transition procedure.

Should the federal census of 1960 or other census provided by law, disclose that the City of Colonial Heights has a population in excess of 10,000 inhabitants, then the judge of the thirty-seventh circuit shall enter an order in the Circuit Court of Chesterfield County setting out such fact. A certified copy of such order shall be transmitted by the Clerk of said Court to the Secretary of the Commonwealth, who shall file and preserve the same in the records of his office and shall report to the governor at once the fact that said city has a population in excess of 10,000, as disclosed by such census. The Governor upon receiving such report, shall at once make proclamation of such fact, and that said city is a city of the First Class, a copy of which proclamation shall be certified to the Clerk of said Court who shall endorse thereon the date when received and record the same in the common law order book of said court.

After such proclamation has been recorded in the manner hereinbefore provided, the County of Chesterfield and the City of Colonial Heights shall constitute the Thirty-Seventh Circuit. There shall be held three terms of the city Circuit Court in each year as follows: On the third Monday in February,

June and October. The first term of Court shall commence at the next succeeding regular term of court following the recordation of said proclamation.

Transition of the City of Colonial Heights to a first class city shall in no wise affect the existing form of City government as provided in this charter nor the terms of existing offices or the composition of the single chamber of council as herein provided.

The Clerk's Office of the Circuit Court for said city may when authorized by the Judge of the Circuit Court for said City be closed on all days which are made legal holidays under the provisions of § 2-19 of the Code of Virginia of 1950, as amended; be closed on Saturday at twelve o'clock, noon, and be closed on Saturday between June 1st and September 15th.

As soon as the proclamation of a first class city shall have been recorded in the manner hereinbefore provided, the judge of the 37th Judicial circuit shall pass an order entered in term time or vacation, appointing a Circuit Court Clerk, a City Sergeant and a Commonwealth's Attorney for said city whose terms of office shall extend until the next regular general election, for respective offices of Circuit Court Clerk, City Sergeant or Commonwealth's Attorney, as the case may be. The Clerk of Circuit Court, City Sergeant and Commonwealth's Attorney shall assume their respective duties and take the oath of office prior to the first day of the next succeeding term of Court, as provided for in this section. The Commonwealth's Attorney in addition to duties prescribed by law, shall prosecute violations of city ordinances and when requested by the City Attorney and not inconsistent with the duties incumbent upon Commonwealth Attorneys of this Commonwealth assist the City Attorney in the defense of any action at law or in equity brought against the City. Prior to the assumption of his duties for his appointive or elective term of office and each fiscal year thereafter, the Council of the City may set the amount of compensation to be paid by the City to the Commonwealth's Attorney for the performance of the duties set forth in this charter, which compensation shall be in addition to the salary provided by the State Compensation Board. The Commonwealth Attorney in the absence of the City Attorney, may at the request of the City Attorney and of the Council, be appointed acting City Attorney. (1960, c. 213)

§ 21.8. Repeal of Chapter 144 of the Acts of Assembly of 1950.

Chapter 144 of the Acts of Assembly of 1950 entitled "An Act to provide a new charter for the City of Colonial Heights, Chesterfield County, Virginia . . .," approved March 10, 1950, and all acts amendatory thereof are hereby repealed. (1960, c. 213)

§ 21.9. Citation of act.

This act may for all purposes be referred to cited as the Colonial Heights Charter of 1960. (1960, c. 213)

Editor's note: Complete amendments listing for the City of Colonial Heights:

Current charter

Charter, 1960, c. 213.

Amendments to current charter

1962, c. 467 (§§ 2.3, 4.4, 4.9, 4.10, 5.2, 6.15, 6.16, 6.17, 10.3, 10.6, 10.7 [repealed], 18.2, 18.3, 18.5, 20.27 through 20.30 [added])

1966, c. 232 (§§ 2.2, 4.10, 4.13, 6.1, 6.2, 8.8, 17.11, 17.11-1 [added], 17.36 [added], 20.31 and 20.32 [added])

1968, c. 474 (§§ 3.1, 4.3, 4.4, 4.5, 6.16, 7.4, 7.8, 10.5, 19.4, 20.2, 20.30)

1970, c. 183 (§§ 4.1, 4.3, 7.9, 17.3, 20.2)

1973, c. 500 (§§ 8.11, 10.5, 17.2, 19.11)

1974, c. 9 (§ 10.5)

1979, c. 246 (§§ 4.11, 8.9, 8.11, 17.2, 17.13, 17.26, 20.2)

1980, c. 206 (§§ 6.19, 7.11 [repealed], 8.3, 9.2)

1981, c. 513 (§§ 2.3, 5.7, 8.4, 9.2, 9.4, 10.3)

1983, c. 106 (§ 7.9)

2004, c. 518 (§§ 3.1, 4.3, 4.5, 20.2)

2006, cc. 14, 761 (§§ 4.4, 8.3, 8.11, 10.5)

2009, cc. 126, 438 (§§ 17.7, 17.29, 17.30)

2014, c. 498 (§§ 19.01 [added], 19.02 [added], 19.1 through 19.12 [repealed])

2016, c. 514 (§§ 8.1, 8.2, 8.3, 8.4, 8.6)

Columbia, Town of

County of Fluvanna

History of incorporation

Established as a town in 1788 by c. 25 of the Acts of Assembly.
Incorporation and charter, 1879, c. 238.

Amendments

1887, c. 70 (§§ 2, 3)
1893-94, c. 41 (§ 1)
1976, c. 635 (§§ 3, 3a [added])

Repealed

2016, c. 310.

§ 1. Be it enacted by the general assembly of Virginia, That the town of Columbia, in the county of Fluvanna, as the same has heretofore been or may hereafter be laid off into lots, streets and alleys, shall be, and the same is hereby, made a town corporate, by the name of the town of Columbia; and by that name shall have and exercise the powers conferred upon towns by the fifty-fourth chapter of the code of Virginia (edition of 1873), and be subject to all the provisions of said code, and all laws now in

force, or which may hereafter be enacted, in reference to the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act; but no citizen of said corporation shall be required to work on the public roads nor be required to pay any road tax to the county, nor shall there be any-county road tax imposed upon any property within the corporate limits thereof as now fixed by law, provided said corporation shall keep its streets and alleys in repair. (1879, c. 238; 1893-94, c. 41, 2016, c. 310)

§ 2. The boundaries of the town shall be the same as those adopted by an act of the general assembly, passed the twenty-fifth day of November, 1788, establishing the metes and bounds of said town, and designating the streets thereof, except that on the east the corporate limits shall extend to the line of the county of Goochland, and on the south to the line of the county of Cumberland; and said town shall be subject to all the provisions of said act, except that no person by reason of anything contained in said act shall be required to pull down or remove any permanent improvement or building which may occupy a portion of the street or streets of said town, so long as unobstructed passage can be given to foot passengers and vehicles without encroachment upon private property. But hereafter no person shall be allowed to erect any building or improvement within the limits of said town, unless the same be erected in conformity with the streets as laid down in the aforementioned act. And the limits of said town, as herein extended, when laid out in streets and alleys, shall conform to the present streets and alleys of said town. (1879, c. 238; 1887, c. 70; 2016, c. 310)

§ 3. There shall be a mayor and six councilmen for said town, who shall compose its board of council, who shall be elected every four years, in manner as now prescribed by law; provided that neither the mayor nor members of the board of council shall be entitled to a salary or other compensation for services. (1879, c. 238; 1887, c. 70; 1976, c. 635; 2016, c. 310)

§ 3a. The minutes of council and financial records of the town shall be open to public inspection during regular council meetings and at such other times as the council may establish by ordinance. (1976, c. 635; 2016, c. 310)

§ 4. The following persons, electors of said town, shall compose its first board of council until the annual election on the fourth Thursday in May, 1978, or until their successors are elected and qualified according to law, viz: A. J. Richardson, George P. Hodgson, George P. Cowherd, G. T. Zachary, P. Snoddy, and O. P. Cram; and the said board, as soon as organized and qualified according to law, shall have power to select from their body a presiding officer, who shall be mayor of the town, and may appoint a town collector and police force for the proper government of the town, and may likewise fill any vacancies in said board occasioned by the refusal or failure of any person appointed to qualify. (1879, c. 238; 2016, c. 310)

§ 5. The authorities of the town shall, with the consent of the county, entered of record, have the right to use the jail of said county of Fluvanna for any purpose for which the use of a jail may be needed by

them under the ordinances of the town or laws of the state; and in addition to the powers conferred by chapter 196 of the Code, edition of 1973, for the organization of chain-gangs, the judge of the county court of Fluvanna may arrange with the said council of Columbia to take charge of and keep and work in the corporation chain-gang such persons as the judge of said county court would have authority to require to work in chain-gangs by the laws now in force or that may hereafter be adopted. (1879, c. 238; 2016, c. 310)

§ 6. This act shall be in force from its passage. (1879, c. 238; 2016, c. 310)

Courtland, Town of

County of Southampton

History of incorporation
Formerly Village of Jerusalem.
Established, 1791, c. 54.

Current charter
Incorporation, name change, and charter, 1888, c. 32.

Amendments to current charter
1890, c. 467 (§ 7 [repealed])
1892, c. 431 (§ 4)
1900, c. 682 (§ 9)
1902 - 03 - 04, c. 136 (§ 19 [added])
1922, c. 130 (§ 4)
1956, c. 261 (§ 4)
1979, c. 255 (§§ 3, 5, 6, 8, 9, 13, 15)
1987, c. 28 (§ 9)

§ 1. Be it enacted by the general assembly of Virginia, That the village of Jerusalem in the county of Southampton, as the same has been or may be laid off into streets and alleys, shall be, and the same is hereby made a town corporate by the name of Courtland, and by that name shall have and exercise all the powers, rights, privileges and immunities, and be subject to all the provisions of chapter fifty-four of the Code of 1873, so far as the same relates to towns of less than five thousand inhabitants and are not in conflict with the powers herein conferred. (1888, c. 32)

§ 2. That the boundaries shall be as follows for the said town, to-wit: two hundred and fifty yards south from the courthouse, six hundred and fifty yards east from the courthouse, eight hundred yards north from the court-house, and west by the Nottoway river from the point where a straight line from the southern boundary would cross said river to the point where a straight line from the northern boundary would cross said river. (1888, c. 32)

§ 3. That the officers of said town shall consist of a mayor and six councilmen. The mayor and councilmen shall compose the council of said town. The said officers shall hold their offices for two years, and until their successors are duly elected and qualified. (1888, c. 32; 1979, c. 255)

§ 4. The said council shall have power to pass all bylaws and ordinances for the proper government of said town, not in conflict with the Constitution and laws of the State and the Constitution and laws of the United States. They shall have power to impose a license tax upon all business on which the State imposes license, or which is provided by law, except such business upon which the imposition of a license tax by cities and towns is forbidden by general law, and its officers shall have such power to collect the same as a State officer would have in like case; and to impose a specific tax for the sale of any merchandise that may be offered for sale by any person not living in said town; and to levy annually such taxes as it may deem necessary for the purposes of the corporation, not in conflict with the general law, which shall not exceed two dollars on the one hundred dollars assessed valuation of property subject to local taxation; provided, that for the payment of the principal and interest of all bonds issued by the town, a sufficient ad valorem tax shall be annually levied upon all property in the town subject to local taxation, without limitation of rate or amount. (1888, c. 32; 1892, c. 431; 1922, c. 130; 1956, c. 261)

§ 5. The mayor shall be president of the council and chief executive officer of the town, and as such shall see that the ordinances and bylaws of said town are faithfully executed. He shall in addition have such other powers and perform such other duties as are now or may hereafter be prescribed for mayors of towns of less than five thousand inhabitants. The mayor, with the advice and consent of council, shall have the power to appoint a town recorder, town sergeant, and such other officers as he and council may deem necessary for the efficient functioning of the town government, and may establish the duties and responsibilities of such officers. He shall also have the power, with the advice and consent of council, to appoint qualified individuals to fill the unexpired term of any vacant council seat. (1888, c. 32; 1979, c. 255)

§ 6. The recorder, should such an officer be appointed by the mayor, shall keep an accurate record of all the proceedings of the council, its bylaws, acts and ordinances, which shall be kept open at all times to the inspection of any voter in said town, and the recorder shall be ex officio treasurer of said town, in the absence of any such appointed officer with the duties of treasurer, giving such bond, performing such duties, and receiving such compensation as shall be prescribed by the council. The recorder shall make out the tax-bills upon estimate of property, as per state assessment, when ordered by the council, and deliver the same to the sergeant for collection. The recorder shall also administer the oath of office to any officer of the corporation. The recorder shall perform such other duties as may be prescribed by the council from time to time. Notwithstanding the within duties and responsibilities of the recorder, a town secretary or treasurer, who may perform such of the within duties and responsibilities as may be prescribed by council, may be appointed or employed by the

said council, and said town secretary or treasurer shall not be considered a town officer for purposes of the requirements of § 15.1-51 of the Code of Virginia that town officers be residents of the town in which they serve at the time of their election or appointment. (1888, c. 32; 1979, c. 255)

§ 7. (1888, c. 32; repealed 1890, c. 467)

§ 8. The sergeant, should such an officer be appointed by the mayor, shall be vested with the powers of a constable within the limits of said town; shall collect all town and school levies and have power to distrain and sell therefor in like manner as a county treasurer may distrain and sell for State taxes; he shall be a conservator of the peace and shall have power to arrest in said town or within the county of Southampton, upon a warrant issued by a magistrate or other official with warrant-issuing powers, any person charged with a violation of the laws or ordinances of said town, or with the commission of any crime in said town or within a mile of its corporate limits. When a violation of the laws or ordinances of said town, or any crime is committed in his presence, he shall have authority and power to forthwith arrest the offender and convey him before any magistrate or other appropriate official to be dealt with according to law. He shall perform such other duties, give such bond and receive such compensation as the council may prescribe.

Notwithstanding the within duties and responsibilities of the sergeant, a town police official, who may perform such of the within duties and responsibilities as may be prescribed by council, may be appointed or employed by the said council, and said town police official shall not be considered a town officer for purposes of the requirements of § 15.1-51 of the Code of Virginia, that town officers be residents of the town in which they serve at the time of their appointment or election. Said town police official may be designated by whatever title deemed appropriate by council and may, with the consent of council, employ such assistants as may be required for the efficient performance of his duties. (1888, c. 32; 1979, c. 255)

§ 9. An election of mayor and members of council shall be held every two years, in even-numbered years, in accordance with § 24.1-90 of the Code of Virginia.

The Town of Courtland shall be divided into three wards for the purpose of electing councilmen to the town council. The boundaries of the three initial wards shall be drawn so as to create three areas which are as nearly equal in population as possible, and the boundaries shall be redrawn as provided by law, to insure that the population remains as equal as possible within the three wards. Two councilmen shall be elected from those citizens resident within each ward. The mayor may be a resident of any ward and shall be elected at large. The ward system so established shall become effective for the next regular election following passage of the legislation enacting this amendment. (1888, c. 32; 1900, c. 682; 1979, c. 255; 1987, c. 28)

§ 10. It shall be the duty of the county court of Southampton at its regular October term for 1888, and every two years thereafter, to appoint a qualified voter of said town as registrar for said town for the

two years following such appointment. It shall be the duty of said registrar to register according to state law, at any time, except as herein otherwise provided, in a special registration book provided for the purpose, all the citizens of said town who are qualified voters of said town, as hereinafter set forth, who shall apply to him to be registered, on the twelfth and eleventh days preceding any regular election under this charter. It shall be his duty to set two days for the purpose of registering voters, and from sunset of the eleventh day preceding each election, to sunrise of the day following such election, no names shall be entered upon such registration book; provided, that no person shall be entitled to have his name entered upon such registration book by reason of a transfer from any other voting precinct in this state. Such registrar shall be entitled to a compensation of two dollars per day for each day he shall sit under this charter, and in addition thereto to ten cents per name for each name he shall enter upon such registration book on any day other than the regular registration days, which compensation shall be paid out of the town treasury. It shall be the duty of the registrar to give notice of the days upon which he shall sit to register voters under this chapter, by posting notices at three or more public places in said town for ten days preceding such sitting, and five days previous to any election he shall post at a conspicuous place in said town a list of all voters who have been registered since the next preceding election. (1888, c. 32)

§ 11. It shall be the duty of the county court for Southampton, at its regular term in October, 1888, and every two years thereafter, to appoint three qualified voters of said town, who shall be judges of elections at every election for town officers for two years following their appointment, or until their successors are appointed and qualified. Said judges shall have authority to appoint clerks for each election, and such judges and clerks shall be entitled to one dollar per day for each election day, to be paid out of the town treasury. (1888, c. 32)

§ 12. At the first regular election under this charter, the courthouse of the county of Southampton may be used for election purposes. For all subsequent elections it shall be the duty of the council, at its regular meeting in the month preceding such election, to provide a place for conducting such election; and it shall be the duty of the sergeant of the town to give notice of the time and place of any municipal election, except the first held under this charter, by posting in said town three or more notices thereof for five days preceding any election. The judges of election, or either of them appointed at the October term, 1888, as before provided, shall give notice of the first election to be held under this charter, by posting in said town three or more notices thereof for five days before any election. (1888, c. 32)

§ 13. The qualified voters of said town shall consist of all the inhabitants of said town qualified to vote for members of the General Assembly, who are duly registered upon the registration books of the town. (1888, c. 32; 1979, c. 255)

§ 14. The mode of conducting said election and of canvassing the vote shall conform to the law with reference to state elections. So soon as the result shall be certified in accordance with state law, it

shall be the duty of the judges to seal the poll books, each separately, and to securely seal the ballots in a separate packet. So soon as this is done the judges shall agree among themselves, and if this cannot be done, shall decide by lot which one of their number shall take charge of the returns. It shall be the duty of the judge in whose charge the ballots and returns are given, to deliver on the day following the election (Sunday excepted) to the clerk of the county court of Southampton county, at the first election held under this charter, both of said poll books and the ballots, still securely sealed. It shall be the duty of the clerk of the county court of Southampton county, immediately upon receipt of such ballots and poll books, for the first election held under this charter, to file the former away in his office, and to open the latter and to give to the persons who, according to the face of the returns, have a majority of the votes cast, certificates of their election, and to administer to said officers the oath of office, which certificates of election shall be recorded by the recorder in the record book of the council. At all subsequent elections held under this charter, it shall be the duty of the judge in whose charge the ballots and poll books are given, to deliver on the day following the election (Sunday excepted) to the recorder one of the poll books and the ballots, still securely sealed, and to deliver the other poll book, still sealed, to the clerk of the count court of Southampton county. It shall be the duty of the recorder, after all elections under this charter except the first, immediately upon receipt of such ballots and poll book, to file the former away in his office, and to open the latter and to record the result of the election as certified by the judges and clerks in the record book of the council. Within five days after any election, except the first, the mayor shall examine said record and give to the persons who, according to the face of the returns as recorded, have a majority of the votes cast, certificates of their election. (1888, c. 32)

§ 15. The terms of all officers elected under this charter shall commence on the first day of July succeeding their election. Should the office of mayor become vacant for any reason, council shall have power by election from the qualified voters of the town to fill such vacancy, and such election shall be for the unexpired term. (1888, c. 32; 1979, c. 255)

§ 16. The authorities of said town shall have the use of the county jail for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town; and whenever judgment shall be rendered against any person for fines, and there are no effects which the sergeant may distrain or sell therefor, the party so in default may be compelled to work out such fine on the public streets or other improvements, and to suffer in addition such terms of imprisonment as may be prescribed by the ordinances of said town. The authorities of said town shall have the right to use the courthouse of Southampton county for any purpose, subject to the control of the county judge as now given by law. (1888, c. 32)

§ 17. The county court of Southampton county shall have original jurisdiction of cases of contested elections in said town with the right of appeal to the circuit court. The mode of contesting such elec-

tion, and of hearing and determining each contest shall conform to the law with reference to contesting elections of county officers. (1888, c. 32)

§ 18. This act shall be in force from and after October 1, 1888. (1888, c. 32)

§ 19. The said town shall have the right to purchase and hold such real estate as it may deem necessary for cemetery purposes, for street purposes, for public buildings, or for any public purpose allowable by law. And the council of said town shall have the right to sell and convey any sections or lots belonging to it in any cemetery that may be owned by said town, and to sell and convey any other land which the town may own, that has ceased to be used for the purpose for which it was intended, and which the council may desire to dispose of. (1902-3-4, c. 136)

Covington, City of

History of incorporation
Established in the County of Botetourt, 1818, c. CXI.
Alleghany County formed from Botetourt et al., 1822.
Incorporated as a town in the County of Alleghany, 1833, c. 201; repealed 1839, c. 234.
Incorporated as a town in 1873, c. 31; repealed 1902, c. 467.
Charter, 1902, c. 467; repealed 1954, c. 227.
Became City of Covington on December 20, 1952, by Court Order.

Current charter
Charter, 1954, c. 227.

Amendments to current charter
1958, c. 95 (§§ 5.021 [added], 5.041 [added], 5.12, 12.01)
1974, c. 16 (§§ 3.01, 3.03, 13.01 through 13.11 [repealed])
1985, c. 71 (§ 3.02)
1998, c. 139 (§§ 1.02, 3.01, 3.03 [repealed], 3.08, 13.12 [repealed], 14.03 [repealed], 15.04 [repealed])
1999, c. 143, 169 (§ 3.02)
2000, c. 977 (§ 14.06)
2014, c. 722 (§§ 3.01, 3.06)
2021 Special Session I, cc. 79, 80 (§§ 2.02, 5.021, 6.02, 12.01, 15.03; effective July 1, 2022)

Chapter 1. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the city of Covington, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the city of Covington and as such shall have perpetual succession, may sue and be sued,

contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure. (1954, c. 227)

§ 1.02. Boundaries.

The boundaries of the city shall be the boundaries of the Town of Covington, its predecessor, as described in § 1 of Chapter 467 of the Acts of the General Assembly of 1901-02, approved April 2, 1902, as modified and enlarged by the decree of the Circuit Court of Alleghany County, entered on October 1, 1951, in the annexation proceedings styled Town of Covington v. County of Alleghany, Virginia, which decree is recorded in the Clerk's Office of the Circuit Court of Alleghany County, Virginia, in Common Law Order Book 17 at pages 491, et seq.; and as modified and enlarged by the decree of the Circuit Court of Alleghany County, entered January 4, 1991, in the proceeding styled, "In the matter of the Petition by the City of Covington, Virginia, and the County of Alleghany, Virginia, to change or relocate the boundary line between the City and the County pursuant to §15.1-1031.1 through § 15.1-1031.3 of the Code of Virginia, 1950, as amended," which decree is recorded in the clerk's office of the Circuit Court for Alleghany County, Virginia, in Common Law Order Book 27 at page 495 et seq., and which decree was corrected by a decree entered by said court on December 8, 1995, recorded in the clerk's office of the Circuit Court for Alleghany County, Virginia, in Common Law Order Book 32 at page 485 et seq. (1954, c. 227; 1998, c. 139)

Chapter 2. Powers.

§ 2.01. General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by the said Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1954, c. 227)

§ 2.02. Financial powers.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall, when not prohibited by the laws of

the Commonwealth, have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to establish, impose, and enforce water and sewerage rates and rates and charges for garbage and refuse collection and disposal, or other services, products or conveniences, operated, rendered or furnished by the city; to require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions which cannot in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license.

(b) To borrow money for the purposes and in the manner provided by Chapter 5 of this charter.

(c) To make appropriations, subject to the limitations imposed by this charter, for the support of the city government and any other purposes authorized by this charter and not prohibited by the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this charter, not more than one hundred thousand dollars in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require at least four affirmative votes in the council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government.

(f) To provide, or aid in the support of, public libraries and public schools.

(g) To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth, and to charitable or benevolent institutions and corporations,

including those established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the city.

(h) To establish a system of pensions for injured, retired or superannuated city officers and employees, members of the police and fire departments, teachers and other employees of the former city school board, the consolidated school board of Alleghany County and the City of Covington, or both, judges, clerks, deputy clerks, bailiffs and other employees of the municipal courts, and to establish a fund or funds for the payment of such pensions by making appropriations out of the treasury of the city, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by any combination of these methods or by any other method not prohibited by law, provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be paid therefrom, and provided further that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever nor shall any assignment of such benefits be enforceable in any court.

(i) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof. (1954, c. 227; 2021 Special Session I, cc. 79, 80).

§ 2.03. Powers relating to public works, utilities and properties.

In addition to the powers granted by other sections of this charter, the city shall have power:

(a) To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light, streets, including limited access or express highways, alleys, bridges, viaducts, subways and underpasses, and make and improve walkways upon streets and improve and pave alleys, within the city; and the city shall have the same power and authority over any street, alley or other public place ceded or conveyed to the city or dedicated or devoted to public use as over other streets, alleys and other public places.

(b) To acquire, construct, own, maintain and operate, within the city, public parks, parkways, playfields and playgrounds, and to lay out, equip and improve them with all suitable devices, buildings and other structures.

(c) To collect and dispose of garbage and other refuse and to construct, maintain and operate, within and without the city, incinerators, dumps or other facilities for such purposes.

(d) To construct, maintain and operate, within and without the city, sewers, drains, culverts and sewage disposal works.

(e) To assess the whole or part of the cost of making and improving walkways on then existing streets, improving or paving existing alleys, or constructing sewers, culverts and drains, upon the owners of land abutting thereon or on the street or alley in which such sewer, culvert, or drain is laid in the manner provided by ordinance or by the general laws of the Commonwealth, provided that the amount of such assessment shall not exceed the peculiar benefit resulting to the landowner from the improvement; provided further, that in lieu of any such assessment for the construction of a sewer, culvert or drain, the city may assess and collect an annual sewer tax as compensation for the use thereof, and may provide for the commutation thereof upon such terms and conditions as the council may provide by ordinance, but such assessment shall not be in excess of the peculiar benefit resulting therefrom to such abutting landowners; and provided further, that the city may acquire by condemnation or otherwise any interest or right of any owner of abutting property in the use of any sewer, culvert or drain, and thereafter charge such landowner for the use of such sewer, culvert or drain. The city may order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the city and the abutting landowners. In the absence of such an agreement the improvements may be ordered on a petition from not less than three-fourths of the landowners to be affect thereby or by four affirmative votes of the council

(f) To construct, maintain and equip all buildings and other structures necessary or useful in carrying out the powers and duties of the city.

(g) To sell, lease or dispose of, except as otherwise provided in this charter and in the Constitution and laws of the Commonwealth, land, buildings and other property of the city, real and personal.

(h) To control and regulate the use and management of all property of the city, real and personal.

(i) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under the Jackson River or any other stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned.

(j) To authorize by ordinance, in accordance with the Constitution and laws of the Commonwealth, the use of the streets for the laying down of street railway tracks and the operation of street railways therein under such conditions and regulations as may be prescribed by such ordinance or by any future ordinance, or to acquire by agreement or condemnation any such street railway and maintain and operate the same.

(k) To acquire, construct, own, maintain and operate, within the city, places for the parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.

(l) To acquire, construct, own, maintain and operate, within and without the city, airports and all the appurtenances thereof; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purposes; charge or authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease any appurtenance of any such airport or concession incidental thereto or in the discretion of the council, lease any such airport and its appurtenances with the right to all concessions thereon to, or enter into a contract for the management and operation of the same with, any person, firm or corporation on such terms and conditions as the council may determine by ordinance.

(m) To acquire, construct, own, maintain and operate within the city, stadia, arenas, swimming pools and other sport facilities; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of or admission to such stadia, arenas, swimming pools and other sport facilities, including charges for any services incidental thereto; lease, subject to such regulations as may be established by ordinance, any such stadium, arena, swimming pool or other sports facility or any concession incidental thereto, or enter into a contract with any person, firm or corporation for the management and operation of any such stadium, arena, swimming pool or other sport facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine by ordinance.

(n) To acquire, construct, own, maintain and operate, within and without the city, waterworks sewerage disposal works, gas plants and electric plants, with the pipe and transmission lines incident

thereto, to be managed and controlled as provided by an ordinance for the purpose of supplying water, gas and electricity and disposing of sewage within and without the city, and to charge and collect compensation therefor, and to provide penalties for the unauthorized use thereof. (1954, c. 227)

§ 2.04. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.

In addition to the powers granted by other sections of this charter the city shall have power to adopt ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth, for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, and among such powers, but not in limitation thereof, the city shall have power:

(a) To provide for the prevention of vice, immorality, vagrancy and drunkenness; prevention and quelling of riots, disturbances and disorderly assemblages; suppression of houses of ill-fame and gambling places; prevention of lewd and disorderly conduct or exhibitions; and prevention of conduct in the streets dangerous to the public.

(b) To regulate the construction, maintenance and repair of buildings and other structures and the plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health.

(c) To provide for the protection of the city's property, real and personal, the prevention of the pollution of the city's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, airports and other public property, located within the city.

(d) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city by railroads, streets railways, buses, taxicabs and other vehicles for hire; prescribe the location in, under or over, and grant permits for the use of, streets, alleys and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, areas and cellars; require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted; and prohibit such use of the streets, alleys and other public places of the city, and no such use shall be made of the streets, alleys or other public places of the city without the consent of the council.

(e) To prevent any obstruction of or encroachment over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment; remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes; require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; pending such removal charge the owner or owners

of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching, and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, but such authorization shall not relieve the owner or owners, occupant or occupants of the property encroaching, of any liability for negligence on account of such encroachment; and recover possession of any street, alley, sidewalk or other public place or any other property of the city by suit or action in ejectment.

(f) To prescribe the route and grade of any railroad hereafter laid in the city, and to reasonably regulate the operation of any engines, cars or railroad trains operating within the city.

(g) To regulate the operation of motor vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations, provided that ordinances or administrative regulations adopted by virtue of this subsection shall not be inconsistent with the provisions of the motor vehicle code of Virginia. All fines imposed for the violation of such ordinances and regulations shall be paid into the city treasury.

(h) To regulate, in the interest of public health, the production, preparation, distribution, sale and possession of milk, other beverages and foods for human consumption, and the places in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, where sewers are not available, and the sanitation of swimming pools and lakes; provide for the removal of night soil, and charge and collect compensation for the removal thereof; compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; provide for the quarantine of any person afflicted with a contagious or infectious disease, and for the removal of such person to a hospital or ward specially designated for contagious or infectious diseases; inspect and prescribe reasonable rules and regulations, in the interest of public health, with respect to private hospitals, sanatoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of the sick, of children, the aged and the destitute; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.

(i) To regulate cemeteries and burials therein, prescribe the records to be kept by the owners of such cemeteries, and prohibit all burials except in a public burying ground.

(j) To regulate or prohibit the exercise of any dangerous, offensive or unhealthful business, trade or employment, and the transportation of any offensive or dangerous substance.

(k) To regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same.

(l) To regulate the emission of smoke.

(m) To compel the removal of weeds from private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level or fencing of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public; and to compel the abatement or removal of any and all nuisances whatsoever. If after such reasonable notice as the council may prescribe by ordinance the owner or owners, occupant or occupants of the property or premises affected by the provisions of this subsection shall fail to abate or obviate the condition or nuisance, the city may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of taxes.

(n) To regulate or prohibit the manufacture, storage, transportation, possession and use of explosive or inflammable substances and the use and exhibition of fireworks and discharge of firearms.

(o) To regulate or prohibit the making of fires in the streets, alleys and other public places in the city and to regulate the making of fires on private property.

(p) To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations.

(q) To prevent cruelty to and abuse of animals.

(r) To regulate the sale of goods, wares or merchandise at auction; regulate the conduct of and prescribe the number of pawn shops and dealers in secondhand goods, wares and merchandise; regulate or prohibit the peddling or hawking of any article for sale on the streets of the city; prevent fraud or deceit in the sale of goods, wares and merchandise; require the weighing, measuring, gauging and inspection of goods, wares and merchandise offered for sale; require weights and measures to be sealed and subject to inspection; and provide for the appointment of a sealer and

one or more weighmasters who shall perform such duties and functions as may be prescribed by ordinance. (1954, c. 227)

§ 2.05. Miscellaneous powers.

The city shall also have power:

(a) To establish, maintain and operate public employment bureaus, public markets and public baths.

(b) To establish, maintain and operate, within and without the city, public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute.

(c) To provide care for the poor and have all the powers and duties conferred and imposed on cities by the laws of the Commonwealth relating to public assistance.

(d) To establish, own, maintain and operate, within and without the city, cemeteries for the interment of the dead, fix the price at which graves and lots therein shall be sold, make contracts for their perpetual care and establish the rates to be charged for the digging of graves, construction of vaults and other services.

(e) To establish, maintain and operate, within or without the city, a jail for the confinement of prisoners, ordered or sentenced to be confined therein, and a jail farm; and compel able-bodied prisoners confined in the jail to work on such farm, with the approval of the court trying such cases.

(f) For the purpose of carrying out any of its powers and duties, to acquire by gift, bequest, purchase or lease, and to own and make use of within the city, lands, buildings and other structures and personal property, including any interest, right, easement or estate therein, and in acquiring such property to exercise, within the city, the right of eminent domain; and in the exercise of the right of eminent domain by the city the city shall have all the rights and powers and the proceedings shall conform in all respects including the offsetting of enhancement in value against damages to those prescribed in Article 5 of Chapter 1 of Title 33 of the Code of Virginia 1950, relating to proceedings instituted in the name of the State Highway Commission; provided, however, that the provisions of § 25-233 of the Code of Virginia of 1950 shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act. (1954, c. 227)

§ 2.06. Enforcement of regulations.

When by the provisions of this charter or the Constitution and general laws of the Commonwealth the city is authorized to pass ordinances on any subject, the council may provide suitable penalties for the violation of any such ordinances. No such penalty shall exceed a fine of five hundred dollars or imprisonment in the jail of Alleghany County for six months or both. Upon conviction for violation of any

ordinance the court trying the case may require bond of the person so convicted with proper security in the penalty of not more than two thousand dollars, conditioned to keep the peace and be of good behavior for the period of not more than one year not to violate the ordinance for the breach of which he has been convicted. Whenever any fine, costs or penalty shall be imposed but not paid the court trying the case may, unless an appeal be forthwith taken, order the person convicted to be imprisoned for such time as is provided by Code 1950, § 19-309 and may issue a writ of fieri facias directed to the proper officer for the collection of the amount due, returnable within sixty days from its issuance. The city is hereby expressly authorized and empowered to institute and maintain a suit or suits to restrain by injunction the violation of any ordinance legally adopted by it, notwithstanding such ordinance may provide penalties for its violation. (1954, c. 227)

§ 2.07. Licenses and permits.

Whenever in the judgment of the council it is advisable in the exercise of any of the powers of the city or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or permits in connection therewith, establish the amount of the fee to be charged the licensee or permittee and require from the licensee or permittee a bond and an insurance policy of such character and in such amount and upon such terms as it may determine. (1954, c. 227)

§ 2.08. Injunctions against the city.

No injunction shall be awarded by any court or judge to stay the proceedings of the city or any of its officers, employees or agents in the exercise of any of their powers unless it be manifest that the city, its officers, employees or agents are transcending the authority given the city by this charter and the general laws of the Commonwealth, and also that the intervention of a court of equity is necessary to prevent injury that cannot be compensated by damage. (1954, c. 227)

§ 2.09. Construction of powers.

The powers which are now or may hereafter be conferred upon or delegated to the city under the Constitution and laws of the Commonwealth and this charter shall be liberally construed when such powers are exercised by the city and in case of doubt as to the existence of a power such doubt shall be resolved in favor of the city. (1954, c. 227)

Chapter 3. The City Council.

§ 3.01. Creation and composition of council.

In accordance with a consent decree entered by the United States District Court for the Western District of Virginia, Roanoke Division, on August 3, 1988, in a case styled, "William R. Martin, et als. v. City of Covington, et als.," the city shall be divided into five voting districts, which shall be known as District 1, District 2, District 3, District 4 and District 5.

There shall be a council of the city, which shall continue to consist of five members, who shall at the time of filing their notice of candidacy and thereafter be residents and qualified voters of the city and of

their voting district. One member of the council shall be elected from and by the duly qualified voters of each of the five voting districts of the city for the term of four years from the first day of January next following the date of their election, and until their successors have been elected and qualified. The councilmen in office at the effective date of this charter and the amendments thereto shall constitute the council of the city and are hereby continued in office for the terms for which they were elected and qualified. On the Tuesday following the first Monday in November of 2016, and every four years thereafter, a member of the council shall be elected from each of District 3, District 4 and District 5, each for a four-year term, and on the Tuesday following the first Monday in November of 2014, and every four years thereafter, a member of the council shall be elected from each of District 1 and District 2, each for a four-year term. Council members serving on council as of the date of this amendment and whose terms are to expire as of June 30 of 2014 or 2016 shall continue in office until their successors have been elected at the November general election and have been qualified to serve. The general laws of the Commonwealth relating to the conduct of elections, as far as pertinent, shall apply to the conduct of the general city elections. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body, or any of them. (1954, c. 227; 1974, c. 16; 1998, c. 139; 2014, c. 722)

§ 3.02. Vacancies in office of councilman.

Vacancies in the office of councilman, from whatever cause arising, shall be filled in accordance with the general laws of the Commonwealth of Virginia. (1954, c. 227; 1985, c. 71; 1999, c. 143, 169)

§ 3.03. (1954, c. 227; 1974, c. 16; repealed 1998, c. 139)

§ 3.04. Rules of procedure.

The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, the city manager or any two members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by unanimous consent of all the members of the council. A majority of the members of the council shall constitute a quorum for the transaction of business. (1954, c. 227)

§ 3.05. Voting.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative votes of at least three members. All voting may be by ayes and noes, except on request by any one member therefor, the voting shall be by roll call and the ayes and noes shall be recorded in the journal. (1954, c. 227)

§ 3.06. Election of mayor and vice-mayor.

The mayor in office at the effective date of this charter is hereby continued in office for the term for which he was elected and until his successor has been elected and qualified. At the first meeting of the council after the first day of January of 2015, and at each succeeding first meeting immediately following the taking of office of councilmen after a general councilmanic election, the council shall choose by majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing term. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He shall have no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law, and the service of civil process. The vice-mayor, in the absence or disability of the mayor, shall perform the duties of mayor, and if a vacancy shall occur in the office of mayor, the vice-mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and the vice-mayor, the council shall by majority vote of those present choose one of their number to perform the duties of mayor. (1954, c. 227; 2014, c. 722)

§ 3.07. Clerk to the council.

The council shall appoint a clerk to the council to serve at the pleasure of the council. He shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. He shall receive such compensation as clerk to the council as may be determined by council. (1954, c. 227)

§ 3.08. Powers of city council.

All powers of the city of Covington as a body politic and corporate shall be vested in the council except as otherwise provided in this charter. The council shall be the policy determining body of the city and shall be vested with all the rights and powers conferred on councils in cities, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

(a) To have full power to inquire into the official conduct of any office or officer under its control, and to investigate the accounts, receipts, disbursements, and expenses of any city employee; for these purposes it may subpoena witnesses, administer oaths and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

(b) To provide for the performance of all the governmental functions of the city; and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city, or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the

city so designated by ordinance or resolution of the council. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer, or combine any city functions, activities, or departments.

(c) After the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records, and financial transactions of the city by the Auditor of Public Accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection in the office of the clerk to the council during regular business hours.

Either the council or the city manager with the consent of the council may at any time order an examination or audit of the accounts of any officer or department of the city government. Upon the death, resignation, removal, or expiration of the term of any officer of the city, the council may cause an audit and investigation of the accounts of such officer to be made. In case of the death, resignation, or removal of the director of finance, the council may cause an audit to be made of his accounts. If as a result of any such audit, an officer be found indebted to the city, the council shall proceed forthwith to collect such indebtedness.

(d) The council shall fix a schedule of compensation for all city officers and employees. The council may by ordinance define certain classes of city employees whose salaries shall be set by the city manager, except that this provision shall not apply to the constitutional officers, the heads of city departments, and judges.

(e) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may designate. (1954, c. 227)

§ 3.09. Limitations on powers and disqualifications.

(a) Any member of the council who shall have been convicted of a felony while in office shall thereby forfeit his office.

(b) Except for the purpose of inquiry, the council and its members, so long as the city manager form of government is used, shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall have authority to give orders to any of the subordinates of the city manager, either publicly or privately.

(c) No member of the council shall, during the term for which he was elected or for one year thereafter, be appointed to any office of profit under the government of the city. (1954, c. 227; 1998, c. 139)

Chapter 4. The City Manager.

§ 4.01. Appointment, tenure, compensation, and residence.

The council shall appoint a city manager, who need not be a resident of the city at the time of his appointment, and fix his compensation. He shall be the chief administrative and executive officer of the city and shall devote his full time to the work of the city. No member of the council shall, during the time for which he has been elected, or for one year thereafter, be chosen city manager, nor shall the managerial powers be given to a person who at the same time is filling an elective office.

The city manager shall not be appointed for a definite tenure, but shall be removable at the pleasure of the council. The council may suspend him from office, provided that the period of suspension shall be limited to thirty days. The action of the council in suspending or removing the city manager shall not be subject to review.

In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office. (1954, c. 227)

§ 4.02. Powers and duties.

The city manager shall be responsible to the council for the proper administration of all the affairs of the city which the council has authority to control, except the legal and judicial departments. As the administrative and executive head of the city government, he shall be responsible to the council for supervising the collection of all revenues, guarding adequately all expenditures, securing proper accounting for all funds, looking after the physical property of the city, exercising general supervision over all city departments, institutions, and agencies, and coordinating the various activities of the city and unifying the management of its affairs. To accomplish these purposes he shall have the following specific powers and duties.

(a) The city manager shall appoint all employees in the service of the city, except as otherwise provided in this charter. All appointments shall be on the basis of ability, training and experience of the appointees which fit them for the work they are to perform. All appointments shall be without definite term, unless for temporary service not to exceed sixty days. Any employee of the city appointed by the city manager, may be laid off, suspended, or removed from employment by the manager.

(b) The city manager may be appointed by the council to act as the director or head of one or more or all departments of the city, provided he is otherwise eligible to head such department or departments.

(c) With the approval of the council the city manager shall, subject to the limitations of § 3.08 (d), fix the compensation of all employees whom he or a subordinate may appoint or employ.

(d) The city manager shall enforce all resolutions, ordinances and orders of the council and see that all laws of the State required to be enforced through the council or other city officers subject to the control of the council are faithfully executed.

(e) He shall attend all meetings of the council and have the right to take part in all discussions, to present his views on all matters coming before the council, and to recommend such action as he may deem expedient.

(f) He shall submit to the council each year a proposed annual budget, with his recommendations and execute the budget as finally adopted.

(g) He shall make regular monthly reports to the council in regard to matters of administration and keep the council fully advised as to the financial condition of the city.

(h) He shall examine regularly the books and papers of every officer and department of the city and report to the council the condition in which he finds them.

(i) The city manager shall perform such other duties as may be imposed upon him by the council. (1954, c. 227)

Chapter 5. Financial Administration.

§ 5.01. Department of finance.

There may be a department of finance which shall be under the supervision of a director of finance, who may be the city manager or a person appointed by the city manager with the approval of the council, and which shall include the city treasurer and the city commissioner of the revenue and their respective offices. (1954, c. 227)

§ 5.02. General duties of director.

The director of finance shall be the administrative head of the department of finance and as such shall have charge of the financial affairs of the city, including such powers and duties as may be assigned to the director of finance, or department of finance, by ordinance or resolution of the council not inconsistent with the Constitution and general laws of this Commonwealth. (1954, c. 227)

§ 5.021. Collection, custody and disbursement of local funds by director of finance.

The council may, notwithstanding any other provision of this charter, by ordinance provide that the director of finance and not the city treasurer shall collect, have custody of and disburse all local taxes, revenues and funds which belong to the city and the consolidated school board or to which they or either of them are entitled. In event such an ordinance is adopted, the director of finance shall have all the rights, powers and authority conferred upon, and shall be subject to all the duties and liabilities imposed upon the city treasurer by the general laws of the Commonwealth and this charter with respect to local taxes, revenues and funds. (1958, c. 95; 2021 Special Session I, cc. 79, 80)

§ 5.03. Expenditures and accounting.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance or legally enacted supplement thereto, or subsequent resolution enacted by the council. Accounts shall be kept for each item of appropriation made by the council. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement, or order. (1954, c. 227)

§ 5.04. Real estate reassessments.

Reassessments of real estate taxable by the city shall be made at the time, in the manner, and by the persons as provided by general laws affecting the city of Covington. (1954, c. 227)

§ 5.041. Alternative method for real estate reassessment.

In addition to the powers heretofore granted with relation to the reassessment of real estate:

(a) The council of the city of Covington shall have the power, in lieu of the means and methods prescribed by law, to provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation and to that end shall appoint as city assessor or assessors, one or more persons, to assess or reassess for taxation the real estate within the city of Covington, and to prescribe the duties and term of office of said assessor or assessors.

(b) Such assessor or assessors shall make such assessment and reassessments on the same basis as real estate is required to be assessed under the provisions of the Code of Virginia and as of the first day of January of each year, shall have the same authority as the assessors appointed under the provisions of the Code, and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of the said Code.

(c) The term of such assessor or assessors shall be fixed by the council, and any vacancy or vacancies, however occurring, shall be filled by the council. The council shall likewise fix the compensation of any such assessor or assessors, provide such clerical or other assistance as may be necessary, and provide for the payment or other assistance as may be necessary, and provide for the payment of such salaries and expenses as may be properly incident to the work involved. And all such salaries, expenses and other costs incurred in connection with such assessment or reassessment shall be paid out of the treasury of the city.

(d) The Circuit Court of Alleghany County or the judge thereof in vacation shall, annually, appoint for said city of Covington, a board of review of real estate assessments to be composed of three members, who shall be freeholders of the city of Covington. The terms of such members shall commence on their appointment and shall expire on the thirtieth day of November of the year in which

they are appointed, unless such terms are extended. The said court or the judge thereof in vacation may extend the terms of the members of the said board of review and shall fill any vacancy therein for the unexpired term. The members of the said board shall receive per diem compensation for the time actually engaged in the duties of the board to be fixed by the said court, and to be paid out of the treasury of the city, and the court may limit the per diem compensation to such number of days, as, in its judgment, is sufficient for the completion of the work of the board.

(e) Such board of review shall have and may exercise the powers to revise, correct, and amend any assessment of real estate made by said assessor in the year in which they serve, and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, however, the board of review may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceedings before the board.

(f) That any person or the city, if aggrieved by any assessment made by said board of review, may apply for relief in the manner provided by general law.

(g) That this section shall not apply to the assessment of any real estate assessable under the law by the State Corporation Commission.

(h) All acts and parts of acts relating to the assessment of real estate in cities not in conflict with the provisions of this section shall apply to the assessments made pursuant to this section. (1958, c. 95)

§ 5.05. Disposition of moneys.

All moneys received or collected for the use of the city from any source shall be paid over, held, and disbursed as the council may order or resolve, and in such depository or depositories as may be prescribed by the council, either by ordinance or resolution. Such depository or depositories may be required to furnish such security, and under such conditions, as the council may prescribe, not inconsistent with general laws of the Commonwealth. (1954, c. 227)

§ 5.06. Claims.

The director of finance shall audit all claims against the city for goods or services. It shall also be his duty to ascertain that such claims are in accordance with the purchase orders or contracts of employment from which the same arise, to present such claims for approval to the council, or such person as the council may designate; to keep a record of the revenues and expenditures of the city in a manner which will permit reporting of those revenues and expenditures in such form as the council may prescribe; and at the end of each month to prepare and submit to the council and to the city manager statements showing the progress and status of the affairs of the city in such form as the council may prescribe. (1954, c. 227)

§ 5.07. Director and purchasing agent.

The director of finance shall act as purchasing agent for the city and all the departments, offices, boards, commissions, and other agencies thereof, unless the city manager shall designate some other officer or employee of the city for such purpose. The director of finance or the person designated as purchasing agent shall have such powers and duties relative to city purchasing activities as shall be prescribed by the council, including if the council so prescribes, the custody and distribution of city supplies, materials, and equipment, the establishment and enforcement of specifications, and the solicitation and acceptance of competitive bids for city purchases. (1954, c. 227)

§ 5.08. Other duties of director.

The director of finance shall perform such other duties as may be imposed upon him by the city manager. (1954, c. 227)

§ 5.09. Fiscal year.

The fiscal year of the city shall begin on the first day of July annually and end on the thirtieth day of June of the succeeding year, provided however that the council may by ordinance designate a different fiscal year. (1954, c. 227)

§ 5.10. Submission and adoption of budget.

Annually, not later than two months prior to the first day of the fiscal year, the city manager shall prepare and submit to the council a budget presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. Such budget shall be set up in the manner provided by law, and shall include such information as the council by ordinance or resolution may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with general laws of the Commonwealth, provided that the tax levy for each fiscal year shall be made, and the budget for each fiscal year shall be adopted, prior to the first day of the fiscal year for which made or adopted. (1954, c. 227)

§ 5.11. Borrowing powers.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner, and to the extent provided for in the following paragraphs of this chapter. (1954, c. 227)

§ 5.12. Purpose for which bonds or notes may be issued.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution or general laws of this State. All bonds shall be in serial form payable, as consecutively numbered, in annual installments the first of which shall be payable not more than three years from the date of issue of such bonds.

Bonds or notes evidencing short term loans for the purpose of paying current expenses or debts of the city may be issued, when authorized by the council; provided, however, that any such bonds or notes

may be renewed from time to time but shall mature not later than twelve months after the date of issue, and the aggregate amount thereof outstanding at any one time shall not exceed an amount equal to twenty-five per centum of the revenue from all sources collected by the city in the preceding fiscal year. (1954, c. 227; 1958, c. 95)

§ 5.13. Manner of issuing bonds and notes.

Bonds and notes of the city may be issued in any manner provided by general law. (1954, c. 227)

§ 5.14. Alternative manner of issuing bonds and notes.

In addition to the powers heretofore granted in this chapter the council of the city of Covington, whenever a majority of all the members of the council by a recorded vote decide that it is to the interest of the city so to do, may borrow money for the uses and purposes of the city by issuing bonds or notes, negotiable or nonnegotiable, of the city for the purpose of raising such money; provided however that no such bonds or notes shall be issued under this section unless and until such issue shall be authorized by a majority of the qualified voters of the city of Covington voting at an election to be held for the purpose, which shall be called, held, and conducted in accordance with an ordinance adopted by the council of the city providing for such election and for giving due publicity to the same, and also providing by whom and how the ballots shall be prepared and return canvassed and the result certified.

Bonds or notes issued under this section shall conform to the provisions of the Constitution and general laws of the Commonwealth and the provisions of this charter. (1954, c. 227)

§ 5.15. Limitation on indebtedness.

In the issuance of bonds and notes, the city shall be subject to the limitations as to amount which are contained in § 127 of the Constitution of Virginia. (1954, c. 227)

Chapter 6. Department of Law.

§ 6.01. Department of law.

There shall be a department of law which shall consist of the city attorney and such assistant attorneys and other employees as may be provided by ordinance. (1954, c. 227)

§ 6.02. City attorney.

The head of the department of law shall be the city attorney who shall be appointed by the council. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. The city attorney shall be the chief legal advisor of the council, the city manager and of all departments, boards, commissions, and agencies of the city in all matters affecting the interests of the city. He shall represent the city in all civil proceedings. It shall be his duty to perform all services incident to his position as may be required by the laws of the

Commonwealth, this charter, or by ordinance. He shall have general management and control of the department. (1954, c. 227; 2021 Special Session I, cc. 79, 80)

Chapter 7. Department of Public Safety.

§ 7.01. Fire and police functions.

The department of public safety shall consist of the division of fire and the division of police and such other functions and activities as may be assigned to it by the city council. The department of public safety shall be under the supervision of a director of public safety who may be the city manager or a person appointed by the city manager with the approval of the council.

The division of police shall consist of such police officers as may be appointed by the city manager and shall be under the supervision of a chief of police to be appointed by the city manager. The city sergeant may be appointed chief of police. The chief of police and police officers shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth.

The division of fire shall be in charge of such officer and shall consist of such persons, who shall perform such duties and receive such compensation as may be prescribed by the city council in accordance with provisions of this charter. (1954, c. 227)

Chapter 8. Department of Public Works.

§ 8.01. Department of public works.

There may be a department of public works which shall consist of the Director of Public Works who may be the city manager or a person appointed by the city manager with the approval of the council and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1954, c. 227)

§ 8.02. Functions.

The department of public works shall be responsible for the construction and maintenance of all public buildings, streets, roads, bridges, drains, sewers, garbage and refuse collection and disposal, and all other public works and constructions; the care of public buildings, storerooms, and warehouses; the custody of such equipment and supplies as the council may require; and such other powers and duties as may be assigned to the department, which may include among other assignments, building inspections, plumbing inspections, electrical inspections, subdivision control and zoning administration. (1954, c. 227)

§ 8.03. Director of public works.

The head of the department of public works shall be the Director of Public Works. He shall have general management and control of the several bureaus, divisions and other units of the department. (1954, c. 227)

Chapter 9. Department of Public Utilities.

§ 9.01. Department of public utilities.

There may be a department of public utilities which shall consist of the director of public utilities, who may be the city manager or a person appointed by the city manager with the approval of the council, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1954, c. 227)

§ 9.02. Functions.

The department of public utilities shall be responsible for: (a) the operation of the water and sewer utilities of the city; (b) the collection of all charges for the services of such utilities; (c) such other powers and duties as may be assigned to the department by ordinance. (1954, c. 227)

§ 9.03. Director of public utilities.

The head of the department of public utilities shall be the director of public utilities. He shall have general management and control of the several bureaus, divisions and other units of the department. (1954, c. 227)

Chapter 10. Department of Health.

§ 10.01. Department of public health.

There may be a department of public health which shall consist of the director of public health, to be appointed by the council and such other officers and employees organized into such bureaus, divisions, and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1954, c. 227)

§ 10.02. Functions.

The department of public health shall be responsible for the exercise of all health functions imposed on municipalities by general law and such other functions as may be assigned to the department. (1954, c. 227)

§ 10.03. Director of public health.

The head of the department of public health shall be the director of public health. He shall have general management and control of the several bureaus, divisions, and other units of the department. He shall have all the powers and duties with respect to the preservation of the public health which now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth, as well as the powers and duties conferred or imposed on him by this charter and the ordinance of the city. (1954, c. 227)

§ 10.04. Board of health.

The council may select two qualified citizens of the city, who together with the director of public health shall constitute the board of health. The board of health shall advise and cooperate with the department of health and shall have power to adopt necessary rules and regulations, not in conflict with law, concerning the department. The provisions of general law relating to the establishment of local boards of health shall not apply to the city of Covington. (1954, c. 227)

§ 10.05. Contractual services.

The council may, in its discretion, effectuate the powers, duties and functions assigned to the department of public health in this chapter through contractual agreements with the State Department of Health and neighboring cities and counties. (1954, c. 227)

Chapter 11. Department of Public Welfare.

§ 11.01. Department of public welfare.

There shall be a department of public welfare which shall consist of the superintendent of public welfare who may also be superintendent of public welfare of a county or counties or other city and such other officers and employees as may be assigned to this department in accordance with the provisions of this charter. The superintendent of public welfare shall be appointed by the local board of public welfare from a list of eligibles furnished by the State Commissioner of Public Welfare. He shall have charge of the public welfare functions of the city and such other functions and activities as may be assigned to him in accordance with the provisions of this charter. The local board of public welfare shall be constituted in any manner provided by general law. (1954, c. 227)

Chapter 12. Consolidated School Division.

§ 12.01. Contracts regarding the consolidated school division.

The City of Covington may, at the option of the council, enter into contractual relationships with the governing body of Alleghany County, the school board for the consolidated school division, or both, for the purposes of effectuating the consolidation of the school divisions or otherwise regarding the operations of the consolidated school division, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. Nothing in this section shall be construed to limit the city's authority to enter into contractual relationships consistent with § 15.03 of this charter. (1954, c. 227; 1958, c. 95; 2021 Special Session I, cc. 79, 80)

Chapter 13. Administration of Justice. (Repealed)

§§ 13.01 through 13.11. (1954, c. 227; repealed 1974, c. 16)

§ 13.12. (1954, c. 227; repealed 1998, c. 139)

Chapter 14. Constitutional Officers.

§ 14.01. Constitutional officers and election thereof.

In addition to the municipal officers provided for by the preceding provisions of this charter there shall also be a treasurer, a commissioner of the revenue and a sergeant, elected by the qualified voters of the city; and a sheriff, an attorney for the Commonwealth and a clerk of said Circuit Court of Alleghany County elected conjointly for the city and the county of Alleghany by the qualified voters of said city and county. The treasurer, commissioner of the revenue, sergeant, sheriff, attorney for the Commonwealth and clerk of said Circuit Court of Alleghany County at the effective date of this charter are hereby continued in office for the terms for which they were appointed or elected and qualified. Subsequent elections for any of the six above-mentioned offices shall be held at the times, in the manner, and for the terms provided by general law. (1954, c. 227)

§ 14.02. Powers and duties of treasurer and commissioner of revenue.

The treasurer and commissioner of revenue shall have such powers and perform such duties and receive such compensation as are provided by the Constitution of the Commonwealth, and, except as are otherwise provided in this charter, as are provided by the provision of general law for cities. (1954, c. 227)

§ 14.03. (1954, c. 227; repealed 1998, c. 139)

§ 14.04. Power and duties of sheriff, attorney for Commonwealth and clerk of circuit court.

The sheriff, attorney for the Commonwealth and clerk of said Circuit Court of Alleghany County shall exercise and have the same rights and privileges, perform the same duties, have the same jurisdiction and receive the same fees therefor in the city as they, respectively, exercise and have and receive in the county of Alleghany, and shall receive such compensation as is prescribed by the general law.

The said attorney for the Commonwealth shall prosecute the violations of all city ordinances, both in the municipal court and upon appeal, and shall notify the city attorney in all said prosecutions in which the validity of a city ordinance is attacked. (1954, c. 227)

§ 14.05. Costs and expenses of circuit court, etc.

The costs and expenses of said Circuit Court of Alleghany County, including jury costs, and the salaries of the judge and clerk of said circuit court, and the clerk, attorney for the Commonwealth and sheriff, elected conjointly with Alleghany County, shall be borne by the city and Alleghany County in the proportion that the population of each bears to the aggregate population of the city and county.

Such expenses and costs shall include stationery, furniture, books, office supplies and equipment for the court and clerk's office; also supplies, repairs and alterations on the buildings used jointly by the city and county, as well as insurance, fuel, water, lights, etc., used in and about the building and the

grounds thereto. The cost of any new building erected for the joint use of the city and county shall be provided for in like manner. (1954, c. 227)

§ 14.06. Vacancies in constitutional offices.

Vacancies in the offices of treasurer and commissioner of the revenue shall be filled in accordance with Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2 of the Code of Virginia,1950, as amended. Vacancies in the offices of the clerk of the circuit court, sheriff and the attorney for the Commonwealth shall be filled by the Circuit Court in accordance with the provisions of general laws. (1954, c. 227; 2000, c. 977)

Chapter 15. General Provisions.

§ 15.01. Lands open to public use; when same become public ways.

Whenever any street, alley, or lane in said city shall be opened to and used as such by the public for the period of five years; unless notice of the contrary intention on the part of the land owner be given to the mayor of the city, the same shall thereby become a street, alley, or lane for public purposes, and the council shall have the same authority and jurisdiction over the rights and interests therein as they have by law over the other streets, alleys, and lanes laid out by them; and any street or alley reserved in the divisions or subdivisions into lots of any portion of the territory within the corporate limits of said city by a plat or plan of record shall be deemed and held to be dedicated to public use and upon a petition of a majority of the persons interested therein the council shall have power to open the same for the use of the public. (1954, c. 227)

§ 15.02. Inapplicable statute.

The provisions of Code 1950, § 15-107 shall not apply to the city of Covington; and nothing contained in said section shall be held or construed to qualify or limit in any respect the rights and powers to levy and collect taxes of any kind or on any subject conferred upon the city by this charter or by the other provisions of the general law of the Commonwealth. (1954, c. 227)

§ 15.03. Contractual relationships.

The City of Covington may, at the option of the council, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performance of any part of or all of the functions or purposes of the city on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. (1954, c. 227; 2021 Special Session I, cc. 79, 80)

§ 15.04. (1954, c. 227; repealed 1998, c. 139)

§ 15.05. Present ordinances and rules and regulations continued in effect.

All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed. (1954, c. 227)

§ 15.06. Continuance of officials and officers.

Except where this charter may otherwise provide, all officials and officers of the city holding office immediately prior to the effective date of this charter, whether such office be elective or appointive, shall continue in such office until the expiration of their respective current term of office or until their successors shall have been elected or appointed and qualified or until such office may be lawfully terminated. (1954, c. 227)

§ 15.07. Continuance of internal organization of the city.

Except where this charter may otherwise provide, the several departments, commissions, boards and other administrative units of the city functioning at the effective date of this charter are hereby continued until otherwise provided by ordinance. (1954, c. 227)

§ 15.08. Continuance of contracts.

All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public works begun prior to the taking effect of this charter shall be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws. (1954, c. 227)

§ 15.09. Partial invalidity.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said charter, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1954, c. 227)

§ 15.10. The provisions of Code §§ 15-83 to 15-89 inclusive, Code §§ 15-93 to 15-97 inclusive, Code §§ 15-99 to 15-106 inclusive, and Code § 15-109 shall apply to and govern so far as applicable, any matters or questions which have arisen from the transition of the town of Covington to the city of Covington; and the terms city or city of the second class as used in said provisions of the Code shall be taken to mean and include the city of Covington. (1954, c. 227)

Craigsville, Town of

County of Augusta

History of incorporation
Incorporated by order of Circuit Court of Augusta County, October 31, 1959.

Current charter
Charter, 1960, c. 28.

Amendments to current charter
1986, c. 223 (§§ 4 [repealed], 4.1 [added], 6, 9 [repealed], 9.1 [added], 10, 13, 15, 17 [repealed], 17.1 [added], 18 [repealed], 21 [repealed], 21.1 [added], 21.2 [added], 25)

§ 1. The inhabitants of the territory embraced within the limits of the town of Craigsville as hereinafter defined or as the same may be hereafter altered or established by law shall constitute and continue a body politic and corporate, to be known and designated as the town of Craigsville, and as such shall have and may exercise all powers which are now, or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein. No enumeration of particular powers by this charter shall be held to be exclusive.

The town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1960, c. 28)

§ 2. The territory embraced within the limits of the town of Craigsville is as follows:

All that territory set forth on a map made by John McNair and Associates, Engineers, dated November 17, 1958, and revised January 21, 1959, which map is on file in the circuit court of Augusta county.

Such territory is further described by metes and bounds in an order of the circuit court of Augusta county signed October 31, 1959, which order incorporates the town of Craigsville. (1960, c. 28)

§ 3. The present mayor and councilmen of the town of Craigsville shall continue in office until the expiration of the term for which they were elected, or until their successors are duly elected and qualified. (1960, c. 28)

§ 4. (1960, c. 28; repealed 1986, c. 223)

§ 4.1. The legislative powers of the town shall be vested in a town council composed of six members elected by the qualified voters of the town, five voting members and one nonvoting member who shall have been chosen mayor by the council members. The six council members shall be elected as specified herein.

In the municipal election to be held on the first Tuesday in May, 1986, all six members of council shall be elected and shall hold office as follows: the three councilmen receiving the highest number of votes shall serve terms of four years; the three remaining councilmen shall serve terms of two years. Thereafter all terms shall be for four years, so that three council members shall be elected in the municipal election held in 1988, (being those serving a two-year term resulting from the 1986 election) and in municipal elections held every four years (1992, 1996, etc) thereafter, and three council members shall be elected in the municipal election to be held in 1990 (being those serving a four-year term resulting from the 1986 election) and in municipal elections held every four years (1994, 1998, etc) thereafter. The effect of these provisions is that after the 1986 election (where all six council members are elected three to serve a four-year term and three to serve a two-year term) there shall be a municipal election every two years at which time three council members will be elected to four-year terms. Council members so elected shall enter on their duties on July 1 succeeding their election, and remain in office until their successors shall have been elected and qualified. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment and the mayor shall take the oath prescribed by the law for state officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate such office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed. All council members, whether elected or appointed, shall be electors of the Town of Craigsville. (1986, c. 223)

§ 5. There shall be appointed for the town a registrar and officers of election in the manner provided for by general law. All elections held in the town shall be conducted in accordance with general law; the electorate shall be that prescribed by general law. (1960, c. 28)

§ 6. The council may fine members for disorderly conduct and, with the concurrence of two-thirds of the members elected, including the mayor, expel a member. Any vacancy occurring during the term of which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. In the event of the failure of the council to fill such vacancy within fifteen days, the circuit court of Augusta county shall make such appointment to fill the vacancy. A vacancy in the office of mayor shall be filled by the council from their members and any member of the council may be eligible to fill such vacancy. (1960, c. 28; 1986, c. 223)

§ 7. A majority of the members of the council shall constitute a quorum for the transaction of business. (1960, c. 28)

§ 8. Each member of the council may receive a salary to be fixed by the council, payable at such time and in such manner as the council may direct, but the salary paid to any one member during any year

shall not exceed the sum of one hundred twenty dollars per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of five hundred dollars per annum. (1960, c. 28)

§ 9. (1960, c. 28; repealed 1986, c. 223)

§ 9.1. The mayor shall be a dully elected and qualified member of the town council. The town council, at its first regular meeting in July of an election year, following the qualification and taking of office of the new council members elected that year, shall choose one of its members as mayor of the town. The term of the mayor shall be two years, that is from date of his election by the council at its first meeting subsequent to the council taking office on July 1 in an election year until the first meeting of the succeeding council subsequent to July 1 of the next election year, and his successor has been chosen by the council and qualified.

The mayor shall be president of the council, but he shall have no vote except in case of a tie. He shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall perform such other duties as may be assigned to him by council not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth or the provisions of this charter.

The mayor shall see that the duties of the various town officers are faithfully performed. He shall take care and see that the bylaws, ordinances, acts and resolutions of the council are executed and obeyed. He shall see that peace and good order are preserved and that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of the Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town. (1986, c. 223)

§ 10. The council shall, as soon as practicable after qualification, and annually thereafter, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor shall perform the duties and be vested with all the power, authority and jurisdiction of the mayor; in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town. (1960, c. 28; 1986, c. 223)

§ 11. The council shall, by ordinance, fix the time and place for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any three members of the council in writing; no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such

other business. The meetings of the council shall be open to the public except when, in the judgment of the council, the public welfare requires executive meetings. (1960, c. 28)

§ 12. The council shall keep a minute book, in which its clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed. (1960, c. 28)

§ 13. The council shall appoint at its first regular meeting in July after its election, a clerk of the council who shall hold office at the pleasure of the council. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish reports and ordinances as are required to be published and shall perform such other duties as the council may require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council. (1960, c. 28; 1986, c. 223)

§ 14. The council may adopt rules for regulating its proceedings, but no tax shall be levied, or corporate debt contracted, except by a recorded two-thirds vote of all the members elected to the council or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council. (1960, c. 28)

§ 15. The council shall appoint at its first meeting in July or as soon as practicable thereafter, a treasurer who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct. The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at such times as the council may direct, such examination and audit to be reported to the council. (1960, c. 28; 1986, c. 223)

§ 16. The council may designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart and not commingled with any personal or other accounts. (1960, c. 28)

§ 17. (1960, c. 28; repealed 1986, c. 223)

§ 17.1. The town council may appoint a chief of police, and the chief of police shall hold office at the pleasure of the council. His duties shall be as prescribed by the council. He shall be vested with the power of a conservator of the peace. As authorized by § 15.1-796 of the Code of Virginia, the office of town sergeant shall not be established. (1986, c. 223)

§ 18. (1960, c. 28; repealed 1986, c. 223)

§ 19. In addition to the officers of the town specifically provided for herein, the council may appoint such other officers, including a town clerk who may be the same person as the clerk mentioned in § 13 of this charter, as it may deem necessary, and define the duties, fix the compensation, set the qualifications and terms of office and require proper bonds of each. The council may provide for the payment of bond premiums for the official bond of any of its officers. (1960, c. 28)

§ 20. All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from passage. (1960, c. 28)

§ 21. (1960, c. 28; repealed 1986, c. 223)

§ 21.1. General Grant of Powers.-The town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1986, c. 223)

§ 21.2. Adoption of Powers Granted by the Code of Virginia.-The powers granted in §§ 1 and 21.1 of this charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.1-837 through 15.1-907. (1986, c. 223)

§ 22. No actions shall be maintained against the town for damages for any injury to any person or property, or for wrongful death, alleged to have been sustained by reason of the negligence of the town or any officer, agent or employee thereof unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received shall have been filed with the mayor or town attorney within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis or the injured party dies within such sixty days, such statement may be filed within one hundred and twenty days, and no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1960, c. 28)

§ 23. Nothing contained in this act shall be construed to invalidate or to, in any manner, affect the present existing indebtedness and liabilities of the town of Craigsville, whether evidenced by bonded obligations or otherwise. (1960, c. 28)

§ 24. All ordinances in force in the town of Craigsville not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council. (1960, c. 28)

§ 25. This act may for all purposes be referred to or cited as the Town of Craigsville Charter as revised 1986. (1960, c. 28; 1986, c. 223)

§ 26. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered. (1960, c. 28)

Crewe, Town of

County of Nottoway

History of incorporation

Incorporation and charter, 1894, c. 615; repealed 1916, c. 351.
Charter, 1916, c. 351, repealed 1972, c. 669.

Current charter

Charter, 1972, c. 669.

Amendments to current charter

1994, c. 90 (§§ 3.1, 3.7)
2021 Special Session I, cc. 122, 123 (§§ 3.1, 3.2, 3.7, 5.1, Chapter 6 (§§ 6.1 through 6.4) [repealed])

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Crewe, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Crewe, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1972, c. 669)

§ 1.2. Boundaries.

The territory embraced within the Town of Crewe is that territory in the County of Nottoway, Virginia, established in § 2, Chapter 351, of the Acts of Assembly of 1916 and that territory described in an Order of Annexation entered on August 4, 1917, by the Circuit Court of Nottoway County, Virginia, sitting as a duly constituted annexation court, in the cause of Town of Crewe v. County of Nottoway et als, which order is recorded in the office of the Clerk of the Circuit Court of Nottoway County, Virginia,

in Common Law Order Book 4 at page 125 et seq., and that territory described in an Order of Annexation entered on November 27, 1970, by the Circuit Court of Nottoway County, Virginia, sitting as a duly constituted annexation court, in the cause of Town of Crewe v. County of Nottoway et als, which order is recorded in the office of the Clerk of the Circuit Court of Nottoway County, Virginia, in Common Law Order Book 15 at page 352. (1972, c. 669)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Crewe shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligation, now appertaining to and incumbent on the town as a municipal corporation. (1972, c. 669)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-915, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1972, are hereby conferred on and vested in the Town of Crewe, provided, that in appropriate cases § 25-233, as it may hereafter be amended, shall apply. (1972, c. 669)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.1, and Title 25, Chapter 1.1 and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the Town of Crewe subject to the provisions of § 25-233 of the Code of Virginia.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the town. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121, of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town manager. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent

domain for any lawful public purpose, whether within or without the town; provided, that the provisions of §§ 33.1-119 through 33.1-129, inclusive, Code of Virginia, as amended shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1972, c. 669)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The Town of Crewe shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected. An election for mayor and councilmen shall be held on the first Tuesday in May, 1972 and every two years thereafter.

(c) Beginning with the regular municipal election to be held on the first Tuesday in May 2022, the terms of the mayor and town council shall be governed as follows:

1. The mayor shall be elected to serve a term of four years expiring June 30, 2026, and the term of office of the mayor shall be every four years thereafter.

2. The four members of the town council who are elected with the highest number of votes shall serve a term of four years, each expiring June 30, 2026, and the term of office of four members of the town council shall be every four years thereafter.

3. The three members of the town council who are elected with the fewest number of votes shall serve a term of two years, each expiring June 30, 2024, and the term of office of three members of the town council shall be every four years thereafter.

4. The terms of office shall commence on July 1 following the election. The mayor and members of the town council shall serve until their successors are elected and qualified. (1972, c. 669; 1994, c. 90; 2021 Special Session I, cc. 122, 123)

§ 3.2. Vacancies on council.

Vacancies on the town council shall be filled pursuant to the Code of Virginia. (1972, c. 669; 2021 Special Session I, cc. 122, 123)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council; such vacancy to be filled by a qualified voter of the town. (1972, c. 669)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (1972, c. 669)

§ 3.5. Powers and duties of mayor.

The Mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolution of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor for the purpose of enforcing peace and good order and executing the laws of the State and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary; shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1972, c. 669)

§ 3.6. Vice mayor.

The town council shall elect from its members, by a majority of the members present, a vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice mayor may vote as a member of the town council. (1972, c. 669)

§ 3.7. Meetings of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any two or more members of the council, provided that the mayor and all council members are duly notified in writing a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except

that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (1972, c. 669; 1994, c. 90; 2021 Special Session I, cc. 122, 123)

§ 3.8. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. (1972, c. 669)

§ 3.9. Acting mayor.

In the absence or inability to act of both the mayor and vice mayor, any member of the town council may act with all the powers of the mayor upon the request so to do by the town manager; but only during the period of such dual absence and inability. (1972, c. 669)

Chapter 4. Town Manager.

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be designated the town manager, who shall, under the control of the council, have general charge and management of the administrative affairs and work of such town and shall perform such other duties as may be required of him by the town council. He shall receive such salary or compensation as shall be allowed him by such council and may be dismissed at any time by the council. (1972, c. 669)

§ 4.2. Acting town manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death, inability to act or resignation of the town manager, until his return to duty or the appointment of his successor. (1972, c. 669)

Chapter 5. Appointive Officers.

§ 5.1. Appointments.

The town council shall appoint a town clerk, a town attorney and such other officers as they deem necessary. The town manager shall have the authority to appoint, suspend, or terminate the chief of police with the consent of the town council by majority vote. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the council may prescribe. (1972, c. 669; 2021 Special Session I, cc. 122, 123)

§ 5.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive officers as they may deem necessary. (1972, c. 669)

§ 5.3. Term of office.

Appointees hereunder shall serve at and during the pleasure of the town council. (1972, c. 669)

§ 5.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1972, c. 669)

§ 5.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1972, c. 669)

§ 5.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1972, c. 669)

§ 5.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for this purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1972, c. 669)

Chapter 6. Courts. (Repealed)

§§ 6.1 through 6.4. (1972, c. 669; repealed 2021 Special Session I, cc. 122, 123)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

Prior to July 1, 1973, the fiscal year of the town shall begin on September1. On and after July 1, 1973, the fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1972, c. 669)

Chapter 8. Miscellaneous.

§ 8.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1972, c. 669)

§ 8.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1972, c. 669)

§ 8.3. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1972, c. 669)

§ 8.4. Ordinances continued in force.

All ordinances now in force in the Town of Crewe, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1972, c. 669)

§ 8.5. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1972, c. 669)

§ 8.6. Disclosure of interest.

The town council is hereby empowered to adopt a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1972, c. 669)

Culpeper, Town of

County of Culpeper

History of incorporation

Formerly the Town of Fairfax.
Charter, Fairfax, 1799, c. 14.
Charter, Fairfax, 1834, c. 239.
Charter, Fairfax, 1853, c. 498.
Charter and incorporation, 1870, c. 118 (name changed to Culpeper).
Charter, 1898, c. 60; repealed 1968, c. 247.

Current charter

Charter, 1968, c. 247.

Amendments to current charter

1977, c. 130 (§§ 3.1, 3.2, 3.3, 3.4)
1978, c. 575 (§ 3.1, 3.4)
1979, c. 168 (§ 3.12)
1982, c. 94 (§§ 3.3, 3.4:1 [added], 3.9, 5.3, 5.4)
1985, c. 55 (§§ 3.3, 3.4, 3.4:1)
1989, c. 95 (§ 3.12)
1993, c. 320 (§ 7.3)
2014, c. 646 (§§ 3.1, 3.2, 3.3, 3.4, 3.4:1)
2015, c. 281 (§§ 3.9, 4.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Culpeper, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Culpeper, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1968, c. 247)

§ 1.2. Boundaries.

The territory embraced within the town of Culpeper is that territory in the county of Culpeper, Virginia, established in § 2, Chapter 254 of the Acts of Assembly of nineteen hundred thirty-six, and that territory described in an Order of Annexation entered on June twenty-four, nineteen hundred sixty-seven, by the Circuit Court of Culpeper County, sitting as a duly constituted annexation court, in town of Culpeper v. county of Culpeper, which order is recorded in the office of the clerk of the circuit Court of Culpeper County in law order book 29, at page 501 et seq. (1968, c. 247)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Culpeper shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the right, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (1968, c. 247)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-915, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January one, nineteen hundred sixty-eight, are hereby conferred on and vested in the town of Culpeper. (1968, c. 247)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.1, Title 25, Chapter 1.1 and Title 33, Chapter 1, of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town of Culpeper.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or

damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the town. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33-70.3 to 33-70.11, inclusive, Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town treasurer. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of §§ 33-70.1 through 33-70.11, inclusive, Code of Virginia, as amended shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities. (1968, c. 247)

Chapter 3. Mayor and Council.

§ 3.1. Composition of council; election, qualifications and term of office of council members.

The town of Culpeper shall be governed by a town council composed of eight council members and a mayor, to be elected from the town at large. Council members shall be qualified electors of the town and shall serve for terms of four years. Four council members shall be elected on the Tuesday after the first Monday in November 2015 and every four years thereafter. Four council members shall be elected on the Tuesday after the first Monday in November 2017 and every four years thereafter. Council members elected to terms ending June 30, 2016, shall remain in office through December 31, 2015. Council members elected to terms ending June 30, 2018, shall remain in office through December 31, 2017. (1968, c. 247; 1977, c. 130; 1978, c. 575; 2014, c. 646)

§ 3.2. When terms of office to begin.

The terms of office for the town council members shall begin on the first day of January next following their election. (1968, c. 247; 1977, c. 130; 2014, c. 646)

§ 3.3. Vacancies on council.

Vacancies on the town council shall be filled in accordance with general law. (1968, c. 247; 1977, c. 130; 1982, c. 94; 1985, c. 55; 2014, c. 646)

§ 3.4. Election and term of office of mayor and vice-mayor.

The mayor shall be a qualified elector of the town and shall serve for a term of four years. The election of the mayor for a four-year term shall be on the Tuesday after the first Monday in November 2017 and every four years thereafter. The mayor elected at the May 2014 election shall remain in office through December 31, 2017. At the first meeting of the town council held on or after January one in each even-numbered year, the town council shall elect from its members, by a majority vote of the members

elected, a vice-mayor, who shall serve for a term of two years. (1968, c. 247; 1977, c. 130; 1978, c. 575; 1985, c. 55; 2014, c. 646)

§ 3.4:1. Vacancy in the office of mayor.

A vacancy in the office of the mayor shall be filled in accordance with general law. (1982, c. 94; 1985, c. 55; 2014, c. 646)

§ 3.5. Powers and duties of mayor and vice-mayor.

The mayor shall preside over the meetings of the town council and shall have the same right to speak and vote therein as other members of the town council. He shall be recognized as the head of the town government for all ceremonial purposes, for the purposes of military law and for the service of civil processes. The mayor shall have no power of veto over the ordinances and resolutions of the town council. During the absence of the mayor or the inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. (1968, c. 247)

§ 3.6. Absence or disability of mayor and vice-mayor.

If both the mayor and vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1968, c. 247)

§ 3.7. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1968, c. 247)

§ 3.8. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this chapter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1968, c. 247)

§ 3.9. Meetings of council.

The town council shall fix the time of its stated meetings, and it shall meet at least once a month. Special meetings may be called at any time by the mayor or by three members of the town council; provided, that all members shall be duly notified as defined by ordinance seventy-two hours prior to

any special meeting. The seventy-two hour period shall be from the time the notice of special meeting is electronically transmitted to the council. A special meeting may be held without prior notification to members of council upon the consent and waiver of such notice by all council members. The time required for prior notice of any special meting may be decreased or waived by approval of two-thirds of the members of council provided all members of council are actually notified of such meeting. (1968, c. 247; 1982, c. 94; 2015, c. 281)

§ 3.10. Quorum; reconsideration of action.

Five members of the town council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the town council present as were present when such vote was taken. (1968, c. 247)

§ 3.11. Rules of order and procedure.

The town council shall establish its own rules or order and procedure, and may punish its own members and other persons for violations thereof. (1968, c. 247)

§ 3.12. Council to fix salaries.

The town council is hereby authorized to fix the salaries of each of the members of the town council, members of boards or commissions and all appointed officers and all employees of the town. (1968, c. 247; 1979, c. 168; 1989, c. 95)

Chapter 4. Town Manager.

§ 4.1. Appointment and qualifications.

There shall be a town manager, who shall be the executive officer of the town and shall be responsible to the town council for the proper administration of the town government. The Town Manager shall be appointed by the town council for an indefinite term. The Town Manager shall be chosen solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office. At the time of appointment, the Town Manager need not be a resident of the town or the Commonwealth, but during his tenure of office, he shall reside within Culpeper County. (1968, c. 247; 2015, c. 281)

§ 4.2. Duties.

It shall be the duty of the town manager to:

(a) Attend all meetings of the town council, with the right to speak but not to vote.

(b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.

(c) Prepare and submit the annual budget to the town council and be responsible for its administration after its adoption.

(d) Prepare in suitable form for publication and submit to the town council at a regular meeting in September of each year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.

(e) Present adequate financial and activity reports as required by the town council.

(f) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

(g) Perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the town council or which may be required of the chief executive officer of a town by the general laws of the Commonwealth, other than the duties conferred on the mayor by this charter. (1968, c. 247)

§ 4.3. Powers as to town officers and monthly employees.

All officers and monthly employees of the town, except those appointed by the town council pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. (1968, c. 247)

§ 4.4. Temporary transfer of personnel between departments.

The town manager shall have power, whenever the interests of the town require, irrespective of an other provisions of this charter, to assign employees of any department, bureau, office or agency to the temporary performance of duties in another department, bureau, office or agency. (1968, c. 247)

§ 4.5. Council not to interfere in appointments or removals; relationship with council.

Neither the town council nor any of its members shall direct or request the appointment of any person to or his removal from any office or employment by the town manager or by any of his subordinates or in any way take part in the appointment or for removal of officers and employees of the town, except as specifically provided in this charter. Except for the purpose of inquiry, the town council and its members shall deal with the administrative services solely through the town manager, and neither the town council nor any member thereof shall give orders, either publicly or privately, to any subordinate of the town manager. Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to be a councilman. (1968, c. 247)

§ 4.6. Relations with boards, commissions and agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance and any other board or commission the town council may designate. (1968, c. 247)

§ 4.7. Acting town manager.

The town council shall designate by ordinance a person to act as town manager in case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. (1968, c. 247)

Chapter 5. Appointive Officers.

§ 5.1. Appointment.

The town council may appoint such officers of the town as they may deem necessary. Such officers may include, but shall not be limited to , a town clerk, town attorney, a town treasurer and justices of the peace. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this charter or by the town council. (1968, c. 247)

§ 5.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. (1968, c. 247).

§ 5.3. Term of office.

Officers and deputy and assistant officers appointed by the town council shall be appointed to serve at the pleasure of council. (1968, c. 247; 1982, c. 94)

§ 5.4. Vacancies in office.

The town council shall fill any vacancy in any appointive office at their discretion. (1968, c. 247; 1982, c. 94)

§ 5.5. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, at the discretion of the town council. (1968, c. 247)

§ 5.6. Duties of town clerk.

The town clerk shall be the clerk of the town council. He shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council may specify or the general laws of the Commonwealth require of the town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1968, c. 247)

Chapter 6. Courts.

§ 6.1. Authority to establish municipal court; jurisdiction of court.

The town council may establish by ordinance a municipal court, which shall be known as the Municipal Court of Culpeper. Jurisdiction of the municipal court in civil matters shall be as provided in § 16.1-77 of the Code of Virginia, and in criminal matters as provided in § 16.1-124 of the Code of Virginia. (1968, c. 247)

§ 6.2. Judge of municipal court substitute judge.

The judge of the municipal court shall be appointed by the town council. He shall serve at the pleasure of the town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. (1968, c. 247)

§ 6.3. Jurisdiction of county court if municipal court not created.

If the town council shall elect to not establish a municipal court, as provided in § 6.1 of this charter, the county court of Culpeper County shall have such jurisdiction within the town as the municipal court would have if it were established by the town council. The town council may enter into such contracts or agreements as it may deem necessary to permit the trial in said county court of cases or cases of action arising within the town or within the jurisdiction of the town. (1968, c. 247)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1968, c. 247)

§ 7.2. Actions against town for damages, etc.

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless a written statement, verified by oath of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the town council for this purpose, and the town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within one hundred twenty days provided, that if the complainant is compos mentis during such sixty day period but is able to establish by a clear and convincing evident that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the sixty day period, then the time for giving notice shall be tolled until the claimant

sufficiently recovers from such injury so as to be able to give such notice. No officer, agent or employee of the town shall have authority to waive such conditions precedent or any of them.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it is ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, when not primarily liable, shall pay such judgment in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce such judgment, or an action at law, or scire facias to revive such judgment.

(e) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(f) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1968, c. 247)

§ 7.3. Creation of debt; election on issuance of bonds.

Any ordinance creating a debt for which money is to be borrowed shall be adopted by a majority vote of the elected members of the town council.

The town council may, and upon receipt of a petition signed by fifteen percent of the qualified electors of the town registered as of January 1 of the year in which the petition is received by council shall, submit to a vote of the qualified electors of the town the question of whether such money shall be borrowed. Any such petition shall be filed with the town clerk within thirty days of the vote of the town council to borrow money.

Such election shall be held in the manner provided for such elections by the general laws of the Commonwealth. A majority vote of the qualified electors voting at such election shall be required for the approval of the borrowing of such money.

The provisions of this section shall not be construed to prohibit the town council from proceeding under any provisions of the Constitution of Virginia and general laws of the Commonwealth in the borrowing of money. (1968, c. 247; 1993, c. 320)

§ 7.4. Sale, lease, etc., of town-owned public utilities.

Neither the town council nor any of its officers or its agents shall have the power or authority to sell, rent, lease or otherwise dispose of any public utility owned by the town of Culpeper without first submitting such sale, rental or lease to a vote of the qualified electors of the town, at a special election to be held in accordance with law providing for special election for towns in Virginia, and such sale shall only be consummated upon a vote of the majority of the qualified electors of the town voting in such an election. (1968, c. 247)

Chapter 8. Miscellaneous.

§ 8.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1968, c. 247)

§ 8.2. Amendment of zoning ordinance.

The town council may, by ordinance, require that whenever the planning commission recommends against the adoption of any proposed amendment to the Zoning Ordinance of the town, now or hereafter in effect, such amendment shall become effective only upon the affirmative vote of two-thirds of the elected members of the town council. (1968, c. 247)

§ 8.3. Applicability of ordinances to lands, etc., outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1968, c. 247)

§ 8.4. Bonds of officers and employees.

The town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of their duties. As used herein, the words "officers and employees" shall include officers and employees paid solely or partly by the town. The town may pay the premium on such bonds from the town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town as its interest may appear in event of breach of the conditions thereof. (1968, c. 247)

§ 8.5. Office of the town sergeant not to be created.

Notwithstanding the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town of Culpeper the office of town sergeant. (1968, c. 247)

§ 8.6. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1968, c. 247)

§ 8.7. Ordinances continued in force.

All ordinances now in force in the town of Culpeper, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1968, c. 247)

§ 8.8. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1968, c. 247)

Damascus, Town of

County of Washington

History of incorporation

Incorporation and charter, 1904, c. 134; repealed 1948, c. 91.

Current charter

Charter, 1948, c. 91.

Amendments to current charter

1972, c. 44 (§ 2)
1989, c. 123 (§ 2)
2003, c. 696 (§ 2)
2016, c. 246, 363 (§ 2)

§ 1. Establishment of town of Damascus.

The inhabitants of the territory embraced within the present limits of the town of Damascus, as hereinafter defined, or as the same may be hereafter altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Damascus, and as such shall have and may exercise all the powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia. (1948, c. 91)

§ 2. Town officials.

(1) The officers of said town shall be a mayor, six councilmen, clerk, treasurer, chief of police, assessor and such other officers as the council may deem necessary and proper. The mayor shall be

elected at a regular municipal election to be held on the first Tuesday in May, in the year 1990, and every two years thereafter, in the manner prescribed by law, for a term of two years beginning on July 1 next following his election, and shall serve until his successor shall have been elected and qualified.

However, beginning with the election to be held in 2016, the mayor shall be elected at the time of the November general election with a term of two years beginning on January 1 next following his election. The mayor in office who was elected at the May general election and whose term is to expire as of June 30 shall continue in office until his successor has been elected at the November general election and has been qualified to serve.

In the year 1990, six councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May. Those three councilmen receiving the greatest number of votes shall serve the full four-year term. Those three elected members receiving the fewest number of votes shall serve until the year 1992.

Three councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1992 for four-year terms. Three councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1994 for four-year terms; thereafter all councilmen shall be elected every four years, in the manner prescribed by law, for terms beginning on July 1 next following their election, each of whom shall serve until his successor shall have been elected and qualified.

However, beginning with the election to be held in 2016, the councilmen shall be elected at the time of the November general election with a term of four years beginning on January 1 next following their election. The councilmen in office who were elected at the May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

Each officer of said town shall take the oath prescribed by State law, and execute the required bond, prior to entry upon his duties. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of the members. Vacancies in the office of mayor and on the council shall be filled for the unexpired term by a majority vote of the remaining members. The present mayor and council shall continue in office until the expiration of the terms for which they were respectively elected.

(2) The council shall appoint a clerk, a treasurer and such other officers as the council may deem necessary or proper, all of whom shall hold office at and during the pleasure of the council, and shall qualify for their respective offices as required by law, and shall furnish such bonds as may be required by the council. The same person may hold two or more of these offices at the discretion of the council.

The officers as appointed by the council shall perform such services, and receive such compensation, as the council may provide.

(3) The council shall appoint a chief of police who shall qualify and give bond in such amount as the council may require. The chief of police shall be vested with the power of a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town, and to a distance of one mile beyond, as was formerly had and performed by constables. He shall perform such other duties, and receive such compensation as the council may provide. The council may appoint such other persons as policemen and assistants of the chief of police, and pay them such compensation as the council may think necessary and proper. Any reference to the town sergeant in any ordinance of the Town of Damascus heretofore adopted shall be deemed a reference to the chief of police.

(4) The mayor shall preside at all meetings of the council and perform such other duties as may be prescribed by this charter, and by the general laws, and such as may be imposed by the council consistent with his office. He shall be entitled to vote upon measures pending before the council only in event all the other members are present and voting and are equally divided for and against such measure. He shall see that peace and order are preserved, and that persons and property within the town are protected. He shall perform such other services and functions as may be necessary or proper, and shall receive such compensation as may be provided by the council. In event of the mayor's absence, or disability to act, his duties shall be performed by the president of the town council, who shall be selected by the council for that purpose.

(5) Repealed.

(6) The administration and government of the Town of Damascus shall be vested in the town council, with the mayor as the executive and tie-breaker as herein provided, all of whom shall be residents and qualified voters of the town. The council shall have full power and authority, except as herein otherwise stated, to exercise all the powers conferred upon the town, and to pass all legal laws and ordinances relating to its municipal affairs. Each member of the council may receive a salary, or per diem allowance, for his services as such member, the amount thereof to be fixed by the council. The council may create, appoint, or elect such boards, bodies, departments, or officers as may be permitted or required by this charter or the general laws of the Commonwealth of Virginia, and fix their compensation and define their duties.

(7) The council shall have one regular meeting each month, the time for such meeting being fixed by ordinance. Special meetings shall be called by the clerk of the council upon the request of the mayor or any four councilmen. The reasonable notice of such special meetings shall be given to each member of the council and the mayor. No business shall be transacted at a special meeting except that for which the special meeting is called, unless the council be all present and unanimous. A majority of

said councilmen shall constitute a quorum for the legal transaction of its business. (1948, c. 91; 1972, c. 44; 1989, c. 123; 2003, c. 696; 2016, cc. 246, 363)

§ 3. Powers of the town council.

In addition to the powers enumerated elsewhere in this charter, and the powers conferred by general law and the Constitution, the town council of the town of Damascus shall have the following powers:

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

(2) To own, operate and maintain water works, and to acquire in any lawful manner, in any county of the State, such water, lands, property rights, and riparian rights as the council of said town may deem necessary for the purpose of providing an adequate water supply for the said town, and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without the corporate limits of said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of said town, and to charge and collect water rents thereon; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary control over all land comprised within the limits of the water shed tributary to any such water supply wherever such land may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution, or threatened pollution; of such water supply, and any and all acts liable to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

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

(4) To inspect, test, measure and weigh any commodities or articles of consumption or use within the town; to establish, regulate, license and inspect weights, meters, measures and scales.

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

(6) To construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all

buildings and structures necessary or appropriate for the use of proper operation of the various departments of the town; and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them; and, either within or without the town, to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise.

(7) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities or other service, products or convenience operated, rented or furnished by the town; and to assess or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings, or against the tenant or tenants, and in event such rates and charges shall be assessed against a tenant, then the council may require of such tenant a deposit of such reasonable amount as it may prescribe before furnishing such service to such tenant.

(8) To establish, construct, regulate, control and maintain satisfactory sewers, necessary lines and systems, and to require the abutting property owners to connect therewith, and to establish, construct, maintain and operate sewage disposal plants and to acquire by condemnation, or otherwise, within or without the town, all lands, rights of way, riparian or other rights and assessments necessary for the purposes aforesaid, and to charge, assess and collect reasonable fees, rentals, assessments, or costs of service for connection with and using the same.

(9) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided, however the town shall at any time have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services thereof, any existing franchises to the contrary notwithstanding.

(10) To compel the abatement and removal of nuisances within the town, or upon property owned by the town beyond its limits, at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be, and to collect said expenses by suit or motion, or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners and occupants thereof, and to collect said expenses of the owners and occupants thereof, and to collect said expenses by suit or motion, or by distress and sale; to regulate or prevent slaughter houses, or other noisome or offensive businesses within the said town, the keeping of hogs, or other animals, poultry or fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner

in which they shall be constructed and kept; to regulate the location, construction, operation and maintenance of billboards, signs, advertising and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health morals, aesthetic sensibilities, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary and free from all weeds, filth, unsightly deposits, ice and snow, and any obstruction.

(11) To direct the location of all buildings for storing explosives or combustible substance; to regulate the sale and use of gunpowder, nitroglycerine, fireworks, kerosene oil or other like material; and to regulate the exhibition of fireworks, the discharge of firearms and the making of bonfires within the said town.

(12) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure same, inspect all foodstuffs offered for sale and prevent the introduction and sale in said town of any articles or things intended for human consumption which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy, or dispose of such articles or things without liability to the owner thereof, and to require said owner to destroy such article or thing, or to cause it to be destroyed, at the expense of the owner or possessor; to prevent and suppress disease generally; to enforce the removal of persons afflicted with contagious and infectious diseases to hospitals for treatment; to provide for the organization of a department of board of health with the authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all the officials or employees of such department of health with such powers as the police officers of the town have; to establish quarantine grounds within or without the town and establish such quarantine regulations against infectious and contagious diseases as are appropriate under the laws of the State or nation.

(13) To prevent fowls and animals being kept, or running at large, in the town, or any portion thereof.

(14) To prevent the flying of kites, throwing of stones or engaging in any sort of employment or amusement in the public streets which is dangerous or annoying to passersby, and to prohibit the abuse of animals and to punish the abuse thereof.

(15) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(16) To restrain and punish drunkards, vagrants and street beggars; to prevent drunken and reckless driving within town limits, and within one mile outside the town limits; to prevent and quell riots, disturbance and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in said town; and to expel therefrom persons guilty of such misconduct who have not resided therein as much as one year.

(17) To make and enforce ordinances, insofar as not prohibited by the general laws of this State, to regulate, control, license and tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possessing, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, ale, porter, stout and all liquids and beverages and articles containing alcohol by distillation, fermentation or otherwise.

(18) To prohibit and punish for mischievous, wanton or malicious damage to school and public property as well as private property.

(19) To offer and pay rewards for the apprehension and conviction of criminals.

(20) To put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the said council given by this charter, or any State law, or any amendments thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this charter, said penalty not to exceed five hundred dollars ($500.00) fine or twelve months imprisonment in jail, or both.

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

(22) To construct in any parks, playgrounds or public grounds that it may maintain, or upon any town property, stadium, swimming pools, gymnasia, and recreation or amusement buildings, structures or enclosures of every character, refreshment stands, restaurants, et cetera; to charge admission for use of same, and to rent out or lease the privilege of construction or use of such stadiums, swimming pools, recreation or amusement buildings, structures or enclosures of every character, refreshment stand or restaurants, et cetera.

(23) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction of such violation.

(24) To exercise the power of eminent domain within this State with respect to lands and improvement thereon, machinery and equipment for any lawful purpose of the said town.

(25) To prohibit minors from frequenting, playing in, and loitering in any public pool room, billiard parlor or bowling alley, and to punish such minor for so doing and any proprietor or agent thereof for permitting the same.

(26) To extinguish and prevent fires and to establish, operate, regulate and control a fire department or division.

(27) To authorize and regulate the erection of party walls and fences, and to prescribe how the cost thereof shall be borne by coterminous owners. (1948, c. 91)

§ 4. The town council shall have the following additional powers:

(1) To control, regulate, limit and restrict the operation of motor vehicles, carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; to prescribe parking regulations on any or all streets and alleys; to close any street or alley temporarily to the use of heavily loaded motor vehicles which cause, especially in inclement weather, the said street or alley to become unfit for use by lighter vehicles or pedestrians.

(2) To give names to and alter the names of streets; to require the owners of houses in said town to place in public view the street number of said house or building as established in an orderly manner by the council; and to erect in a suitable manner such signs at the intersection of the streets or alleys as will plainly show the name of said streets and alleys and to install and operate appropriate traffic control signs at the intersections of said streets and alleys.

(3) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, sidewalks, boulevards, parkways, and alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways; to regulate the operation and speed of cars and vehicles within said streets and highways within the town and for a distance of one mile from the limits thereof; and to do all other things whatsoever adapted to make said streets and highways convenient and attractive.

(4) The said town shall have the authority within or without the town to exercise the power of eminent domain with respect to securing proper and necessary rights of way, or other rights, for streets and other public conveniences in said town.

(5) The said town shall have the right to require anyone desiring to excavate in or along the border of any of said streets, highways or alleys to secure a permit from the mayor, or such person as the council may designate for such excavation, and to punish violations of any ordinance in this respect.

(6) In every case where a street, alley, park or public property of the town had been or shall be occupied or encroached upon by a fence, building, porch, projection, or otherwise, without first obtaining

consent therefor from the town council, or a franchise therefor, such occupancy or encroachment shall be deemed a nuisance, and the owner or occupant of the premises encroaching, upon conviction of so doing, shall be punished as provided for violations of ordinances hereinbefore, and each day's continuance of said occupancy or encroachment, after due notice from the mayor, shall constitute a separate offense; and the town council may require the owners of the premises encroaching, if known, or if not known, the occupant thereof, to remove the encroachment within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed and collect from the owner or occupant all reasonable charges therefor with costs by the same processes that they are authorized by law to collect taxes. No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to, or confer any rights upon, the person claiming thereunder, as against the town.

(7) The town council shall have the power to extend or contract the corporate limits of the town as provided by the Constitution and general laws of Virginia in force at the time.

(8) The council may adopt a town plan, showing the streets, highways, and parks heretofore laid out, adopted, and established, and such town plan shall be final with respect to the location, length, and width of such streets and highways, and the location and dimensions of such parks. Such town plan is hereby declared to be established for the promotion of the health, safety, and general welfare. Upon the adoption of the town plan, or any amendment thereto, a certificate to that effect, together with a plat, shall be filed immediately with the clerk of every county affected by such town plan and amendment.

(9) To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation. (1948, c. 91)

§ 5. Taxation and finances.

The town council shall have control of taxation and finance for its municipal purposes. It shall have the following powers:

(1) To raise annually by levy of taxes and assessments in the said town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council thereof may deem necessary for the purpose of the said town in such manner as the said council shall deem expedient in accordance with the Constitution of this State and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(2) To impose special or local assessments for local improvements and the enforced payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this State.

(3) (a) To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations

prescribed by the Constitution and the laws of this State covering bonds issued by towns, upon credit of the town, or solely upon the credit of income derived from specific property owned by the town or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(b) To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes, or other obligations, or from the town taxes and revenues, as the case may be.

(4) To require every owner or operator of motor vehicles residing in the said town on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other persons as may be designated by the council; to issue said licenses, and to require the said owner to pay his annual license fee therefor to be fixed by the council, provided that the said license fee shall not exceed the amount charged by the State on the said machine. The council shall have the right to require the operator of said motor vehicle to attach a proper license plate on a conspicuous part of the said motor vehicle and to keep same thereon in plain view for common observation. The council may prorate such license fee over periods of not less than three months.

(5) To charge and collect fees and permits to use public facilities and for public services and privileges. The said town shall have the power and rights to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for same service within the corporate limits.

(6) Except as prohibited by general laws, the town may levy a legal tax or license on any person, firm or corporation, pursuing or conducting any trade, business, profession, occupation, employment or calling, whatsoever, within the boundaries of the town, whether a license may be required therefor by the State or town, and may provide penalties for any violation thereof.

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

(8) All contracts and obligations heretofore or hereafter made by the town council, not inconsistent with this charter or the Constitution or the general laws of this State, shall be, and are hereby, declared to be valid and legal.

(9) A lien shall exist on all the real estate within the corporate limits of said town for taxes, levies and assessments in favor of the town, together with all penalties and interests due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes, and for the redemption

of said real estate sold for town taxes, shall be the same as provided in the general law for the State to the same extent as if provisions of said general law were herein set out at length. The said town and its treasurer shall have the power of all other additional remedies for the collection of town taxes which are now, or hereafter may be granted or permitted, under the general law.

(10) The town council shall provide for the assessment each year of all taxable property within said town in the same manner as provided by State law.

(11) The town council shall prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditure for town purposes as required by State law.

(12) All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon for town purposes; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deeds while such goods and chattels remain in the grantor's possession.

(13) Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative bodies or directing administrative action and emergency measures shall take effect at the time indicated in such ordinances. When no effective date shall be set forth in any such ordinances, resolutions or bylaws the same shall become effective thirty (30) days from the date of its passage.

(14) The town of Damascus may levy a tax on all subjects of taxation not prohibited to it by, nor exempted in, the Constitution and general laws of Virginia.

(15) Upon the death, resignation, removal or expiration of the term of any officer of the town, the council shall order an audit and investigation to be made of the accounts of such officer and report to be made to the council as soon as practicable. After the close of each fiscal year an annual audit shall be made by a qualified accountant, selected by the council; who shall have no personal interest, direct or indirect, in the financial affairs of the town or any of its officers or employees. The council may at any time provide for an examination or audit of the accounts of any officer or department of the town government. (1948, c. 91)

§ 6. Zoning and buildings.

The town council, in addition to the foregoing powers, shall have the following powers:

(1) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may have become

dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblages, entertainments or amusements.

(2) To provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide set-back lines on the streets beyond which no buildings may be constructed; to require the standard of all dwelling houses be maintained in residential sections in keeping with the majority of residences therein and to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) To make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, or within one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Washington County, Virginia.

(4) To issue or refuse to issue permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation, failing to secure such permit prior to the beginning of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1948, c. 91)

§ 7. If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the part of the act directly involved in the controversy in which such judgment shall have been rendered. (1948, c. 91)

§ 8. The present boundaries of the town of Damascus shall be defined as follows:

Beginning at a planted stone on the west side of the turnpike a corner to U. S. Cornett and James W. Wilson and running in a northwest course to a point where the Douglas land company's line crosses Mock's branch; thence to a point in the middle of the Saltville road, where the said road crosses the gap north of Damascus; thence with the line of Damascus land company's line westwardly and continuing the same course to the north side of the river; thence with the north bank of said river and down the same to David R. Wilson's line; thence with his line crossing the said river with a southerly course to the middle of the turnpike; thence with the middle of the same to the corner of the west Damascus land company's land and W. D. Rambo's land; thence with the line between the said company and the said Rambo in a southwest course to a large white oak above Rambo's spring, a corner to the said company and the said Rambo; thence with a line to the

southwest corner of W. F. Smith's lot; thence with a line to a point in the line of west Damascus land company's land on the west bank of Beaver Dam creek opposite to and near the corner between the west Damascus land company and the Damascus land company (in the middle of said creek); thence up the west bank of said creek and with the meanders of the same to a point where the Douglas land company's line crosses the said creek southwest of the Acme Bark Extract company's plant; thence with the line between the Douglas land company's land and the Damascus land company's land running east and northeast to a point opposite a gap in the mountain east of the said Acme Bark Extract company's plant; thence with a line through the said gap to the beginning--shall constitute an incorporated community and town by the name of the Town of Damascus. (1948, c. 91)

§ 9. All ordinances in force under the previous charter are continued in force until repealed or amended. All contracts and obligations of the town are continued in force. (1948, c. 91)

Danville, City of

History of incorporation
Established, 1793, c. 56 (Hening's Statutes at Large).
Town incorporation and charter, 1830, c. 99; revised 1854, c. 186.
Charter, 1854, c. 186; revised 1865, c.155.
Charter, 1865, c. 155; repealed 1890, c. 262.
City incorporation and charter, 1890, c. 262; repealed 1952, c. 578.
Charter, 1952, c. 578; repealed 1982, c. 657.

Current charter
Charter, 1982, c. 657.

Amendments to current charter
1984, c. 113 (§ 9-5)
1987, cc. 26, 40 (§§ 4-4, 8-11)
1988, c. 245 (§§ 9-3, 9-4, 9-5, 9-7, 9-8 [repealed], 9-9, 9-10)
1990, c. 480 (§ 10-13 [added])
1991, c. 22 (§ 9-7)
1997, c. 660 (§ 10-14 [added])
2005, cc. 613, 663 (§§ 1-1, 2-4, 6-2, 7-3, 9-3)
2009, c. 397 (§ 9-7)

Chapter 1. Incorporation; Boundaries; General Powers.

§ 1-1. Corporate entity; powers generally.

A. The inhabitants of the territory comprised within the limits of the City of Danville, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the

name of the City of Danville and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure.

B. The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth of Virginia and all other powers pertinent to the conduct of a city government, the exercise of which is not inconsistent with such Constitution and laws, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive, but shall be held to be in addition to this general grant of powers.

The powers herein granted shall include, without limitation, those available to cities in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia, 1950, as from time to time amended. (1982, c. 657; 2005, c. 613, 663)

§ 1-2. Boundaries.

The boundaries of the city shall be as defined in the act of the General Assembly approved April 20, 1903, being Chapter 162, at page 237, of the Acts of Assembly of 1903, and as enlarged by court orders or decrees recorded in the office of the clerk of circuit court of the city as follows:

Deed Book	Page
74	264
152	345
217	462
247	98
286	445
298	391
307	479
343	31
385	17
396	611
396	616
477	65
503	27
518	394
518	400
518	406
590	382 (1982, c. 657)

§ 1-3. Vesting of administration and government.

The administration and government of the city shall be vested in the council of the City of Danville as hereinafter constituted, and in such other boards and officers as are hereinafter mentioned, or as may be by law or the council otherwise provided. (1982, c. 657)

§ 1-4. Title to streets and other public ways.

The city shall be vested with the fee simple title to the public streets, alleys and public ways within the city. (1982, c. 657)

§ 1-5. Powers relating to public transportation.

The city shall have the power to acquire, operate, lease or otherwise provide for the operation of a public transportation system, including, by way of illustration but not limitation, the operation of passenger buses within, and, as provided by general law and with the concurrence of the governing body of the locality involved, outside the City of Danville, including providing for transportation for pupils attending public schools operated by the school board of the City of Danville. (1982, c. 657)

Chapter 2. The Council.

§ 2-1. Composition; election and terms of members.

The governing body of the city shall be the council, which shall consist of nine members, who shall be elected at large. The members of the council in office at the effective date of this charter are hereby continued in office for the terms for which they were elected. On the first Tuesday in May, 1982, there shall be elected by the qualified voters of the City of Danville four councilmen whose terms shall begin July 1, 1982, and expire July 1, 1986. On the first Tuesday in May, 1984, there shall be elected by the qualified voters of the City of Danville five councilmen whose terms shall begin July 1, 1984, and expire July 1, 1988. Each succeeding two years after 1984, on the first Tuesday in May, there shall be elected four or five councilmen, as the case may be, to serve for terms of four years beginning and expiring on July 1, to fill the vacancies caused by the expiration of the terms of office of the councilmen whose terms of office expired that year. (1982, c. 657)

§ 2-2. Candidates for council.

Candidates for the office of councilman shall be nominated as provided by general law. (1982, c. 657)

§ 2-3. Conduct of councilmanic elections.

The general laws of the Commonwealth relating to the conduct of elections shall be applicable to the conduct of a general municipal election. (1982, c. 657)

§ 2-4. Filling of vacancies.

Any vacancy in the council shall be filled, for the unexpired term, by the remaining members. No person shall be deemed to be elected unless he shall have received at least five votes in his favor. If the council shall fail to fill a vacancy in its membership within ninety days of the occurrence of the vacancy, such vacancy shall be filled by appointment by the circuit court of the city, and the circuit

court shall be subject to the provisions of § 24.2-100 and Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2 of the Code of Virginia for the ordering of a special election to fill the vacancy. (1982, c. 657; 2005, c. 613, 663)

§ 2-5. Inaugural or organizational meeting; mayor and vice mayor generally.

A. An inaugural or organizational meeting of the council shall take place in the council chamber in the municipal building at twelve o'clock noon on the first day of July of each even-numbered year, or if such day shall fall on Saturday or Sunday, then on the following Monday. The meeting shall be called to order by the city clerk, who shall administer the oath of office to the newly elected members of the council. In the absence or inability of the city clerk, the meeting may be called to order and the oath administered by the city attorney. The first business of the council shall be the election of a mayor and vice mayor pursuant to subsection B below. Until this business has been completed, the council shall not adjourn for a period longer than forty-eight hours.

B. At the inaugural or organizational meeting provided for in subsection A above, the council shall choose, by majority vote of all members thereof, one of its members to be mayor and one to be vice mayor for the ensuing two years. The mayor shall act as president of the council, shall preside at meetings of the council and shall perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to vote and speak as other members, but shall possess no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. He may use the title of mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the State, may so require, but this shall not be construed as conferring upon him the administrative functions or other powers or functions of a mayor under the general laws of the State.

C. The vice mayor shall, in the absence or disability of the mayor, perform the duties of mayor, and if a vacancy shall occur in the office of mayor, shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice mayor, the council members shall, by majority vote of those present, choose one of their number to perform the duties of mayor. (1982, c. 657)

§ 2-6. Members not to hold other city office.

No member of the council shall, during the tenure of his office and one year thereafter, be appointed to any office of profit under the government of the city. (1982, c. 657)

§ 2-7. Misconduct of members; compelling attendance of members.

The council may punish its members for misconduct and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. (1982, c. 657)

§ 2-8. To be continuing body.

The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. (1982, c. 657)

§ 2-9. Exercise of city powers.

The council shall have full power and authority, except as in this charter otherwise provided, to exercise all of the powers conferred upon the city. (1982, c. 657)

§ 2-10. Quorum.

A majority of all the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time. (1982, c. 657)

§ 2-11. Rules of procedure.

The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council, which shall not be less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, or any three members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meeting except by unanimous consent of all members of the council present. (1982, c. 657)

§ 2-12. Rescinding or reconsidering vote at special meeting.

No vote shall be rescinded or reconsidered at any special meeting of the council, unless at such special meeting there be then present as many members as were present when such vote was taken. (1982, c. 657)

§ 2-13. Authority to make and enforce ordinances, rules and regulations.

The council may make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law and may provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, within the limits prescribed by general law. The city may maintain a suit to restrain, by injunction, the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation. (1982, c. 657)

§ 2-14. Adoption of ordinances, resolutions, etc., generally; effective date of ordinances and resolution.

A. No ordinance, resolution, motion or vote shall be adopted by the council, except at a meeting open to the public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative votes of at least five members.

B. An ordinance or resolution may be introduced by any member or committee of the council at any regular meeting of the council or at any special meeting when the subject thereof has been included in the notice for such special meeting or been approved by the unanimous consent of all members of the council present. Except as otherwise provided in this charter or by the general laws or Constitution of the Commonwealth of Virginia, all ordinances and resolutions may be voted and passed at the meeting in which they are introduced, and shall become effective upon passage unless otherwise provided by the council. (1982, c. 657)

§ 2-15. Certain acts to be by ordinance.

In addition to such acts of the council which are required by the Constitution and general laws of the Commonwealth of Virginia or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department or creating, altering, assigning or abolishing any bureau, division, office or agency, fixing the compensation of any officer or employee of the city, making any appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance. (1982, c. 657)

§ 2-16. Certain ordinances not to be passed until ten days after introduction.

No ordinance imposing taxes or appropriating money in excess of $1,000 shall be passed until after ten days from the introduction thereof; and no ordinance authorizing the issuance of bonds or notes shall be finally adopted unless it shall have been introduced in the council at least ten days before its final adoption. (1982, c. 657)

§ 2-17. Recordation and authentication of ordinances and resolutions.

Every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the mayor and the city clerk. (1982, c. 657)

§ 2-18. Authority to create, abolish, etc., administrative departments.

The council may, by ordinance adopted by an affirmative vote of two-thirds of all of its members, create administrative departments of the city government or subdivisions thereof, combine or abolish existing departments, and distribute the functions thereof, or establish temporary departments for special work. (1982, c. 657)

§ 2-19. Authority with respect to rates and charges for utility and other services furnished by city.

A. The council shall have the power to establish, impose and enforce water, gas, electric and sewerage rates and rates and charges for public utilities or other services, products or conveniences operated, rendered or furnished by the city and to assess or cause to be assessed, water, gas, electric and sewerage rates and charges against the proper tenant or tenants of such persons, firms or corporations as may be legally liable therefor. The council may, by ordinance, require a deposit of such reasonable amount as it may prescribe before furnishing any of such services to any person, firm or

corporation. The city may refuse to restore any such services to any person, firm or corporation, after the same have been disconnected for any reason, unless and until such person, firm or corporation has fully paid to the city any unpaid amount or amounts owing to the city by such person, firm or corporation for past utility services.

B. The provisions of this section shall apply to utility or other services rendered outside the boundaries of the city, as well as to those rendered within the city. (1982, c. 657)

§ 2-20. Protection of city property; prevention of pollution of water supply; regulation of use of parks, etc.

A. The council may provide for the protection of the city's property, real and personal, the prevention of pollution of the city's water supply and the regulation of the use of parks, playgrounds, playfields, recreational facilities, airports and other public properties, whether located within or without the city. For the purpose of enforcing such regulations all city property, wherever located and for whatever purpose it may be used, shall be under the police jurisdiction of the city.

B. For the protection of the water supply of the city the council may protect from pollution, by proper penalties, the water in the Dan River, by prohibiting the throwing of filth or offensive matter therein for a distance of three miles above the limits of the city, and may punish any offender by fine or imprisonment, or both, and may enjoin any person from causing such pollution. (1982, c. 657)

§ 2-21. Regulation of taxicabs and other public vehicles.

The council shall have the power to regulate the services to be rendered and the rates to be charged by taxicabs and other public vehicles used for hauling passengers for hire, including the number of such vehicles, and to regulate the use of the streets by public buses and to designate what streets may be used by such buses. (1982, c. 657)

Chapter 3. City Manager.

§ 3-1. Appointment; term; qualifications.

The council shall appoint a city manager for an indefinite term. The manager shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the city or the Commonwealth of Virginia, but during his tenure of office, he shall reside within the city. (1982, c. 657)

§ 3-2. Acting manager.

The city manager may, with prior approval of the council, designate some properly qualified person to perform the manager's duties during his absence or disability. (1982, c. 657)

§ 3-3. General powers and duties.

A. The city manager shall be the chief executive officer of the city and shall be responsible to the council for the proper administration of the city government.

B. The city manager shall be responsible to the council for the efficient administration of all affairs of the city. He shall have power and it shall be his duty:

1. To see that all laws and ordinances are enforced.

2. To exercise supervision and control over all administrative departments and divisions of the city, except as otherwise provided by this charter or ordinance of the council.

3. To attend all regular meetings of the council, with the right to take part in the discussion, but having no vote. He shall be entitled to notice of all special meetings.

4. To recommend to the council, for adoption, such measures as he may deem necessary or expedient.

5. To make and execute all contracts on behalf of the city, except as may be otherwise provided in this charter or by ordinances passed in pursuance thereof.

6. To prepare and submit to the council the annual budget, after receiving estimates made by the heads or directors of the departments or of any board or commission not within a department.

7. To keep the council fully advised, at all times, as to the present and future physical needs of the city.

8. To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the council. (1982, c. 657)

§ 3-4. Attendance, etc., at board or commission meetings.

The city manager shall have the right to attend and participate in the proceedings of, but not vote in, the meetings of all boards and commissions created by this charter or by ordinance. (1982, c. 657)

§ 3-5. Appointment and removal of officers and employees.

The city manager shall appoint for an indefinite term, except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city. The city manager shall have power to remove any officer or employee appointed by him. All department heads appointed by the city manager shall obtain the approval of the city manager for assistants, division heads and supervisory employees appointed by them. (1982, c. 657)

§ 3-6. Interference by council.

Neither the council nor any of its members shall direct the appointment of any person to, or his removal from, any office or employment by the city manager or by any of his subordinates. Except for the purpose of enquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders, publicly or

privately, to any subordinate of the city manager. Nothing herein contained, however, shall be construed as prohibiting any councilman from discussing with the city manager any appointment or removal. (1982, c. 657)

Chapter 4. City Clerk.

§ 4-1. Appointment; term; general powers and duties.

The council shall appoint a city clerk for an indefinite term. He shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for that purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate such seal. He shall have such other powers and duties as may be prescribed by this charter or by ordinance. (1982, c. 657)

§ 4-2. Compensation; fees to be paid into treasury.

The city clerk shall receive such compensation as is fixed by the council and all fees received by the clerk shall be paid into the city treasury. (1982, c. 657)

§ 4-3. Holding other city office.

The city clerk may hold any other office or position in the city government to which he may be appointed by the council or the city manager. (1982, c. 657)

§ 4-4. Deputies and other employees.

The city clerk may appoint and remove, subject to approval of the council, one or more deputies who may discharge any of the official duties of their principal during his continuance in office, unless it be some duty the performance of which is expressly forbidden by law, and who shall be authorized to act as city clerk in the absence or disability of the city clerk; and the city clerk shall appoint and remove all other employees in his office. (1982, c. 657; 1987, c. 26, 40)

§ 4-5. Inspection of clerk's records.

All records in the city clerk's office shall be public records and open to inspection at any time during regular business hours. (1982, c. 657)

Chapter 5. City Attorney.

§ 5-1. Appointment; term; qualifications.

The council shall appoint a city attorney for an indefinite term. He shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia and shall have actively practiced his profession therein for at least five years. (1982, c. 657)

§ 5-2. General powers and duties.

The city attorney shall:

1. Be the legal advisor of the council, the city manager and departments, boards and agencies of the city in all matters affecting the interests of the city, and shall upon request, furnish a written opinion on any question of law involving their respective official powers and duties.

2. At the request of the city manager or a member of the council, prepare ordinances for introduction and, at the request of the council or any member thereof, examine ordinances after introduction and render his opinion as to the form and legality thereof.

3. Draw or approve as to form deeds, leases, contracts, bonds or other instruments to which the city is a party or in which it has an interest.

4. Have the management and control of all law business of the city and the departments thereof or in which the city has an interest, and represent the city as counsel in any civil cases in which it is interested, and in criminal cases in which the constitutionality or validity of a city ordinance is brought into issue.

5. Institute and prosecute all legal proceedings that he shall deem necessary to protect the interests of the city.

6. Attend the regular meetings of the council, unless excused for good cause by the mayor, in which case he may assign one of his assistants to attend such meetings, if he has an assistant.

7. Have such other powers and duties as may be assigned to him by ordinance. (1982, c. 657)

§ 5-3. Authority as to assistants and other employees.

The city attorney may appoint and remove, with the consent of the council, such assistant city attorneys and other employees as shall be authorized by the council. He may authorize the assistant city attorneys, or any of them, or special counsel to perform any of the duties imposed upon the city attorney in this charter. (1982, c. 657)

Chapter 6. School Board.

§ 6-1. Body corporate; powers and duties; application of charter to board.

The school board members of the city shall be a body corporate under the name and style of the school board of the City of Danville. Except as provided in this charter, the school board shall have all the powers, perform all the duties and be subject to all of the limitations now provided or which may hereafter be provided by the laws of the Commonwealth of Virginia in regard to school boards of cities. None of the provisions of this charter shall be interpreted to refer to or include the school board, unless the intention so to do is expressly stated or is clearly apparent from the context. (1982, c. 657)

§ 6-2. Composition; appointment and terms of members; filling of vacancies.

The school board shall consist of seven members, who shall be qualified voters of the city. The members in office at the effective date of this charter are hereby continued in office for the terms for which

they were appointed. Each member shall be elected at-large and pursuant to the provisions of § 22.1-57.3 of the Code of Virginia, 1950, as amended.

Any vacancy occurring in the school board shall be filled pursuant to the provisions of § 24.2-228 of the Code of Virginia, 1950, as amended. (1982, c. 657; 2005, c. 613, 663)

§ 6-3. Oath of members.

Each school board member, before entering upon the duties of his office, shall take and subscribe, before some officer authorized to administer oaths, the oath prescribed for state officers and file the oath in the office of the city clerk. (1982, c. 657)

Chapter 7. Board of Zoning Appeals.

§ 7-1. Composition; appointment, terms and removal of members; filling of vacancies.

The members of the board of zoning appeals as now constituted shall remain in office for the remainder of their terms and until their successors are appointed as provided by general law. The board of zoning appeals shall consist of seven members appointed as provided by general law. (1982, c. 657)

§ 7-2. Chairman; secretary and other employees.

The board of zoning appeals shall elect one of its members as chairman. The chairman shall preside at all meetings of the board and, in his absence, a member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and such other employees as may be needed for the conduct of the work of the board and as approved by the city manager. (1982, c. 657)

§ 7-3. General powers and duties; application of general laws.

The board of zoning appeals shall have such powers and duties as are prescribed for such boards by the general laws of the Commonwealth of Virginia, particularly Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia, 1950, as amended, and shall be subject to the provisions of such laws. (1982, c. 657; 2005, c. 613, 663)

§ 7-4. Meetings; minutes and records.

The meetings of the board of zoning appeals shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep minutes of its proceedings showing the vote of each member on each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record. (1982, c. 657)

Chapter 8. Finance and Taxation Generally.

§ 8-1. Fiscal year.

The fiscal year of the city shall begin on the first day of July and shall end on the thirtieth day of June. (1982, c. 657)

§ 8-2. City treasurer.

The city treasurer shall give such bond as may be required by the council. He shall be the custodian of all public money of the city and of all other money coming into his hands as city treasurer. He shall keep and preserve such money in such banks, savings and loan associations or trust companies as may be selected by him, subject to the right of the council to require that such money on deposit be secured by such banks, savings and loan associations or trust companies by the pledge of appropriate collateral. He shall perform such other duties, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance. He shall have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this charter or by law, ordinances or the terms of any trust. He shall be responsible for the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange. (1982, c. 657)

§ 8-3. Commissioner of the revenue.

The commissioner of the revenue shall give bond in such sum as the council may, by ordinance, prescribe. He shall perform such duties, not inconsistent with the laws of the Commonwealth of Virginia, in relation to the assessment of property and the assessment of licenses as may be required by the council. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or the city manager. He shall perform such other duties as may be required by ordinance. (1982, c. 657)

§ 8-4. Assessor of real estate for taxation.

There shall be a city assessor of real estate for taxation. Such assessor shall be appointed by the city manager for an indefinite term and shall give such bond as may be required by the council. Such assessor shall have the same powers and duties, with regard to the assessment of real estate, as are prescribed by the Constitution of the Commonwealth of Virginia and general laws of the Commonwealth for commissioners of the revenue or other assessors. (1982, c. 657)

§ 8-5. Office or division of central collections.

A. There shall be an office or division of central collections, assigned to such department of the city government as is prescribed by the council, which shall collect, for the city, all charges for water, gas, electricity and other services rendered or furnished by the city and all taxes, assessments and other sums due or owing to the city, except as otherwise provided by this charter or ordinance of the council.

B. The office or division of central collections shall have all powers which are now or may be hereafter vested by general laws in county and city treasurers to enforce collection by levy, distress or any other legal proceedings provided for by general laws or by city ordinances. (1982, c. 657)

§ 8-6. Preparation and submission to council of annual budget.

No later than April 1 of each fiscal year, the city manager shall prepare and submit to the council, for its consideration, an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government according to a classification as nearly uniform as possible. The budget shall present such other information as may be prescribed by ordinance. No later than April 30 of each fiscal year, the city manager, after collaboration with the council, shall have the budget completed and ready for introduction at a regular or special meeting of the council. (1982, c. 657)

§ 8-7. Publication of synopsis of, and hearing on, budget; budget changes after hearing.

A brief synopsis of the budget shall be published in a newspaper or newspapers having general circulation in the city, and notice given of a public hearing. After the conclusion of the public hearing, the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the budget, except that no item of expenditure for debt service or required to be included by this charter or other provisions of law shall be reduced or stricken out. (1982, c. 657)

§ 8-8. Annual appropriation ordinance and tax levy.

Prior to the end of each fiscal year, the council shall pass an appropriation ordinance, which shall be based on the budget submitted by the city manager, and shall levy such taxes for the ensuing fiscal year as may be necessary to meet the appropriations made and all sums required by law to be raised for account of the city debt. The total amount of appropriations shall not exceed the estimated revenues of the city. (1982, c. 657)

§ 8-9. Tax, appropriations, etc., ordinances require two-thirds vote.

No ordinance imposing taxes, authorizing the borrowing of money or appropriating money exceeding the sum of $10,000 shall be adopted by the council, unless it shall have received the affirmative votes of two-thirds of all the members of the council. (1982, c. 657)

§ 8-10. Exemption from taxation of city-owned property outside city.

Land, buildings, fixtures and any property, real or personal, owned by the city and situate outside the city, and used by the city for the purpose of carrying out any of its powers and duties, shall be exempt from taxation by the authorities of any county, city or town in which the same may be located. (1982, c. 657)

§ 8-11. Investment or deposit of idle funds.

The provisions of § 8-2 notwithstanding, any officer of the city authorized by the council so to do may invest or deposit any idle funds of the city, including the proceeds of any bond issue pending the use of same for the purposes designated in the ordinance pursuant to which they were issued, in any securities, investments or revenue-producing deposits that are legal under the laws of the Commonwealth. (1982, c. 657; 1987, c. 26, 40)

§ 8-12. Financial aid to military units, charitable institutions, etc.

The council shall have authority to grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth and to charitable or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or the encouragement of agricultural or mechanical arts, whose functions further the public purposes of the city. No appropriation for any of the purposes herein mentioned shall be made unless two-thirds of all the members elected to the council shall vote therefor. (1982, c. 657)

Chapter 9. City Indebtedness.

§ 9-1. General authority of council to incur.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter. (1982, c. 657)

§ 9-2. Constitutional limitations.

In the issuance of bonds and notes, the city shall be subject to the limitations as to amount contained in Section 10 (a) of Article VII of the Constitution of the Commonwealth of Virginia. (1982, c. 657)

§ 9-3. Purposes for which bonds or notes may be issued.

A. Bonds or notes may be issued to finance capital expenditures, or for the purposes of financing the payment of any sum or compensation which the city may be required to pay by order of any court heretofore or hereafter made in annexation proceedings pursuant to Chapter 32 (§ 15.2-3200 et seq.) of Title 15.2 of the Code of Virginia, 1950, as amended, or the payment or funding or refunding of any indebtedness or bonds or other obligations assumed by the city in such annexation, or the payment of other costs and expenditures in connection with such annexation. Notes may be issued in anticipation of the issuance of bonds for any purposes for which bonds may be issued when the bonds have been authorized as hereinafter provided.

B. Notes may be issued, when authorized by the council, at any time during the fiscal year, in anticipation of the collection of revenue of such year. (1982, c. 657; 1988. c. 245; 2005, c. 613, 663)

§ 9-4. Notes in anticipation of bonds or revenue.

A. Whenever an issue of bonds has been authorized by the council, an officer designated by the council, when authorized by ordinance, shall have the power to issue notes of the city in anticipation of such bonds, for the purpose of defraying the whole or any part of the cost of such project. Such notes in anticipation of bonds shall be authenticated by the signature of such officer and shall be paid not later than sixty months after the date of issue out of the proceeds of the sale of the bonds in anticipation of which they have been issued, but such notes may be renewed, reissued, refunded or renegotiated from time to time within the said period of sixty months from the date of original issue. Any

notes heretofore issued and outstanding in anticipation of bonds which have not yet been issued may be renewed, reissued, refunded or renegotiated from time to time by the council by ordinance, provided such notes shall be paid not later than sixty months after the date of original issue out of the proceeds of the sale of the bonds in anticipation of which they have been issued.

B. Notes in anticipation of revenue shall be authorized by the council by ordinance. They shall be authenticated by the signature of the officer designated by the council, shall not exceed, in the aggregate, $500,000 issued and outstanding at any one time, and shall mature for payment not later than twenty-four months after the date of issue. If not paid at maturity, the amount of such unpaid revenue anticipation notes shall be included as an appropriation in the budget for the ensuing year. Such notes may be disposed of by public or private negotiations. (1982, c. 657; 1988, c. 245)

§ 9-5. General requirements as to bonds.

A. All bonds may be issued in coupon or registered form, or both, and shall be in such denominations as the council may determine. Principal of all bonds shall be payable in annual installments, the first of which shall be payable not more than two years from the date of issue of such bonds. Bonds shall bear the manual or facsimile signatures of the mayor and the city treasurer and the city's seal shall be affixed to the bonds or a facsimile thereof shall be printed thereon and attested by the manual or facsimile signature of the city clerk; however, if all of such signatures are facsimiles the bonds shall be authenticated by the manual signature of an authorized representative of a bank or other approved agent. Interest coupons, if any, attached to the bonds shall be transferable by delivery and shall bear the facsimile signature of the city treasurer.

In case any officer whose manual or facsimile signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bond may bear the manual or facsimile signature of such persons as at the actual time of the execution of such bond shall be the proper officers to sign such bond although at the date of such bond such persons may not have been such officers.

B. All bonds issued to finance capital expenditures shall be made payable within the probable period of usefulness of the improvement or undertaking on account of which they are to be issued, or, if the bonds are to be issued for several improvements or undertakings, within the average probable period of usefulness of such improvements or undertakings. In the case of a bond issue for several improvements or undertakings having different probable periods of usefulness, the council shall determine the average of said periods, taking into consideration the amount of bonds to be issued on account of each purpose, and the period so determined shall be the average period of usefulness. The determination of the council as to the probable period of usefulness of any such improvement or undertaking shall be conclusive. The probable period of usefulness of any improvement or undertaking shall not be deemed to be more than thirty years; however, the probable period of usefulness of real property

acquired by the city may be deemed to be as long as forty years. Such probable period of usefulness or average probable period of usefulness shall be computed from the date of the bonds of such series or issue. (1982, c. 657; 1984, c. 113; 1988, c. 245)

§ 9-6. Bond election generally.

Except as otherwise provided in this chapter, no bonds of the city shall be issued until the question of their issuance shall have first been submitted to the qualified voters of the city at a general or special election and shall have been approved by a majority of such voters voting on the question of their issuance. The question or proposition submitting to the voters as aforesaid shall state in general terms the purpose or purposes of the proposed bond issue and the actual or maximum amount of the bond issue. All other details of the bond issue shall be left to be determined by the council of the city. No question as to the validity of such an election, or as to the determination of the result thereof, shall be raised in any court except in an action or proceeding commenced within ten days after the determination of the result of such election. (1982, c. 657)

§ 9-7. When bond election not required.

A. The council may, without submitting the question of their issuance to the qualified voters of the city, in the name and for the use and benefit of the city, issue, negotiate and sell bonds in any amount or amounts not exceeding six million dollars in any one fiscal year for any capital expenditure other than for capital expenditures relating to the city's water, sewer, gas and/or electric systems.

B. The council may, without submitting the question of their issuance to the qualified voters of the city, in the name and for the use and benefit of the city, issue, negotiate and sell bonds in any amount or amounts necessary to pay any sum or compensation which the city may be required to pay by the order of any court heretofore or hereafter made in annexation proceedings pursuant to the general laws of the Commonwealth of Virginia, to pay or fund or refund any indebtedness or bonds or other obligations assumed by the city in any such annexation, or the payment of other costs and expenditures in connection with any such annexation.

C. The council may, without submitting the question of their issuance to the qualified voters of the city, in the name and for the use and benefit of the city, issue, negotiate and sell notes in anticipation of the collection of revenue as provided for in this chapter.

D. The council may, without submitting the question of their issuance to the qualified voters of the city, in the name and for the use and benefit of the city, issue, negotiate and sell bonds, to the payment of which the council shall pledge the full faith and credit of the city and/or the revenues derived from any specified undertakings, in any amount or amounts not exceeding ten million dollars in any one fiscal year for capital expenditures relating to the city's water, sewer, gas and/or electric systems or other specific undertaking or undertakings from which the city may derive a revenue.

E. Notwithstanding anything in this section to the contrary, the council may, without submitting the question of their issuance to the qualified voters of the city, in the name and for the use and benefit of the city, issue, negotiate and sell bonds, to the payment of which the council shall pledge the full faith and credit of the city and/or the revenues derived from any specified undertakings, in any amount or amounts not exceeding twenty-five million dollars in any one fiscal year for capital expenditures relating to the city's water treatment, wastewater treatment, stormwater treatment, solid waste disposal or recycling facilities and any extraordinary maintenance improvements or expansions of transmission and distribution infrastructure for the electric or gas systems.

F. For purposes of determining the amount of bonds that may be issued pursuant to this section, refunding bonds shall not be included. For the purposes of this section, the terms "bonds" and "notes" shall not include contractual obligations of the city other than bonds and notes. Anything in this charter to the contrary notwithstanding, authorized bonds and notes which could have been issued without an election on the last day of the fiscal year in which they were authorized may be issued in the subsequent fiscal year without affecting the annual limitations imposed by this section for such subsequent year. (1982, c. 657; 1988, c. 245; 1991, c. 22; 2009, c. 397)

§ 9-8 (1982, c. 657; repealed 1988, c. 245)

§ 9-8 (formerly § 9-9). Payment of bonds and notes.

Except as provided in § 9-7 of this chapter, the power and obligation of the city to pay any and all bonds and notes hereafter issued by it pursuant to this chapter shall be unlimited and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount. The faith and credit of the city are hereby pledged for the payment of the principal and interest on all bonds and notes of the city hereafter issued pursuant to this chapter, except as provided in § 9-7, whether or not such pledge be stated in the bonds or notes or in the ordinance authorizing their issuance. (1982, c. 657; 1988, c. 245)

§ 9-9 (formerly § 9-10). Previously authorized bonds.

The authority to issue any bonds, the issuance of which was legally authorized prior to the effective date of this charter, shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this chapter and such bonds may be sold or issued in accordance with the ordinance authorizing the issuance and with the provisions of law in force prior to the effective date of this charter, or in accordance with the provisions of this charter. (1982, c. 657; 1988, c. 245)

Chapter 10. Miscellaneous Provisions.

§ 10-1. Notice to persons elected or appointed to office.

The clerk of the circuit court of the city shall notify all persons elected by the people under this charter of their election and the city clerk shall notify all persons elected or appointed by the council of their election or appointment. (1982, c. 657)

§ 10-2. Oath of officers.

Every person elected by the people or appointed by the council to any city office shall, before entering upon the duties of his office, take and subscribe to the oath prescribed by the laws of the Commonwealth of Virginia for state officers. Such oath may be administered by any person competent to administer oaths under the laws of the Commonwealth of Virginia, or by the city clerk, and a certificate of such oath having been taken shall be filed with the city clerk, unless otherwise provided by law, and the city clerk shall keep the same on file in his office. (1982, c. 657)

§ 10-3. Bond of officers and employees.

The council may, by ordinance, require any officer or employee of the city to give bond and fix the amount of the penalty thereof, unless otherwise fixed by this charter. In all cases where a bond is required of any officer, such bond shall be with corporate surety and conditioned for the faithful discharge by himself, his deputies, assistants or other subordinates, of the duties imposed on him by this charter and all ordinances passed in pursuance thereof. Unless the council shall adopt an ordinance to the contrary, the premium on any such bond shall be paid by the city. (1982, c. 657)

§ 10-4. Effect of failure to take oath of office or give required bond.

If any person elected or appointed to any office in the city shall neglect to take the required oath of office for thirty days after receiving notice of his election or appointment or shall neglect or refuse for a like time to give such bond or other security as may be required by the council, his office shall be deemed vacant, and another election or appointment shall be made. (1982, c. 657)

§ 10-5. Officers and members of boards and commissions to serve until successors appointed and qualified.

Whenever, under the provisions of this charter, any officer of the city or member of any board or commission is elected or appointed for a fixed term, such officer or member shall continue to hold office until his successor is appointed and qualified. (1982, c. 657)

§ 10-6. Terms of officers and members of boards and commissions in office on effective date of charter.

All officers of the city and members of boards or commissions elected or appointed for a specified term commencing before the effective date of this charter and whose terms have not expired upon the effective date of this charter shall continue to hold the same until the term of such office shall expire, unless such office is not provided for in this charter. (1982, c. 657)

§ 10-7. Duty of Commonwealth's attorney to prosecute ordinance violations.

In addition to such duties as are imposed by the general laws of the Commonwealth of Virginia, the attorney for the Commonwealth shall prosecute all violations of city criminal ordinances, both in the general district court and upon appeal. (1982, c. 657)

§ 10-8. Arrests for and jurisdiction of violations of ordinances, rules and regulations.

Any member of the police force of the city or employee thereof appointed as a special policeman shall have power to make arrest for violation of any ordinance, rule or regulation adopted pursuant to this charter, and the general district court of the city shall have jurisdiction in all cases arising thereunder within the city, and the general district court of the county wherein the offense occurs shall have jurisdiction of all cases arising thereunder without the city. (1982, c. 657)

§ 10-9. Investigations as to city affairs.

The council and the city manager, or either of them, shall have power to make investigations as to city affairs and, for that purpose, the council or the city manager, when authorized by the council, shall have power to subpoena witnesses, administer oaths and compel the production of books and papers. The council or the city manager shall have the authority to apply to the judge of the general district court of the city for a subpoena or subpoena duces tecum against any person refusing to appear and testify or refusing to produce books, papers or records, as ordered by the council or the city manager, and the judge of such court shall, upon good cause shown, cause the subpoena to be issued. Any person failing to comply with any such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. (1982, c. 657)

§ 10-10. Continuation of existing contracts and obligations.

All contracts and obligations of the City of Danville heretofore made by the present council and government while in office, not inconsistent with this charter and the general laws and Constitution of the Commonwealth of Virginia, shall be and are hereby declared to be valid and legal obligations of the City of Danville. (1982, c. 657)

§ 10-11. Continuation of existing ordinances, resolutions etc.

All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board or officer of the city, in force at the effective date of this charter, in so far as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed by the council of the city. (1982, c. 657)

§ 10-12. Severability of charter provisions.

In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, and all parts of the charter not expressly affected by such judgment shall remain in full force and effect. (1982, c. 657)

§ 10-13. Special liens.

There shall be a lien on any land for the expense incurred by the city in abating any condition thereon or related thereto which has lawfully been declared a nuisance after reasonable notice to the owner as shall be provided by ordinance. Such a lien shall be good against any purchaser of the land for value whenever the lien shall be recorded in the office of the city clerk and recorded and indexed in

the office of the clerk of the circuit court in the name of the person owning the land at the time of the accrual of the lien. The Council may, in its discretion, authorize the sale of property subject to such a lien.

Any such lien at any time after recordation, may be enforced by foreclosure in the same manner provided by law for liens of judgment. There may be joined in the same bill of complaint one or more separate pieces, tracts, parcels, or lots of land, whether in the same or different ownership; provided, however, the court, on its own motion or in the motion of any party in furtherance of convenience or to avoid prejudice, may order a severance and separate trial of any claim or claims or of any issue or issues. (1990, c. 480)

§ 10-14. Appointments to the board of the Danville Redevelopment and Housing Authority.
Council shall appoint, as otherwise provided by law, the persons who are to serve as commissioners of the Danville Redevelopment and Housing Authority. However, notwithstanding any provision to the contrary in § 2-6 of this charter, council is expressly authorized to appoint one member of council to serve as one of the commissioners of the Danville Redevelopment and Housing Authority. (1997, c. 660)

Dayton, Town of

County of Rockingham

History of incorporation
Established by an 1833 Act of Assembly.
Charter, 1833, c. 204; repealed 1852, c. 376.
Charter, 1852, c. 376, incorporated and charter; powers per 54th Chapter of Code of Virginia; repealed 1880, c. 302.
Charter, 1880, c. 302; repealed 1988, c. 136.
Charter, 1892, c. 424, rewrote chapter 302; repealed 1988, c. 136.
Charter, 1912, c. 73, rewrote chapters 302 and 424; repealed 1988, c. 136.

Current charter
Charter, 1988, c. 136.

Amendments to current charter
1999, c. 300 (§§ 2.2, 3.5, 4.5)
2011, c. 439 (§ 3.1)
2016, c. 160 (§ 3.5)
2020, cc. 146, 1176 (§§ 2.1, 2.2 [repealed], 2.3 through 2.9 [added], 3.6, 3.7, 4.1, 4.2 [repealed], 4.4 [repealed], 4.5)

Chapter 1. Incorporation and Boundaries.

§ 1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Dayton, as such limits may be altered and established by law, shall constitute and continue to be a body politic and corporate to be known and designated as the Town of Dayton, and as such, shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by ordinance. (1988, c. 136)

§ 1.2. Boundaries.

The boundaries of the town, until altered, shall be as recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 884 at page 264. (1988, c. 136)

Chapter 2. Powers.

§ 2.1. General grant of powers.

(a) Powers authorized in the Code of Virginia.

The town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and the laws of the Commonwealth of Virginia as fully and completely as if such powers were specifically enumerated in this charter. No enumeration of particular powers in this charter shall be held to exclude other, unmentioned powers. The town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent upon the town as a municipal corporation.

(b) Powers exercised by governing body.

All powers vested in the town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the town and the town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

(c) Repeal of prior inconsistent acts and charters.

All acts and parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter; however, nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on

account of bond issues, liabilities, or debts of whatsoever nature or kind. On and after July 1, 2020, all references to the town superintendent in the town's resolutions, ordinances, code provisions, contracts, and all other official acts and governing documents then in effect shall be deemed as referring to the town manager. (1988, c. 136; 2020, cc. 146, 1176)

§ 2.2. (1988, c. 136; 1999, c. 300; repealed, 2020, cc. 146, 1176)

§ 2.3. Financial powers.

(a) Generally. In accordance with the Constitution of Virginia and the United States Constitution, the town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the town, in such manner as the council deems necessary or expedient.

(b) Assessments for local improvements. The town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) Water, light, and sewerage rates; rates and charges for public utilities or services, etc., operated, etc., by town. The town may establish, impose, and enforce water, light, and sewerage rates and rates and charges for public utilities, or other services, products, or conveniences operated, rendered, or furnished by the town and assess, or cause to be assessed, water, light, sewerage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant. (2020, cc. 146, 1176)

§ 2.4. Contractual powers; gifts; grants.

(a) Acquisition of property generally; holding, selling, leasing, etc., town property. The town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the town or the Commonwealth of Virginia and for any of the purposes of the town.

(b) Debts and evidence of indebtedness. The town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Gifts. The town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, that are related to the town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell,

lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devises. (2020, cc. 146,1176)

§ 2.5. Operational powers.

(a) Generally. The town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the town, subject to such limitations as may be imposed by this charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by charter or otherwise by law.

(b) Records and accounts. The town shall provide for the control and management of the town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the local government consistent with generally accepted accounting standards and necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

(c) Expenditure of money. The town may expend money of the town for all lawful purposes.

(d) Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of town departments. The town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.

(e) Town events. The town may conduct festivals, music events, running races, athletic competitions, community festivals, and all such other events and may charge fees for the participation therein. (2020, cc. 146, 1176)

§ 2.6. Utilities; public improvements.

(a) Water works and water supply. The town may own, operate, and maintain water works and acquire in any lawful manner in any county or city of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing the town with an adequate water supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary

patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said town may, if the council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Streets; parks, playgrounds, etc.; infrastructure; vehicles. The town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the town's prescribed requirements.

(c) Public utilities. Subject to the provisions of the Constitution of Virginia, this charter, and general law, the town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(d) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant. The town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof, and require and regulate the collection and disposal thereof. (2020, cc. 146, 1176)

§ 2.7. Nuisances; sanitary conditions, etc.

The town may compel the abatement and removal of all nuisances within the town; require all lands, lots, and other premises within the town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the

raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the town in accordance with applicable law. (2020, cc. 146,1176)

§ 2.8. Police powers.

(a) The town may exercise full police powers as provided by general law, and establish and maintain a department or division of police.

(b) The town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants; prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all bylaws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said town, or in the council, court, or offices thereof, or which may be necessarily incident to a municipal corporation. (2020, cc. 146, 1176)

§ 2.9. Miscellaneous powers.

(a) Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings. The town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) Fees for permits, etc. The town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) Cemeteries. The town may provide in or near the town lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plat for which the said donation, gift, or bequest shall have been made.

(d) Injunctive relief. The town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance. (2020, cc. 146, 1176)

Chapter 3. Elected Officers.

§ 3.1. Government of town.

The town shall be governed by a town council composed of six members and a mayor, all of whom shall be qualified voters in the town. (1988, c. 136; 2011, c. 439)

§ 3.2. Mayor.

The mayor shall be the chief executive of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the council and shall have the right to speak therein. He shall have a vote as a member of the council, but shall have no veto power. He shall be the head of town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1988, c. 136)

§ 3.3. Vice-mayor.

The chairman of the council's finance committee shall serve as vice-mayor, and shall possess the powers and discharge the duties of the mayor during any absence or disability of the mayor. (1988, c. 136)

§ 3.4. Council as a continuing body.

The council shall be a continuing body, and no measure pending before it nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or the removal of any council members. (1988, c. 136)

§ 3.5. Election of mayor and members of council.

The mayor and members of council shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The council and mayor in office at the time of the adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. The term of office for members of the council shall be four years, and the term of office for the mayor shall be two years, or until their successors are elected and qualified. All elections of the mayor and council members shall take place on the Tuesday after the first Monday in November. Persons elected under this section shall take office on January 1 following their election. (1988, c. 136; 1999, c. 300; 2016, c. 160)

§ 3.6. Vacancies.

Vacancies on the council shall be filled in accordance with general law. (1988, c. 136; 2020, cc. 146, 1176)

§ 3.7. Meetings of the council.

(a) Organizational meeting. The town council's organizational meeting for the purposes set forth in § 15.2-1416 of the Code of Virginia shall be its first meeting held after January 1 of each year.

(b) Regular meetings. The council shall fix the date and time of its regular meetings, which shall be at least once each month.

(c) Special meetings. A special meeting of the council shall be held when called by the mayor, or when requested by two or more of the members of council. The call or request shall be made to the clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the clerk of council, after consultation with the mayor, shall immediately notify each member of council and the town attorney in writing delivered in person, or to his place of residence or business or, if so requested by the member of the governing body, by electronic mail or facsimile, to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting.

(d) Rules of procedure. From time to time, the council may adopt rules or procedure governing its meetings, such rules not being inconsistent with state law. (1988, c. 136; 2020, cc. 146, 1176)

§ 3.8. Committees.

The mayor shall establish committees consisting of members of the council, including a finance committee and such other committees as he shall deem appropriate. Following the qualification of council members and the mayor after the town's biennial elections, and at such other times as he deems appropriate, the mayor shall assign the council members to the various committees and shall name the respective chairmen. (1988, c. 136)

§ 3.9. Compensation.

Compensation for the mayor, council members and all appointed officers shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. (1988, c. 136)

Chapter 4. Appointed Officers.

§ 4.1. Town manager.

The council may appoint a town manager who shall be the town's chief administrative officer and the administrative head. The town manager shall be responsible to the council for the proper administration of all affairs of the town. In addition to any other duties prescribed by council or required by law, the town manager shall:

(a) See that all ordinances, resolutions, directives, and orders of council and all laws of the Commonwealth are faithfully executed;

(b) Appoint, supervise, and dismiss all officers and employees of the town, including but not limited to the police chief and treasurer, if any. The town manager may authorize the head of an office or department to appoint, supervise, and discipline subordinates in such office or department subject to review and approval by the town manager;

(c) Report to council from time to time on the affairs of the town;

(d) Receive reports from, and give directions to, all heads of offices and departments of the town;

(e) Submit to the council a proposed annual budget, in accordance with general law, with recommendations, and execute the budget as finally adopted by council; and

(f) Advise the council on the town's financial condition and future financial needs.

(1988, c. 136; 2020, cc. 146, 1176)

§ 4.2. (1988, c. 136; repealed, 2020, cc. 146, 1176)

§ 4.3. Town attorney.

The council may appoint a town attorney, who shall be an attorney at law licensed to practice under the laws of the Commonwealth. The town attorney shall receive such compensation as provided by the council and shall have such duties as prescribed by the council. (1988, c. 136)

§ 4.4. (1988, c. 136; repealed, 2020, cc. 146, 1176)

§ 4.5. Clerk.

The council may appoint a clerk who shall be responsible for maintaining the official legislative record of council meetings and actions and perform such other duties as may be prescribed by the council or required by law. (1988, c. 136; 1999, c. 300; 2020, cc. 146,1176)

§ 4.6. Other officers.

The council may appoint any other officers as it deems necessary and proper. (1988, c. 136)

§ 4.7. Terms of office.

Appointees under this chapter shall serve at the pleasure of the council. The council may fill any vacancy in any appointive office. (1988, c. 136)

Chapter 5. Financial Provisions.

§ 5.1. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1988, c. 136)

Chapter 6. Miscellaneous.

§ 6.1. Existing ordinances.

All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council. (1988, c. 136)

§ 6.2. Severability of provisions of this charter.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1988, c. 136)

Dendron, Town of

County of Surry

History of incorporation

Incorporation and charter, 1906, c. 265; repealed 1968, c. 472.

Current charter

Charter, 1968, c. 472.

Amendments to current charter

1973, c. 41 (§§ 3-2, 3-3, 3-7, 5-1, 7-1)

Editor's note: The 1968 charter did not create sections beginning with 6-.

Article I. Creation.

§ 1-1. Incorporation.

The inhabitants of the territory comprised within the limits of the town of Dendron, as the same are now or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the town of Dendron and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (1968, c. 472)

§ 1-2. Boundaries.

The boundaries of the town shall be the boundaries of the town of Dendron, its predecessor as established by Chapter 265, Acts of Assembly of 1906, approved March 15, 1906. (1968, c. 472)

Article II. Corporate Powers.

§ 2-1. General powers.

The town of Dendron shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and Laws of the Commonwealth, and all other powers pertinent to the conduct of municipal government, the exercise of which is not

prohibited by the Constitution and laws of the Commonwealth, and which in the opinion of the council are necessary to promote the general welfare of the inhabitants of the town. The powers set forth in §§ 15.1-887 through 15.1-915 of the Code of Virginia as in force on January 1, 1968, are hereby conferred on and vested in the town of Dendron. It is intended that the town shall possess all powers which, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but in addition to this general grant.

The powers which are now or may hereafter be conferred upon or delegated to the town under the Constitution and laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by the town and in case of doubt as to the existence of a power such doubt shall be resolved in favor of the town. (1968, c. 472)

§ 2-2. Financial powers.

The town of Dendron shall have the power to raise annually by taxes and assessments in said town such sums of money as the council thereof shall deem necessary for the purposes of the town, and in such manner as the council may deem expedient in accordance with the Constitution and general laws of the Commonwealth and of the United States, and to expend the money of said town for all lawful purposes. (1968, c. 472)

§ 2-3. Special assessments.

The town of Dendron shall have the power to impose special or local assessments for local improvements and to enforce the payment thereof, subject to the limitations prescribed by the Constitution and laws of the Commonwealth as may be in force at the time of the imposition of such special or local assessments. (1968, c. 472)

§ 2-4. Borrowing power.

The town of Dendron may incur indebtedness by issuing its negotiable bonds and notes for the purposes and in the manner provided in the Constitution and general laws of the Commonwealth. No bonds shall be issued by the town except by ordinance adopted by a majority of all members of the council and approved by the affirmative vote of a majority of the voters of the town voting in the election. (1968, c. 472)

§ 2-5. Eminent domain.

The town of Dendron is hereby empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as council deems expedient. (1968, c. 472)

§ 2-6. Ordinances.

The town of Dendron shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter. (1968, c. 472)

Article III. The Council.

§ 3-1. Composition.

The town of Dendron shall be governed by a town council which shall be composed of six members who shall be qualified voters of the town. (1968, c. 472)

§ 3-2. Election.

The members of the council in office at the effective date of this charter are hereby continued in office for the terms for which they were elected. On the first Tuesday in May, 1974, there shall be elected six councilmen from the town at large, to be held at such place in said town as may be designated by the council of the town; and biennially thereafter there shall be held an election of a mayor and six councilmen of the said town on the first Tuesday in May at such place and under such rules and regulations and subject to such provisions as the council may prescribe.

The term of office of the mayor and councilmen to be elected as provided in the preceding section of this act shall be for two years from the first day of July next succeeding their election, and until their successors have been duly elected and qualified. (1968, c. 472; 1973, c. 41)

§ 3-3. Term.

All councilmen shall take office on the first day of July next following their election. (1968, c. 472; 1973, c. 41)

§ 3-4. Compensation.

The council may by ordinance authorize the payment of an annual salary to councilmen, subject to such limitations as may be imposed by the general laws of the Commonwealth. (1968, c. 472)

§ 3-5. Vacancies.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the council. (1968, c. 472)

§ 3-6. Powers.

All powers of the town of Dendron as a body politic and corporate shall be vested in the town council. (1968, c. 472)

§ 3-7. Vice mayor.

The council shall at its first meeting in July, 1974, and every second year thereafter, elect from its membership a vice mayor, who shall serve as mayor whenever the mayor is ill, absent or otherwise unable to discharge the duties of his office. (1968, c. 472; 1973, c. 41)

§ 3-8. Town attorney.

The council may appoint a town attorney whose term of appointment, duties, and compensation shall be prescribed by the council. (1968, c. 472)

§ 3-9. Clerk.

The council shall appoint a clerk whose term of appointment, duties, and compensation shall be prescribed by the council. (1968, c. 472)

§ 3-10. Sergeant.

The council shall appoint a sergeant whose term of appointment, duties, and compensation shall be prescribed by the council. (1968, c. 472)

§ 3-11. Treasurer.

The council shall appoint a treasurer whose term of appointment, duties, and compensation shall be prescribed by the council. (1968, c. 472)

Article IV. Procedures.

§ 4-1. Regular meetings.

The council shall meet in regular session at least once each month. (1968, c. 472)

§ 4-2. Special meetings.

The council shall provide for the calling of special meetings by the mayor or vice mayor, or any four members of the council, and shall prescribe the method of giving notice thereof, provided such notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meetings except by the unanimous consent of all the members of council; provided, however, that a special meeting may be held at any time without notice if all members of the council attend said meeting or waive notice thereof. (1968, c. 472)

§ 4-3. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business. (1968, c. 472)

§ 4-4. Open meetings.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public and unless it shall have received the affirmative votes of the majority of the members present. (1968, c. 472)

§ 4-5. Voting.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken. (1968, c. 472)

§ 4-6. Conflict of interest.

No member of the council shall participate in the vote on any ordinance, resolution, motion, or other proceeding in which he, or any person, firm, or corporation for which he is attorney, officer, director,

employee, or agent has a financial interest other than as a minority stockholder of a corporation or as a citizen of the town. (1968, c. 472)

Article V. The Mayor.

§ 5-1. Election and term.

On the first Tuesday in May, 1974, and every two years thereafter, there shall be elected from the town at large a mayor, who shall be a qualified voter of the town and who shall serve for a term of two years. (1968, c. 472; 1973, c. 41)

§ 5-2. Duties.

The mayor shall preside over the meetings of the council and shall have the same right to speak therein as councilmen, however, he shall not have the right to vote except in the case of a tie, in which event he shall be entitled to cast one vote. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law and the service of civil process. He shall have jurisdiction to try all violations of town ordinances, and inflict such punishment and impose such fines as may be prescribed for a violation of the same. The mayor shall, by virtue of his office, possess all the jurisdiction and exercise all the power and authority of a justice of the peace in civil and criminal cases arising in said town, or within one mile of the corporate limits thereof. (1968, c. 472)

§ 5-3. Compensation.

The council may by ordinance authorize the payment of an annual salary to the mayor, subject to such limitations as may be imposed by the general laws of the Commonwealth. (1968, c. 472)

Article VI. Financial Administration.

§ 7-1. Fiscal year.

The fiscal year for the town of Dendron shall begin on July 1 and end on June 30 of the following year. (1968, c. 472; 1973, c. 41)

§ 7-2. Budget.

There shall be prepared and submitted to the council a budget presenting a financial plan for conducting the affairs of the town for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as the council by ordinance or resolution may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with the general laws of the Commonwealth, provided that the tax levy for each fiscal year shall be made, and the budget for each fiscal year shall be adopted prior to the first day of the fiscal year for which made or adopted. (1968, c. 472)

Article VII. Post Audit.

§ 8-1. Annual audit.

After the close of each fiscal year, the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the town by an independent accountant to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection. (1968, c. 472)

Article VIII. Continuation and Repeal Provisions.

§ 9-1. Repeal of former charter.

All former charters and amendments thereto for the town of Dendron, Virginia, are hereby repealed. (1968, c. 472)

§ 9-2. Succession to rights and duties.

The town of Dendron shall succeed to all the rights, duties, obligations, and contracts of the former town of Dendron, Virginia. (1968, c. 472)

§ 9-3. Ordinances shall remain in force.

All ordinances of the former town of Dendron not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. (1968, c. 472)

§ 9-4. Continuity of terms of officers.

The officers of the town of Dendron who were in office immediately prior to the adoption of this charter shall remain in office until the expiration of their several terms and until their successors have been duly elected and qualified. (1968, c. 472)

§ 9-5. Saving clause.

In the event that any portion, section, or provision of this charter shall be declared illegal, invalid, or unconstitutional by final judgment of any court of competent jurisdiction such judgment shall not invalidate any other portion, section, or provision hereof, but all parts of this charter not expressly held to be invalid shall remain in full force and effect. (1968, c. 472)

Dillwyn, Town of

County of Buckingham

History of incorporation

Incorporated by a 1912 Act of Assembly.

Current charter

Charter, 1912, c. 155.

Amendments to current charter

1920, c. 108 (§ 2)
1952, c. 292 (§ 8-a [added])

§ 1. Be it enacted by the general assembly of Virginia, That the town of Dillwyn, in Buckingham county, shall be, and the same is hereby, made a town corporate by the name of Dillwyn, and that the same shall have and exercise the powers conferred on towns of less than five thousand inhabitants, by law, and be subjected to all the provisions of all laws now in force, or which may hereafter be enacted in reference to the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1912, c. 155)

§ 2. The limits of the town shall be as follows:

Beginning at a point at the eastern corner of said town at the intersection of the Old Bell road with the Sand Clay road, and running thence along the course of said Sand Clay road in a south-westerly direction one thousand seven hundred and sixty-one feet; thence running from said Sand Clay road north thirty-one degrees west two hundred and fifty feet to an oak; thence north twenty-five degrees, east one thousand one hundred and seventy-six feet; thence north eighty-six degrees east eight hundred and seventy-six feet; thence north thirty-one degrees east one thousand six hundred and sixty-four feet; thence south seventy-seven degrees east five hundred and eighty-five feet to an old road; thence along said old road in a westerly direction one hundred and fifty-seven feet; thence south seventy-eight and one-half degrees west three hundred and eight feet to an oak; thence crossing the Chesapeake and Ohio railway south eighty-eight degrees east six hundred and forty feet; thence south fifty-four degrees east five hundred and sixty-two feet; thence north eighty-one and one-half degrees east nine hundred and thirty feet to a rock; thence south one and one-half degrees west eight hundred and eighteen feet to an oak; thence south eleven and one-half degrees east one thousand five hundred and twenty feet to a large oak; thence south three degrees east one thousand two hundred and fifty-five feet to the Sand Clay road leading from Dillwyn to Buckingham court house; thence along said Sand Clay road in an easterly direction one thousand three hundred and forty-nine feet to the intersection of the last mentioned Sand Clay road with the Old Bell road; thence along said Old Bell road in an easterly direction six thousand nine hundred and fifty-five feet to the place of beginning; and crossing the Chesapeake and Ohio railway near the said place of beginning; according to a map of said town made by R. N. Clark, county surveyor of Buckingham county, on January 16, 1918, which map the town council of said town is hereby authorized to have recorded in the clerk's office of the circuit court of Buckingham county, and the clerk of said court upon request of said town council shall record said map on the current deed book in said clerk's office and properly index the same. (1912, c. 155; 1920, c. 108)

§ 3. The officers of the said town shall consist of a mayor, six councilmen, a town clerk, a sergeant and a treasurer; all of whose compensation shall be fixed by the council; the mayor shall by virtue of his office possess all the powers and authority and jurisdiction of a justice of the peace of Buckingham county, Virginia. (1912, c. 155)

§ 4. Until an election is held, as hereinafter provided for, J. Walter Kenney shall be mayor; J. H. Mitchell, W. W. Moore, S. B. Pearson, A. W Carter, R. B. Ranson and E. D. Gregory shall be councilmen. The said councilmen shall have power to appoint annually a sergeant, a clerk, a treasurer, and such other officers as may be necessary to conduct the business of the town, and fix their compensation and prescribe their duties, and require such bond as may be deemed proper and sufficient; all of whom shall hold office until a successor is appointed or elected and qualified as such. (1912, c. 155)

§ 5. Should any of the officers hereby appointed fail or refuse to accept or refuse to qualify in thirty days after their term of office under this act shall begin, then it shall be the duty of the mayor, or in his absence, the majority of the councilmen shall fill all vacancies by appointment. (1912, c. 155)

§ 6. The said council shall have the power to pass all by-laws and ordinances for the proper government of the said town, and not in conflict with the constitution and laws of the State of Virginia or the constitution and laws of the United States. (1912, c. 155)

§ 7. The first election under the charter for election of mayor and councilmen of the said town shall be held on the second Tuesday in June, 1912, and every two years thereafter, and their term of office shall commence on the first day of September after their election, and the said election to be held in accordance with the general election laws of the State of Virginia, and vacancies occurring in said offices shall be filled by the mayor or council in the absence of the mayor. (1912, c. 155)

§ 8. In addition to the powers conferred specifically upon said town, the council shall have power to lay off streets, walks or alleys; alter, improve and light the same, and have them kept in good order; to provide all buildings proper for the use of said town; to provide a prison house; to prevent injury or annoyance from anything dangerous, offensive or unhealthy, and cause any nuisance to be abated; to provide in or near the town water works, and places for the interment of the dead, and to make regulations concerning the building of houses in said town. (1912, c. 155)

§ 8-a. In addition to the other powers conferred upon the council by general law the council shall have power to acquire, construct, reconstruct, maintain and operate a water system and sanitary sewer system or sewer systems to serve the town. In the exercise of such power the council shall have authority to acquire lands or interest therein where reasonably necessary for the proper exercise of such power.

In order to obtain the funds with which to provide such water and sewer systems, the council shall have power to issue bonds in accordance with the provisions of Article 2 of Chapter 19 of Title 15 of the Code of Virginia.

The council shall have power to operate the water system and sewer system as a single combined undertaking as that term is used in paragraph (b) of Section one hundred twenty-seven of the Constitution.

In order to provide for the payment of such bonds the town shall levy taxes without limit as to rate upon real and personal property subject to taxation by the town and the revenue therefrom together with the rents, fees and charges from the system shall be employed to pay the principal and interest of such bonds.

The council shall have power to fix and prescribe the rents, fees and charges of persons using such system and to provide that unpaid charges shall constitute a lien upon the property served, when properly recorded and indexed in the clerk's office of the Circuit Court of Buckingham County.

The council shall have further power to construct the system as a single undertaking in which event the same shall constitute a single undertaking as defined in § 127(b) of the Constitution.

As used in this section the following terms shall have the meanings respectively ascribed them, unless the context requires a different meaning:

(a) The term "water system" shall mean all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water, and any integral part thereof, including water supply systems, water distribution systems, reservoirs, wells, intakes, mains, laterals, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves and equipment, appurtenances, and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the council for the operation thereof.

(b) The term "sewer system" or "sanitary sewer system" means pipe lines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage, industrial wastes or other wastes to a point of disposal. (1952, c. 292)

§ 9. The said council shall also have power to impose a specific license tax on all shows, performances and exhibitions which may be given in said town (except schools, religious and literary entertainments). It shall also have power to impose a specific license tax for the sale of merchandise that may be offered for sale in said town, provided the same shall not exceed that now imposed by law and payable into the State treasury, and to levy annually such taxes as may be deemed necessary on all real and personal property within said town for the purposes of said corporation, provided that said levy shall not exceed fifty cents on the one hundred dollars valuation of property as per State assessment, and provided, further, that the jurisdiction of said town in criminal matters shall extend one mile beyond the corporate limits of said town. (1912, c. 155)

§ 10. The sergeant of said town shall collect all licenses and taxes due said town, and pay the same to the treasurer, and shall receive therefor, in addition to such compensation as may be allowed by said council, a commission of five per centum on all amounts collected by him. (1912, c. 155)

§ 11. Any person selling or offering to sell within the corporate limits of said town any spirituous or malt liquors, wine, cider, sachola, or any other beverage under any name that is intoxicating, shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and in addition he may, in the discretion of the court, be imprisoned not more than sixty days, and shall be required to give bond for twelve months with approved security, in the penalty of five hundred dollars, and conditions that he will not again violate the provisions of this section. For the second and each succeeding offense he shall be fined not less than one hundred dollars, and shall be confined in jail not less than six nor more than twelve months. If he shall fail or refuse to execute the bond herein required, either for the first or any succeeding offense, he shall be confined in jail, in addition to his other punishment, not less than two nor more than six months. (1912, c. 155)

§ 12. That for the purpose of carrying into effect the police regulations of the said town, they shall be allowed the use of the jail of Buckingham county, for the safe-keeping and confinement of all prisoners who shall be sentenced to imprisonment under the ordinance of the said town, and where any judgment shall be rendered against a prisoner for any penalty under any of the laws of the State of Virginia, or any ordinance of the said town, and the same is not immediately paid, the person or persons so in the default may require by order of the mayor or councilmen, who may try such case in the absence of the mayor, so passing sentences, to work out such fines or penalties and cost of prosecutions on the public roads or streets of the said town, or any other public improvements within said town, at fifty cents per day, under the direction of the sergeant and under such rules and regulations as may be deemed proper by the mayor or the council of said town. (1912, c. 155)

§ 13. An emergency existing, in that it is desired to at once improve the material interests of said town, this act shall be in force from its passage. (1912, c. 155)

Drakes Branch, Town of

County of Charlotte

Current charter

Incorporation, 1902-3-4, c. 150.

Amendments to current charter

1998, c. 275 (§§ 1, 2, 3, 4 [repealed], 5 [repealed])

§ 1. The community of Drakes Branch, in the County of Charlotte, as the same has heretofore been or may hereafter be laid off in lots, streets, and alleys shall be, and the same is hereby, made a town corporate by the name of Drakes Branch, and by that name shall have and exercise all of the rights, powers, liabilities, and restrictions imposed by law for the government of towns of less than five thousand inhabitants. (1903, c. 150; 1998, c. 275)

§ 2. The boundaries of said town shall be embraced within the limits of one mile extending north, south, east, and west from a point in the center of the intersection of the public road with the track of the main line of the Southern Railway at the railroad station, making an area of two miles square. (1903, c. 150; 1998, c. 275)

§ 3. The officers of said town shall be a mayor, a council consisting of six members, and such other officers as the council may deem proper and necessary for the government of the town and the conduct of its business. The mayor and council shall be elected for a term of four years beginning with the election of 1998. (1903, c. 150; 1998, c. 275)

§ 4. (1903, c. 150; repealed 1998, c. 275)

§ 5. (1903, c. 150; repealed 1998, c. 275)

Dublin, Town of

County of Pulaski

History of incorporation

Incorporated by an 1871 Act of Assembly.
Incorporation and charter, 1871, c. 113.
Incorporation and charter, 1906, c. 206; repealed 1958, c. 362.

Current charter

Charter, 1958, c. 362.

Amendments to current charter

1964, c. 22 (§§ 4.2, 5)
1975, c. 357 (§ 5)

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Dublin, Virginia, County of Pulaski, as hereinafter set out and described, or as the same may be hereafter altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Dublin, and as such shall have and may execute all powers which will now, or may hereafter, be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as if such powers were specifically enumerated herein; and no enumeration of particular powers herein shall be held to be exclusive, and said Town shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and be subject to all the duties and obligations now appertaining to and incumbent on said Town as a municipal corporation, and the Town of Dublin, as such, shall have perpetual succession, may sue, and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1958, c. 362)

§ 2. The adoption of this Charter shall not in anywise affect the validity of any contract or obligation of the Town of Dublin, which is not inconsistent with the provisions of this Charter, and which is otherwise valid. (1958, c. 362)

§ 3. Town boundaries.

The corporate limits of the Town of Dublin, Virginia, until altered as provided by law, shall embrace the territory within the following boundaries, to-wit:

BEGINNING at a point in the west line of the Giles Turnpike (Virginia State Route 100) and which said point marks the corner common to the lands of S. H. Bell and the Dublin School lot; thence North 00° 28' West 135 feet to a point; thence North 6° 28' East 878 feet to a point; thence South 62° 49' East 942.2 feet to a point; thence North 50° 06' East 406.8 feet to a point; thence South 71° 48' East 1,508.7 feet to a point; thence North 70° 08' East 590 feet to a corner at the cemetery; thence following along the west line of said cemetery S. 3° 06' East 303 feet; thence North 86° 45' East 122 feet; thence South 16° 08' East crossing the Lee Highway (U, S. Route No. 11) and the Norfolk and Western Railway right-of-way 824.5 feet to the North line of the old Lee Highway (alternate U. S. Route No. 11); thence with the north line of said old Lee Highway South 62° 54' West 338.4 feet to a point; thence South 13° 00' East crossing said old Lee Highway and the Dunlop Road 2,633 feet to a point in the north line of Powder Plant Road; thence with the Powder Plant Road South 37° 00' West 363 feet to a point; thence leaving said Powder Plant Road South 76° 00' West 2,390 feet to a corner at the Dublin Pump House lot; thence South 31° 39' West 361 feet; thence North 35° 56' West 550 feet; thence South 25° 25' West 1,860 feet; thence South 62° 06' West crossing Dublin-Newbern Road (Virginia State Route No. 100) 310 feet; thence North 30° 34' West 115.2 feet; thence North 88° 30' West 609 feet; thence North 00° 25' East 829.5 feet; thence North 20° 03' West 760.8 feet; thence North 20° 00' West crossing the Norfolk and Western Railway right-of-way and U. S. Route No. 11, 1,625 feet to a point; thence North 36° 00' East 1,080 feet; thence North 26° 54' West 1,k250 feet; thence North 52° 30' East 1,625 feet to the point of beginning and containing 235.5 acres. (1958, c. 362)

§ 4. Continuity.

The present mayor, council and officers of the Town of Dublin shall continue in office until the expiration of the term for which they were respectively elected, and until their successors shall be elected and shall have qualified. (1958, c. 362)

§ 4.1. Administration and government.

The administration and government of the Town shall be vested in a Council composed of a Mayor and six Councilmen, who shall have full power and authority, except as herein otherwise provided, to exercise all the power conferred upon the Town by this Charter, or by general law, and to pass all laws, ordinances, rules, and regulations relating to its municipal affairs and for the proceedings of

Council, subject to the Constitution and general laws of the State and of this Charter, and shall have full and complete control of all fiscal and municipal affairs of the Town and of all its real and personal property, and may from time to time amend or repeal any or all of the said ordinances, rules, or regulations for the proper regulation, management, and government of the said Town, and may impose fines and penalties for the violations or nonobservance thereof.

The Council shall establish salaries and wages and provide for the payment to all town officers and employees of such salaries or compensation, if any, as the Council may deem in their discretion, from time to time, to be just and proper; all employees who shall be discharged by, or have a grievance against their superiors, shall have the right to have the case reviewed by the Council, and the Council shall have full and complete rights, powers, and final determination in all such matters.

The Council may require the attendance of its officers, agents, appointees, or employees at its meetings, and may further require reports to be submitted. (1958, c. 362)

§ 4.2. Composition of Council; qualification of Mayor and Councilmen, elections generally; Council to be continuing body; vacancies in Council; appointment of town officers; insufficient candidates for Council; quorum of Council; compensation of Councilmen and Mayor.

The Mayor and members of the Council in office on January 1, 1975, shall continue to serve in office until June 30 of the year in which their current terms expire. The Mayor and all Councilmen shall be residents of the Town of Dublin and Councilmen shall be elected at large during municipal elections which shall be held in every even-numbered year on the day specified by general law for the holding of municipal elections. During each such election, three Councilmen shall be elected for terms of four years each, and shall enter upon the discharge of their duties on the first day of July next succeeding their election and shall continue in office until their successors are qualified.

Therefore three councilmen shall be elected pursuant to general law in 1976 to replace councilmen whose terms will expire June 30, 1936, and three councilmen shall be elected pursuant to general law in 1978 to replace councilmen whose terms will expire June 30, 1978. The Mayor shall be elected for a term of four years as hereinafter provided in § 5.

All elections in the Town of Dublin shall be conducted pursuant to, and in accordance with, the general laws governing the holding of elections for towns.

The Council shall be a continuing body, and no measure pending before such body, contracts, or obligations incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body, or any of them.

Vacancies in the Council shall be filled within thirty days, for the unexpired terms, by a majority vote of the remaining members; in the event of a failure to so fill any such vacancy within the time specified, the same shall be filled by appointment of the Circuit Court of Pulaski County.

The Council may create, appoint, or elect a clerk, treasurer, attorneys, departments, bodies, committees, boards, or other offices as are provided for by this Charter, or as permitted or required by general law to be created, appointed, or elected, or as may, by the Council, be deemed necessary or proper to carry out and perform the powers and duties of the Town of Dublin, granted by this Charter or by the general laws of the Commonwealth.

All of the aforesaid officers or employees, who shall be appointed or employed, shall hold office at, and during, the pleasure of the Council, and said officers and employees shall qualify and take such oath as is prescribed by law, and shall execute such bonds as may be prescribed by resolution of the Council. Upon the failure of any Council, after being duly qualified, to appoint such officers and employees, all such officers and employees then in office shall so continue in office until removed by that, or a succeeding Council. The same person may be appointed to fill two offices at the discretion of the Council.

In the event there are no, or not sufficient, candidates at any regular municipal election to fill the offices of Councilmen or Mayor, the new Council is empowered to fill such vacancies in the manner and within the time hereinabove specified, provided Councilmen elected constitute a quorum; if no quorum is available within the new Council, vacancies upon the Council may be filled by the old or retiring Councilmen prior to the expiration of their term of office. In the event they fail to fill such vacancies, then said vacancies shall be filled by appointment of the Circuit Court of Pulaski County.

The majority of all members of Council, exclusive of the Mayor, shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of the members absent.

The Councilmen and Mayor shall receive such compensation for their services as the Council shall, from time to time prescribe, but any raise in the salaries of Councilmen or Mayor shall not become effective until the expiration of the term of office of the Council voting the raise in salary, and no such raise shall be voted on between the first day of April and the first day of July, during any year in which the municipal election is held, and the Council shall not have the right to decrease the salaries of Councilmen or Mayor during said period of time. (1958, c. 362; 1964, c. 22; 1975, c. 357)

§ 5. Election of Mayor; duties and powers of Mayor; Vice-Mayor; oath of Mayor and Councilmen.
The Mayor shall be elected at large by the qualified voters of the Town for a term of four years at the municipal election held in 1976, and each four years thereafter, and shall enter upon the discharge of his duties on the first day of July, next succeeding his election, and shall continue in office until his successor qualifies.

Any resident qualified to vote in the town election in which he offers, shall be eligible for the office of Mayor.

The Mayor shall receive such compensation as the Council shall provide, but shall not vote on the question of his salary, and shall not preside or be present when such question is voted upon.

The Mayor shall be the chief executive officer of the Town, and shall be recognized as the official head of the Town for all purposes; it shall be his duty to see that the laws and ordinances thereof are fully executed, and he shall perform such other duties as are prescribed by this Charter or by general law. He shall preside over the meetings of the Council and appoint the necessary committees or departments for the dispatch of business of the Town, subject to the approval of the Council.

The Mayor, as a member of the Council, shall vote only in the case of a tie. It shall be his duty to see that the various officers, when elected or appointed, shall perform their duties in a proper and faithful manner. He shall have the right to investigate their acts, have access to all books and documents in their office, and may examine them on oath. Such course of action may be subject to the right of Council to rehear and make final determination as to the controversy; upon such hearing of the Council, final action must be by a two-thirds majority of the members present.

The Mayor, with consent of the Council, shall appoint a Chief of Police and such other police officers or force as he shall deem necessary.

The Council shall, at its first meeting in July after the effective date of this act, choose a Vice-Mayor from its members, and thereafter, shall, at its first meeting after each election of Council and Mayor, choose one of its members as Vice-Mayor.

The Vice-Mayor shall perform the duties of the Mayor during or at the absence or disability of the Mayor. In the event of death, removal, or resignation of the Mayor, the Councilmen shall appoint a member of the Council, or some other resident freeholder of the Town of Dublin, to serve as Mayor for the unexpired term. If a member of Council be chosen for such unexpired term, such Councilmen shall be deemed to have surrendered his office of Councilman, and the office shall thereupon be vacant, and shall be filled as herein provided.

The six Councilmen and Mayor shall be voted on as herein provided by all the qualified voters who are residents of the said Town. Every person elected as Councilman of the Town, shall, on or before the day on which he enters upon the performance of his duties, qualify by taking or subscribing an oath faithfully to execute the duties of the office to the best of his judgment; and the person elected Mayor shall take and subscribe the oath prescribed by law for State officers. Upon the failure of any person elected as Councilman or Mayor to take the oath of office, and qualify on, or before the date for beginning of their term, or within ten days from the time their respective terms of office would have begun, then such office shall be deemed vacant and shall be filled as herein elsewhere provided.

Any such oath of Mayor shall be taken before the Clerk or Deputy Clerk of the Circuit Court of Pulaski County, and shall, when so taken and subscribed, be forthwith returned to the Clerk of the Council, who shall enter the same of record in the minute books of the Council, or may be filed with the Clerk who administered the oath. Oath of Councilmen shall be taken before the Mayor and filed with the Clerk. (1958, c. 362; 1964, c. 22; 1975, c. 357)

§ 5.1. Mayor to act as trial officer.

In addition to his other duties and powers, the Mayor shall have power to issue warrants, summon witnesses, and exercise exclusive jurisdiction to try cases involving violations of Town Ordinances; and shall perform all the duties, and have all the powers in reference to this Court, as have been, and are being performed by the Mayor, under the powers granted by the present Charter for the Town of Dublin. In exercising the jurisdiction herein conveyed, he may exercise the powers and shall perform the duties of a judge of a county court as provided by the laws of the State of Virginia, except that he shall not be required to be a licensed attorney. The fees and costs in connection with such cases shall be the same as are authorized by law to be charged, taxed, and collected by judges of county courts for similar services, and such fees and fines collected shall promptly be paid into the Treasury of said Town. Provided, however, that the Council may, at any time it deems the same expedient, appoint a police justice for the Town other than, and in place of, the Mayor, who shall be a resident and qualified voter of said Town (unless the Council be of the opinion that a suitable qualified resident and voter is not available, in which event the Council may appoint a nonresident to serve as police justice). Any such police justice shall serve during the pleasure of the Council, shall give such bonds as the Council requires, and shall receive such compensation for his duties as the Council may fix. Such police justice, if appointed, shall have, during his term, and to the exclusion of the Mayor, the same powers and jurisdiction as are hereinabove conferred upon and vested in the Mayor, and exercise the same in like manner.

The Council shall have the power and authority to appoint one or more issuing justices or one justice of the peace for the Town of Dublin, to serve at the pleasure of said Council, who, when appointed, shall be conservators of the peace, and shall have the power and authority to issue warrants or other processes, and summon witnesses, for violations of Town Ordinances, but all such warrants and processes shall be returnable before the Mayor or police justice if there be one. Such issuing justices or justices of the peace shall have the power to admit to bail any person or persons held in violation of a Town Ordinance. Fees for services shall be the same as that prescribed by state law for justices of the peace, and shall be the only compensation received by said justices for their services as such. (1958, c. 362)

§ 5.2. Times of meetings, regulation, and rules of Council.

The Council shall, by ordinance or resolution, fix the time of their regular meetings, and they shall meet at least once a month. Special meetings may be called at any time by the Mayor or by three members of Council, provided all members are duly notified a reasonable period of time prior to such meeting; no business shall be transacted at a special meeting thereof, except that for which it shall be called, unless all members of the Council present shall give their consent.

The Council shall set and provide all rules and regulations for the conduct of its meetings and its affairs, and shall do such other things as it, in its discretion, deems necessary for the orderly carrying on of its business.

No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting, there be as many members of the Council present as were present when such vote was taken.

The Council shall have all power and authority that is now or may hereafter be granted to councils of towns by general law of this State, and by this Act, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of this State to town councils, but not herein specified. (1958, c. 362)

§ 6. Powers of the Town.

The Town shall have the power to do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, conduct, education, morals, peace, government, health, trade, commerce or industry of the Town, or its inhabitants. The Town may adopt and enforce ordinances to carry into effect the powers of the Municipal Corporation, and impose penalties for violations. The maximum penalty for violation of any such ordinance shall not exceed a fine of One Thousand Dollars ($1,000), or imprisonment in jail or on a jail farm for Twelve (12) months, or both. Notwithstanding that an ordinance may prescribe a penalty for its violation, the Town may sue for an injunction to restrain the violation thereof. (1958, c. 362)

§ 6.1. Confinement of prisoners.

Able-bodied persons sentenced to confinement in jail may be compelled to work on a jail farm or elsewhere in municipal service, or on a specially provided municipal farm, as may be prescribed by ordinance. (1958, c. 362)

§ 6.2. Taxes, assessments and licenses.

(a) The Town may raise annually by assessments and taxes on all subjects of taxation in the Town, which are not forbidden by law, such sums of money as in the judgment of the Council are necessary for the purposes of the Town, in such manner as the Council deems expedient, subject to any restrictions imposed by law, and more particularly that not tax upon real or personal property in said Town shall exceed three dollars ($3.00), upon the one hundred dollar ($100.00) assessed value of real and personal property, without the affirmative vote of the majority of citizens voting, as determined by a referendum held for this purpose.

It shall be the duty of said Town to levy annually on all taxable property in said Town a tax sufficient to pay the interest on all bonds for said Town as such interest falls due, and also sufficient to pay the principal of said bonds, or to provide sufficient sinking funds for the payment of said bonds at maturity.

(b) Whenever, in the judgment of the Council of the Town, it is advisable in the exercise of any of the powers of such Town or in the enforcement of any of its ordinances or regulations, it may provide for the issuance of licenses or permits in connection therewith, establish the amount of the fee to be charged the licensee or permittee, and require from the licensee or permittee a bond and an insurance policy of such character and in such amount and upon such terms as it may determine.

(c) The Town may impose special or local assessments for local improvements and enforce payment thereof, under, and subject to, the limitations prescribed by § 170 of the Constitution, and by the Code of Virginia. Subject to such limitations it may also order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the Town and the abutting landowners.

Any such special or local assessment shall constitute a lien on the property benefited and may be collected in the manner prescribed by law for the collection of real estate taxes. Such lien shall be valid against subsequent purchasers and creditors if duly recorded and indexed in the manner provided by law for recording and indexing other liens. (1958, c. 362)

§ 6.3. Condemnation.

(a) The Town may acquire by condemnation or otherwise any interest or right of any owner of abutting property in the construction or use of any sewer, culvert or drain, and thereafter impose a reasonable charge upon said landowner for the use of such sewer, culvert or drain.

(b) The Town may acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without the town; and for any of the purposes of the Town, it may hold, improve, sell, lease, mortgage, pledge, or otherwise dispose of the same or any part thereof; and control and regulate the use and management of all its property.

(c) The Town may also decline to accept any gift, donation, bequest or grant from any source, if, in its judgment, such would be in the best interests of the Town.

(d) The Town shall not take or use any private property for any public purpose without paying the owner thereof just compensation; but the Town is authorized to acquire by condemnation proceedings, lands, buildings, structures and personal property, or any interest, right, easement or estate therein, of any person or corporation, whenever a public necessity exists therefor, which purpose and necessity shall be expressed in the resolution or ordinance directing such acquisition, and whenever the Town cannot agree with the owners of such property on terms of purchase or settlement. Proceedings under this paragraph shall be instituted in the circuit court having jurisdiction in the Town of Dublin if the subject to be acquired is located within its corporate limits; or if not therein located, in the circuit or corporation court of the county or city in which the land is located. If partly within a county and partly within a city, then the corporation court of the city shall have concurrent jurisdiction in such condemnation proceedings with the circuit court of the county.

(e) The Town may exercise the same powers as to condemnation as are provided in Title 25 of the Code of Virginia, or other general law, or as are conferred on the State Highway Commissioner under Article 5 of Chapter 1 of Title 33 of the Code of Virginia.

In the exercise of the authority granted in § 33-70 of Article 5 of Chapter 1, Title 33, of the Code of Virginia, as amended, the Town shall use said authority in connection with the acquisition, construction, operation or maintenance of water, or sewerage disposal system, airports, streets, roadways or alleys, and facilities related thereto.

(f) The Town, in the exercise of the power of eminent domain, pursuant to the provisions of this act, shall be subject to the provisions of § 25-233 of the Code of Virginia when the interest sought is held by another corporation having the power of eminent domain. (1958, c. 362)

§ 6.4. Fiscal powers.

The Council of the Town may make appropriations, subject to any limitations imposed by this Charter or by general law, and in accordance therewith, for the support of the town government and all other lawful purposes.

(1) Subject to the provisions of the Constitution and statutes of Virginia, the Council may, in the name and for the use of the Town, borrow money and make and issue evidence of indebtedness.

(2) The Council shall provide for the control and management of the fiscal affairs of the Town, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the Town of Dublin, as may be necessary to give full and true accounts of the affairs, resources and revenues of the Town, and the handling, use and disposal thereof.

(3) The Council may establish, abolish or change departments, offices, branches, and agencies of the Town Government, and establish powers, duties and functions thereof.

(4) All bonds and other evidences of indebtedness of the Town shall be signed by the Mayor and counter-signed by the Town Clerk; and to all bonds, the Clerk of the Town shall affix the corporate seal of the Town and attest the same. (1958, c. 362)

§ 6.5. Public health and welfare.

The Town may preserve the public health and welfare of its inhabitants and to this end the Town may:

(a) regulate and inspect the production, preparation, distribution and sale of milk, other beverages, and food, and the sanitation of establishments in which the same is carried on; condemn, seize and dispose of any adulterated, impure, or dangerous beverage or food without liability to the owner thereof; provide water and sewer systems, require connections therewith, and fix rates and charges therefor; construct, maintain and operate sewage disposal works within or without the corporate limits of the Town of Dublin; regulate the installation, maintenance and condition of sewers, pipes,

toilet facilities and plumbing; regulate the disposal of human excreta where sewerage is not available, and require septic tanks or other adequate sanitary facilities; collect and dispose of garbage and other refuse, and construct, maintain and operate, within or without the Town, incinerators, dumps or other facilities for such purpose; and provide for the sanitation of swimming pools and lakes;

(b) provide hospitals within or without the Town, for the care and maintenance of the sick; and regulate, in the interest of public health, private hospitals and other institutions or facilities for the care of the sick; take measures to control the introduction or spread of infectious or contagious diseases and require the removal of persons suffering from such diseases to hospitals provided for them;

(c) provide for the care, support and maintenance of children and the aged, insane or destitute persons, and provide and maintain institutions for such purposes;

(d) provide and maintain, either within or without the Town, such other charitable, recreative, curative, detentive, or penal institutions as may be necessary or expedient including public libraries;

(e) grant financial aid to military units organized in the Town, in accordance with the laws of the Commonwealth, and to charitable or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the Town of Dublin; and

(f) regulate cemeteries and burials therein, prescribe records to be kept by owners thereof, and prohibit burials except in public cemeteries; and establish, own, maintain and operate cemeteries within and without the town, make contracts for their perpetual care, and establish prices and rates to be charged for lots, graves or services in connection therewith. (1958, c. 362)

§ 6.6. Protection of life and property, private and public.

The Town shall protect life and property, private and public, within the corporate limits, and prohibit and provide punishment for offenses against the peace, good order and morals of the Town and its inhabitants. Without limitation on the foregoing, it shall have the following specific powers:

(a) To regulate the use of recreational facilities, airports and other public properties, whether located within or without the town limits of Dublin; and all such properties shall be under its police jurisdiction for purposes of enforcement of such regulations; all police officers of the Town shall have jurisdiction to make arrests on any such property for violations of such regulations; the police court of the town shall have jurisdiction in all cases arising thereunder within the municipal corporation, and the county court of the county wherein the offense occurs shall have jurisdiction of such cases arising without the town limits. Appeals may be taken, in any such cases, to the court of record having jurisdiction;

(b) To provide precautionary measures against danger from fires, to establish zones within the Town, and prescribe the type of buildings which may be constructed therein, and to do all things necessary to protect lives and property from fire hazards;

(c) To regulate the construction, maintenance and repair of buildings and other structures, and plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purposes of preventing fire and other dangers to health and life;

(d) To regulate or prohibit the exercise of any dangerous, offensive, or unhealthful business, trade, or employment, the transportation of any offensive or dangerous substance, the manufacture, storage, transportation, possession and use of explosive or inflammable substances, and the use and exhibition of fireworks and discharge of firearms; and

(e) To regulate auction sales, regulate the conduct of and prescribe the number of pawn shops, regulate or prohibit peddling, prevent fraud in the sale of goods, and provide for the inspection and testing of weights and measures used for the sale of goods within the Town. (1958, c. 362)

§ 6.7. Nuisances.

(a) The Town may compel the abatement or the removal of all nuisances, and to this end may compel the removal of weeds from the private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the razing or draining of grounds covered by stagnant water; and the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants thereof or the public. If after such reasonable notice as the governing body may prescribe by ordinance, the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to abate or obviate the condition or nuisance, the town may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of taxes.

(b) The Town may regulate the emission of smoke, the construction, installation and maintenance of fuel burning equipment, and the methods of firing and stoking furnaces.

(c) The Town may regulate or prohibit the running at large or the keeping of animals and fowl, and provide for the impounding and confiscation of any animal or fowl found at large or kept in violation of such regulations. (1958, c. 362)

§ 7. Buildings and structures for municipal use.

(1) The Town may acquire or construct, maintain and operate such buildings and other structures as it deems necessary or useful in carrying out its powers and duties. This power shall specifically include, but shall not be limited to, the following powers:

(a) To acquire or construct, maintain and operate parking lots, garages, buildings and land for parking or storage of vehicles;

(b) To acquire or construct, maintain and operate airports, within or without the corporate limits of the Town, and land and structures appurtenant thereto under state laws;

(c) To acquire or construct, maintain and operate stadia, arenas, swimming pools and other sports facilities; and

(d) To acquire or construct, maintain and operate armories, libraries and markets;

(e) The management and control of such facilities shall be vested in such officers or bodies as the governing body shall prescribe by ordinance; provided, that the governing body may enter into leases or agreements for the operation of such facilities by any person, firm or corporation on such terms and conditions as it may determine;

(f) The governing body may make or permit the charging of fees or charges in amounts fixed or approved by it for use of or admission to such facilities, or for concessions in connection with any such facility. (1958, c. 362)

§ 7.1. Streets, alleys, sidewalks, etc.

(a) The Town may establish, construct, improve and maintain public streets, including limited access or express highways, alleys and sidewalks, bridges, viaducts, subways and underpasses, and shall have the same power as to streets, alleys, or public places conveyed to it or dedicated to public use as over other streets, alleys or places; may acquire, own, maintain, improve and operate public parks and playgrounds; may regulate the use of such streets, alleys, sidewalks, parks, and playgrounds, including the power to regulate traffic thereon to the extent permitted by the general laws of Virginia; may regulate the erection or laying of telephone, telegraph or electric wires or cables, and the services to be rendered and rates to be charged by all public vehicles carrying passengers or freight for compensation except such as are subject to regulation by the State Corporation Commission or the Interstate Commerce Commission; may construct and maintain, or aid in constructing and maintaining, public roads, and bridges beyond the limits of the Town, and any property owned by the Town and situated beyond the corporate limits thereof, and may do all things necessary to make such streets, roads, alleys and sidewalks safe, convenient and attractive.

(b) The Town may grant or authorize the issuance of permits under such terms and conditions as the governing body may impose for the use of streets, alleys and other public places by railroads, and vehicles for hire; prescribe the location in, under or over, and grant permits for the use of streets, alleys

and other public places for tracks, poles, wires, cables, pipes, conduits and bridges, subways, vaults, areas and cellars; require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; and charge and collect compensation for the privileges so granted. No such use shall be made of the streets, alleys and other public places of the town without the consent of the council.

(c) The Town may prevent any obstruction of or encroachment over, under, or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment, remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes; require the owner or owners, the occupant or occupants of the property so obstructing or encroaching to remove the same; pending such removal, to charge the owner or owners of the property so obstructing or encroaching, compensation for the use of such portion of the street, alley, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied, if it were owned by the owner or owners of the property so obstructing or encroaching; and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the governing body may prescribe, but such authorization shall not relieve the owner or owners, occupant or occupants of the property encroaching, of any liability for negligence on account of such encroachment; and recover possession of any street, alley, sidewalk or other public place, or any other property, of the town by suit or action in ejectment. (1958, c. 362)

§ 8. Franchises.

(a) Subject to the provisions of the Constitution and the statutes of the State of Virginia, the Town may grant franchises for public utilities, and regulate the services rendered and rates charged by any utility which is not subject to regulation by the State Corporation Commission.

(b) The Town may acquire, construct, own, maintain and operate, within and without the Town, water works, gas plants and electric plants, with the pipe and transmission lines incident thereto, to be managed and controlled as the governing body may, by ordinance provide, for the purpose of supplying water, gas and electricity within and without the town; charge and collect compensation therefor; and provide penalties for the unauthorized use thereof. (1958, c. 362)

§ 9. Pensions.

The Town may establish a system of pensions for injured, retired or superannuated officers and employees thereof, and establish a fund or funds for the payment of such pensions by making appropriations out of the treasury of the Town, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by any combination of these methods or by any other method not prohibited by law, provided that the total annual

payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pension to be paid therefrom, and provided further that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever, nor shall any assignment of such benefits be enforceable in any court. (1958, c. 362)

§ 10. Miscellaneous provisions.

(1) All ordinances now enforced in the Town of Dublin, not inconsistent with this Act, shall be and remain in force until altered amended or repealed by the Council.

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

(3) This Act may, for all purposes, be referred to or cited as the Dublin Charter of 1958. (1958, c. 362)

Duffield, Town of

County of Scott

History of incorporation

Incorporation and charter, 1893-94, c. 68; repealed 1996, c. 211 (except § 2).

Current charter

Charter, 1996, c. 211.

Amendments to current charter

2010, cc. 138, 209 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Duffield as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Duffield, and as such shall have perpetual succession; may sue and be sued, plead and be impleaded, and contract and be contracted with; and may have a corporate seal which it may alter, renew or amend as its pleasure. (1996, c. 211)

§ 1.2. Boundaries.

The boundaries of the town are those established in Chapter 68 of the Acts of Assembly of 1893-94 and by the orders of the Circuit Court of Scott County heretofore or hereafter entered. (1996, c. 211)

Chapter 2. Powers.

§ 2.1. Powers.

The Town of Duffield shall have all powers conferred upon towns under the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia, as now existing or as may be added or amended from time to time, are hereby specifically conferred upon the Town of Duffield. (1996, c. 211)

Chapter 3. Governing Body.

§ 3.1. Council.

A. The Town of Duffield shall be governed by the town council, composed of five members, elected at large.

B. The members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. Beginning in 2010 and every four years thereafter on the dates specified by general law for municipal elections, the five members of the council shall be elected for terms of four years each. The persons so elected shall qualify and take office on July 1 following their elections, and they shall continue to serve until their successors are duly elected and qualified and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman.

E. Vacancies on the council shall be filled for the unexpired term by a majority vote of the remaining members of the council. Any person qualified for the office of councilman may be chosen to fill a council vacancy. (1996, c. 211; 2010, cc. 138, 209)

§ 3.2. Mayor.

A. The mayor of the Town of Duffield shall be chosen from the council by a majority of council members for a term of two years. The mayor shall continue to serve until his successor is duly chosen, qualifies and assumes office.

B. A vacancy in the office of mayor shall be filled for the unexpired term by a majority of the council members from among the remaining council members.

C. The mayor shall be president of the council and shall have a vote. He shall be recognized as head of the town government for ceremonial purposes and by the governor for purposes of military law. He shall perform such other duties as may be assigned to him by the council not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth or provisions of this charter. (1996, c. 211)

Chapter 4. Miscellaneous.

§ 4.1. Ordinances continuing.

All ordinances now in force in the Town of Duffield, not inconsistent with this charter shall remain in force until altered, amended or repealed by the council. (1996, c. 211)

§ 4.2. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations or authorizing the contraction of indebtedness, each ordinance or resolution shall be confined to one general subject. (1996, c. 211)

§ 4.3. Town officers.

A. At its organizational meeting held following the qualifications of the mayor and members of council in each even-numbered year, the council may, in its discretion, appoint a town manager who shall serve as the chief administrative officer to the town.

B. The council may, at its discretion, appoint a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. The town clerk and/or the town treasurer shall be a resident of the town. The council shall further provide the terms of the officers or, if there are no terms, shall indicate that the officers serve at the pleasure of the appointing authority.

C. Each officer shall have such duties as are specified by the appointing authority not inconsistent with the Constitution and general laws of the Commonwealth and this charter and shall receive such compensation, if any, as the council may prescribe.

D. The same person may be appointed to more than one office.

E. In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1996, c. 211)

§ 4.4. Water and sewer charges.

In operating public water and sewer services, the town may charge a different rate for services furnished to customers outside the corporate limits from the rate charged for similar services to customers within the corporate limits. The town may provide by ordinance that all unpaid water or service charges and interest thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided. (1996, c. 211)

§ 4.5. Eminent domain.

The powers of eminent domain which may be exercised by municipal corporations under the provisions of Titles 15.1 and 25 of the Code of Virginia, as amended, are hereby conferred upon the Town of Duffield. (1996, c. 211)

Dumfries, Town of

County of Prince William

History of incorporation

Incorporated by a 1749 Act of Assembly.
Incorporation and charter, 1871-2, c. 288 (never formally repealed, but entirely set out in the chapters of 1879-80 and 1887).
Charter, 1879-80, c. 164.
Charter, 1887, c. 361; repealed 1994, c. 99.

Current charter
Charter, 1994, c. 99.

Amendments to current charter
2003, c. 783 (§§ 2.03, 2.04, 3.01, 3.07, 3.08, 4.02, 5.02, 10.03)
2019, cc. 310, 311 (§§ 1.02, 3.01, 6.02, 6.04, 10.03)

Article I. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the Town of Dumfries, as the same are now or may hereafter be established by law, shall constitute and continue to be a body politic and corporate under the name of the Town of Dumfries, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (1994, c. 99)

§ 1.02. Boundaries.

The present boundaries of the Town of Dumfries are as set out in a decree entered in Prince William County Circuit Court Law Case No. 2285, styled "In the Matter of the Annexation of Part of the Territory Known as Dumfries [now known as Potomac] Magisterial District to the Town of Dumfries," on the 30th day of December, 1966. Future boundaries shall be the same unless changed in accordance with law. (1994, c. 99; 2019, cc. 310, 311)

Article II. Powers.

§ 2.01. General grant of powers.

The Town of Dumfries shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers which, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but in addition to this general grant. (1994, c. 99)

§ 2.02. Construction.

The powers which are now or may hereafter be conferred upon or delegated to the town under the Constitution and general laws of the Commonwealth and this charter shall be construed liberally so as to best effectuate the use of such powers. (1994, c. 99)

§ 2.03. Adoption of certain sections of the Code of Virginia.

The Town of Dumfries shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in Title 15.2 of the Code of Virginia. (1994, c. 99; 2003, c. 783)

§ 2.04. Eminent domain and other powers relating to property.

The powers of eminent domain as set forth in Title 15.2 and Title 25 of the Code of Virginia are hereby conferred upon the town, including the power to issue certificates pursuant to §§ 33.1-119 through 33.1-132 of the Code of Virginia. (1994, c. 99; 2003, c. 783)

Article III. The Council.

§ 3.01. Election, qualification and term of office.

(a) The Town of Dumfries shall be governed by a town council elected at large and composed of a mayor and six other members, all of whom shall be qualified voters of the town. Candidates for town offices shall not be identified on the ballot by political affiliation. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506 of the Code of Virginia (1950), as amended.

(b) On the Tuesday after the first Monday in November 2022, and every four years thereafter, there shall be elected by the qualified voters of the town a mayor and three council members from the town at large. On the Tuesday after the first Monday in November 2020, and every four years thereafter, there shall be elected three council members from the town at large.

(c) The persons elected shall take office on January 1 succeeding their election and remain in office until their successors have qualified and taken office. (1994, c. 99; 2003, c. 783; 2019, cc. 310, 311)

§ 3.02. Powers of council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of the Commonwealth of Virginia, and shall have the power in their discretion to appoint a town manager and a town attorney. The person so appointed shall have such duties and shall serve for such terms and at such compensation as the council may determine. One person may be appointed to more than one office. (1994, c. 99)

§ 3.03. Mayor.

The mayor shall preside at meetings of the council and shall be recognized as head of the town government for ceremonial purposes and by the governor for the purposes of military law. He shall have the same powers and duties as other members of the council with a vote, but no veto powers. (1994, c. 99)

§ 3.04. Vice mayor.

At its first meeting in July of every even-numbered year the council shall select from its membership one member to serve as a vice mayor. The vice mayor shall preside over meetings of council in the absence of the mayor. (1994, c. 99)

§ 3.05. Vacancies.

Vacancies on the council and in the office of mayor and vice mayor shall be filled by a majority vote of the members of council until the vacancy is filled in accordance with the provisions of Title 24.2 of the Code of Virginia. (1994, c. 99)

§ 3.06. Procedure.

(a) No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

(b) The council shall have the power, subject to the provisions of this charter, to adopt its own rules of procedure, which rules shall be for the convenience of the council only. Such rules shall provide for the time and place of holding regular meetings of the council which shall be at least once each month. They shall also provide for the calling of special meetings by the mayor or any two members of the council and shall prescribe the methods of giving notice thereof. A majority of the council shall constitute a quorum for the transaction of business. The mayor shall count as a member of council for purposes of the quorum. No ordinance, resolution, motion or vote, other than motions to adjourn, to fix the time and place of adjournment and other motions of a purely procedural nature, shall be adopted by the council except at a meeting open to the public. (1994, c. 99)

§ 3.07. Ordinances.

(a) Action requiring an ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the town council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Article VI with respect to the real property tax levied by adoption of the budget;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for its services by the town;

(6) Authorize the borrowing of money;

(7) Convey or lease or authorize the conveyance or lease of any lands of the town.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution if not in conflict with law.

(b) Form. Every proposed ordinance shall be introduced in writing and in the form required for adoption. The enacting clause shall be "Be it ordained by the Council of the Town of Dumfries . . . ."

(c) Procedure. An ordinance may be introduced by any member at any regular or special meeting of the council. Each proposed ordinance or resolution shall be introduced in a written or printed form. No ordinance shall be adopted on the same day it is introduced unless an emergency exists and such emergency is stated in the ordinance.

(d) Effective date. Except as otherwise provided in this charter, every adopted ordinance shall become effective from its passage or at any later date specified therein.

Provided that where state law provides a different procedure for enactment of an ordinance the state law shall take precedence. (1994, c. 99; 2003, c. 783)

§ 3.08. Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in subsection (b) of § 6.06. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After its adoption the ordinance shall be posted on the public bulletin board located in town hall. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. (1994, c. 99; 2003, c. 783)

§ 3.09. Authentication and recording; codification; printing.

(a) Authentication and recording. Every ordinance or resolution upon its final passage shall be recorded by the town clerk in a properly indexed book designated for the purpose and shall be authenticated by the signature of the presiding officer and the town clerk.

(b) Printing of ordinances and resolutions. The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed or otherwise reproduced promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Dumfries Town Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further

arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the Commonwealth of Virginia, or the codes of technical regulations and other rules and regulations included in the town code. (1994, c. 99)

§ 3.10. Committees, boards and commissions.

Creation and appointment. The council may create committees, boards and commissions to be composed of such numbers of citizens as the council may deem expedient as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and the powers and duties of such committees, boards and commissions consistent with the general law. (1994, c. 99)

Article IV. The Town Officers.

§ 4.01. Appointment of manager; qualifications.

The council may appoint a town manager who shall be the chief executive officer and the chief administrative officer of the town government. The town manager shall be chosen solely on the basis of executive and administrative qualifications and shall serve at the pleasure of the council. (1994, c. 99)

§ 4.02. Powers and duties of the town manager.

The town manager shall have the administrative and executive powers and duties vested in the town manager by the council. (1994, c. 99; 2003, c. 783)

§ 4.03. Town attorney.

An attorney shall be appointed by and serve at the pleasure of the council. The appointed attorney shall be qualified to practice law in the Commonwealth of Virginia, shall serve as chief legal advisor to the council, and shall also serve as legal advisor to the town administration. (1994, c. 99)

Article V. Administrative Departments.

§ 5.01. Creation of departments.

The council may establish all departments, offices and agencies they determine are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth. (1994, c. 99)

§ 5.02. Departments of the town.

Administrative departments shall include, but shall not be limited to, departments concerned with police, finance, public works, planning, zoning and code enforcement, and community service. (1994, c. 99; 2003, c. 783)

Article VI. Financial Procedures.

§ 6.01. Fiscal year.

The fiscal year of the town shall begin on the first day of July and end on the last day of June. (1994, c. 99)

§ 6.02. Submission of budget and budget message.

On or before the first day of April of each year, a budget for the ensuing fiscal year and an accompanying message shall be submitted to the council. (1994, c. 99; 2019, cc. 310, 311)

§ 6.03. Budget message.

The budget's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as is desirable. (1994, c. 99)

§ 6.04. Budget.

(a) The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the council may require. The budget shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed tax levies, user fees, assessments, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual income and expenditures of the preceding fiscal year.

(b) The total of proposed expenditures shall not exceed the total of estimated available funds.

(c) The budget each year will have a midyear review held in February. (1994, c. 99; 2019, cc. 310, 311)

§ 6.05. Council action on budget.

(a) Notice and hearing. The council shall publish in one or more local newspapers the general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and

(2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

(b) Amendment before adoption. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service

or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated available funds.

(c) Adoption. The council shall adopt the budget before the first day of the fiscal year for which adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. (1994, c. 99)

§ 6.06. Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year there are available for appropriation funds in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations, may be made by emergency ordinance in accordance with the provisions of § 3.08. To the extent that there are no available unappropriated funds to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of appropriations. If at any time during the fiscal year it appears probable that the funds available will be insufficient to meet the amount appropriated, it shall be reported to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of appropriations. At any time during the fiscal year the manager, may transfer part or all of any unencumbered appropriation balance if any, among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance or resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another. (1994, c. 99)

§ 6.07. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if five years pass without any disbursement from or encumbrance of the appropriation. (1994, c. 99)

§ 6.08. Municipal assessment.

(a) The assessment and taxation of property in the town may be set by the town council in such manner as the council may provide in accordance with the Constitution and the general laws of the Commonwealth. The levy shall in no case exceed fifty cents ($0.50) on the one hundred dollars ($100.00) worth of property, except that on a petition of three-fourths of the freeholders within the corporation, the council may levy a tax not to exceed the amount named in said petition.

(b) The town shall use Prince William County's assessment of property. (1994, c. 99)

§ 6.09. Assessments for local improvements.

The council may impose special assessments for local improvements and force payment thereof, subject to such limitations prescribed by the laws of the Commonwealth as may be in force at the time of the imposition of such special assessments.

The council may provide that the persons, firms, and corporations against whom the special assessments have been made may pay such assessments in equal installments over a period not exceeding ten years, together with interest on the unpaid balances as allowed by the Constitution and the general laws of the Commonwealth. (1994, c. 99)

Article VII. Debts and Bonds.

§ 7.01. Power of council to borrow money and to issue revenue bonds.

The council of the town shall be empowered to borrow such sum or sums of money as may be necessary or convenient, subject to such limitations that are now or may be imposed by the Constitution of and the laws of the Commonwealth of Virginia. The council of the town shall be empowered to issue revenue bonds as may be necessary or convenient, in the manner prescribed by law. (1994, c. 99)

Article VIII. General Provisions.

§ 8.01. Charter amendment.

Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth of Virginia. (1994, c. 99)

§ 8.02. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (1994, c. 99)

§ 8.03. Oaths of office and official bonds.

All elected or appointed officers and officials of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town

council and file duplicate certificates with the town clerk and the clerk of the circuit court of Prince William County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer or official within thirty days after the term of office shall have begun or after appointment to fill a vacancy, then such office shall be considered vacant unless general law otherwise provides in which event general law shall prevail. (1994, c. 99)

§ 8.04. Books, records, et cetera.

All books, records and documents used by any elected or appointed town officer, official or employee in their office or pertaining to official duties shall be deemed to be the property of the town. Any person designated by this charter, the general laws of the Commonwealth or the Dumfries Town Code as responsible for the keeping of such books, records and documents shall, within ten days after the end of the appointed term of office, or within ten days after the date of resignation or removal from office, deliver to the town clerk all such books, records and documents and town property. Any person failing to deliver such books, records and documents and property shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined no less than one hundred dollars and not more than five hundred dollars, or imprisoned not exceeding six months, or both, at the direction of the court or jury before whom the case is tried. The court shall also have the power to order the return of the books, records and documents to the town. (1994, c. 99)

Article IX. Town and Council To Have Powers Set Forth in Following Sections.

§ 9.01. Additional powers.

In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the Town of Dumfries and its council shall have the powers set forth in the following sections of this Charter. (1994, c. 99)

§ 9.02. Power of town, as to ordinances, etc., to carry enumerated charter powers into effect and as to punishment for violation of ordinance, etc.

The town is empowered to make ordinances and bylaws for the purpose of carrying into effect the enumerated powers conferred upon the town by this Charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor, and provided further, that all bylaws and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such bylaw or resolution, upon which the same shall become effective. (1994, c. 99)

§ 9.03. Power of council as to licensing of motor vehicles, etc.

The council may charge license fees upon motor vehicles, trailers and semitrailers, located within the corporate limits of the town. The amount of the license fee shall not be greater than that imposed by the Commonwealth on vehicles of like class. (1994, c. 99)

§ 9.04. Other taxes and assessments.

The council may levy such other taxes and assessments as may now or later be provided under the Constitution or general laws of the Commonwealth. However, notwithstanding any other provision of general or special law, the Town of Dumfries shall have no power to levy a personal property tax under Article 1 of Chapter 35, Title 58.1 of the Code of Virginia (1950), as amended. (1994, c. 99)

Article X. Transitional Provisions.

§ 10.01. Ordinances.

All ordinances, resolutions, orders and regulations of the Town of Dumfries not inconsistent with this Charter shall remain in full force and effect until amended or repealed by the town council. (1994, c. 99)

§ 10.02. Continuity of terms of officers.

The officers of the Town of Dumfries who were in office immediately prior to the effective date of this Charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified. (1994, c. 99)

§ 10.03. Citation of act.

This act may for all purposes be referred to or cited as the Charter for the Town of Dumfries, Virginia, of 2018. (1994, c. 99; 2003, c. 783; 2019, cc. 310, 311)

Dungannon, Town of

County of Scott

History of incorporation

Incorporated by a 1918 Act of Assembly.
Charter, 1918, c. 206; repealed 1982, c. 22 (except § 2).

Current charter

Charter, 1982, c. 22.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Dungannon as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Dungannon, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure. (1982, c. 22)

§ 1.2. Boundaries.

The boundaries of the town are those established in Section 2 of Chapter 206 of the 1918 Acts of Assembly and by any orders of the Circuit Court of Scott County heretofore or hereafter entered. (1982, c. 22)

Chapter 2. Powers.

§ 2.1. Powers.

The Town of Dungannon shall have all powers conferred upon towns under the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia, as now existing or as may be added or amended from time to time, are hereby specifically conferred upon the Town of Dungannon. (1982, c. 22)

Chapter 3. Governing Body.

§ 3.1. Council.

A. The Town of Dungannon shall be governed by a town council, composed of five members, elected at large.

B. The members of council in office at the time of the passage of this Act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. In each even-numbered year, on the dates specified by general law for municipal elections, the five members of the council shall be elected for terms of two years each. The persons so elected shall qualify and take office on the first day of July following their election, and they shall continue to serve until their successors are duly elected, qualified and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman.

E. Vacancies on the council shall be filled for the unexpired term by a majority vote of the remaining members of the council. Any person qualified for the office of councilman may be chosen to fill a council vacancy. (1982, c. 22)

§ 3.2. Mayor.

A. In each even-numbered year, on the date specified by general law for municipal elections, a mayor of the Town of Dungannon shall be elected for a term of two years. Persons so elected shall so qualify and take office on the first day of July following their election. Mayors shall continue to serve until their successors are duly elected, qualify and assume office.

B. Any person qualified to vote in town elections shall be eligible for the office of mayor.

C. Vacancies in the office of mayor shall be filled for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the town. A member of council shall not be qualified to fill a vacancy in the office of mayor.

D. The mayor shall be president of the council, but he shall have no vote except in case of a tie. He shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall perform such other duties as may be assigned to him by council not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth or the provisions of this charter. (1982, c. 22)

Chapter 4. Miscellaneous.

§ 4.1. Ordinances continuing.

All ordinances now in force in the Town of Dungannon, not inconsistent with this charter shall remain in force until altered, amended or repealed by the council. (1982, c. 22)

§ 4.2. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, each ordinance or resolution shall be confined to one general subject. (1982, c. 22)

§ 4.3. Town officers.

A. At its organizational meeting held following the qualification of the mayor and members of council in each even numbered year, the council may, in its discretion, appoint a town manager who shall serve as the chief administrative officer of the town.

B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. The town clerk and/or the town treasurer shall be a resident of the town. The council shall further provide the terms of each officer or, if there be no terms, shall indicate that the officers serve at the pleasure of the appointing authority.

C. Each officer shall have such duties as are specified by the appointing authority not inconsistent with the Constitution and general laws of the Commonwealth and this Charter and shall receive such compensation, if any, as council may prescribe.

D. The same person may be appointed to more than one office; provided, that no person may serve both as member of council and as mayor.

E. In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1982, c. 22)

§ 4.4. Water and sewer charges.

In operating public water and sewer services, the town may charge a different rate for services furnished to customers without the corporate limits from the rates charged for similar services to customers within the corporate limits. The town may provide by ordinance that all unpaid water or sewer service charges and interests thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided. (1982, c. 22)

§ 4.5. Eminent domain.

The powers of eminent domain which may be exercised by municipal corporations under the provisions of Titles 15.1 and 25 of the Code of Virginia, as amended, are hereby conferred upon the Town of Dungannon. (1982, c. 22)

Eastville, Town of

County of Northampton

History of incorporation

Incorporated by an 1896 Act of Assembly.
Charter, 1896, c. 247; repealed 2019, c. 813.

Current charter

Charter, 2019, c. 813.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

Be it enacted by the General Assembly of Virginia, that the Town of Eastville in the County of Northampton, as the same has heretofore been or may hereafter be, and as set forth and described in this act, shall be, and the same hereby is, made a town corporate by the name of the Town of Eastville, and by that name shall have and exercise the powers conferred upon towns by the forty-fourth chapter of the Code of Virginia, edition 1887. The inhabitants of the territory comprised within the present limits of the Town of Eastville, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Eastville, and as such shall have a perpetual succession, may sue and be sued, implead and be impleaded, contract, and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (2019, c. 813)

§ 1.2. Boundaries.

The territory embraced within the Town of Eastville is that territory in the County of Northampton, Virginia, established in Chapter 44 of the Acts of Assembly of 1896, and that territory added by the Boundary Agreement entered the 14th day of April, 2017, and depicted on a survey plat by Michael A. Starling, Land Surveyor, with Shoreline Surveyors dated February 28th, 2017, and recorded in the Clerk's Office of Northampton County as Instrument Number 170000517. (2019, c. 813)

Chapter 2. Powers.

§ 2.1. General Grant of Powers.

The Town of Eastville shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all rights, immunities, powers, and privileges, and be subject to all duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (2019, c. 813)

§ 2.2. Adoption of Certain Sections of the Code of Virginia.

The powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, as in force on January one, two thousand eighteen, and as may hereafter be amended, are hereby conferred on and vested in the town. (2019, c. 813)

§ 2.3. Eminent Domain.

The powers of eminent domain set forth in Title 15.2 (§ 15.2-100 et seq.), Title 25 (§ 25.1-100 et seq.), and § 33.2-1020 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town. (2019, c. 813)

Chapter 3. Mayor and Council.

§ 3.1. Election, Qualifications, and Term of Office of Council Persons and Mayor.

(a) The Town of Eastville shall be governed by a town council composed of six Council Persons and a Mayor, all of whom shall be qualified voters of the town to be elected from the town at large. (2019, c. 813)

(b) The Mayor and Council Persons in office at the time of the passage of this act shall continue in office until their successors are elected and qualified. An election for Mayor and Council Persons shall be held at the next designated elections; the Mayor so elected shall serve a term of two years, with subsequent town elections to be held at two-year intervals thereafter. Terms of office for Mayor and Council Persons shall begin the first day of January next following their elections. (2019, c. 813)

§ 3.2. Vacancies on Town Council.

Vacancies on the Town Council shall be filled for the unexpired portion of the term by a majority vote of the members of the Town Council within 45 days after the vacancy occurs. The person so elected to fill the vacancy must be a qualified voter and resident of the town. (2019, c. 813)

§ 3.3 Vacancies in Office of Mayor.

A vacancy in the office of Mayor shall be filled for the unexpired portion of the term by a majority vote of the Town Council; the person so elected to fill the vacancy must be a qualified voter and resident of the town. (2019, c. 813)

§ 3.4. Town Council a Continuing Body.

The Town Council shall be a continuing body, and no measures pending before such body or any contract or obligation incurred shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (2019, c. 813)

§ 3.5. Powers and Duties of the Mayor.

The Mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this Charter. He shall preside over the meetings of the Town Council and shall have the same right to speak therein as members of the Town Council, but shall not vote except in the case of a tie vote. He shall have the powers of veto over the ordinances and resolutions of the Town Council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the Council Persons present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office that may be imposed by the Town Council. He shall see that the duties of various officers of the town are faithfully performed. He shall authenticate by his signature such documents or instruments as the Town Council, this Charter, or the laws of the Commonwealth shall require. (2019, c. 813)

In the event that there is no chief administrative officer, it shall be the duty of the Mayor to see that the functions set forth in § 15.2-1541 of the Code of Virginia are carried out if the governing body has not acted otherwise. (2019, c. 813)

§ 3.6. Vice Mayor.

The Town Council shall elect from its members every two years, by a majority of the members present, a Vice Mayor. During the absence or inability of the Mayor to act, the Vice Mayor shall possess the powers and discharge the duties of the Mayor. He shall also have any other duties assigned to him by the Mayor. While serving in the place of the Mayor, the Vice Mayor may vote as member of the Town Council. (2019, c. 813)

§ 3.7. Meetings of Town Council.

The Town Council shall fix the time of its stated meetings and shall set a meeting at least once a month. A journal shall be kept of its official proceedings, and its meetings shall be open to the public. Four members of the Town Council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the Mayor or by any three members of the Town Council, provided that the Mayor and all Council Persons are duly notified in writing a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by majority vote of the Town Council at said meeting. (2019, c. 813)

§ 3.8. Town Council to Fix Salaries.

The Town Council is hereby authorized to fix the salary of the Mayor, members of the Town Council, members of the boards of commissions, and employees of the town. The Town Council is authorized to approve the salary of appointed officials of the town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. (2019, c. 813)

§ 3.9. Acting Mayor.

In the absence or inability to act of both the Mayor and Vice Mayor, any member of the Town Council may act with all the powers of the Mayor upon the request to do so by the full Town Council, but only during the period of such dual absence and inability. (2019, c. 813)

§ 3.10. General Grant of Powers of Town Council.

The Town Council shall have all power and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this Charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (2019, c. 813)

Chapter 4. Appointive Officers.

§ 4.1. Appointment.

The Town Council shall appoint such officers of the town as they deem necessary. Such officers may include, but shall not be limited to, a Town Administrator, Chief of Police, Town Clerk, Town Treasurer, and Town Attorney. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the Town Council shall perform such duties as may be specified in this Charter, by the laws of the Commonwealth, or by the Town Council. (2019, c. 813)

§ 4.2. Deputies and Assistants.

The Town Council shall appoint such deputies and assistants to appointive offices as it deems necessary. (2019, c. 813)

§ 4.3. Terms of Office.

Officers, deputies, and assistants appointed by the Town Council shall serve at the will of the Town Council. (2019, c. 813)

§ 4.4. Appointment of One Person to More than One Office.

The Town Council may appoint the same person to more than one appointive office, at the discretion of the Town Council, subject to limitations set forth in the Constitution of Virginia and Title 15.2 (§ 15.2-100 et seq.) of the Code of Virginia, as amended from time to time. (2019, c. 813)

§ 4.5. Duties of Town Administrator.

The Town Administrator shall be the executive officer of the town and shall be responsible to the Town Council and Mayor for the proper administration of the town government. It shall be the duties of the Town Administrator to:

(a) Attend all meetings of the Town Council, with the right to speak when recognized but not to vote;

(b) Keep the Mayor and Town Council advised of the financial condition, with advice from the Town Treasurer, and the future needs of the town and all matters pertaining to its proper administration, and make such recommendations as may seem desirable with the assistance of other Charter officers to the Mayor and Town Council;

(c) Prepare and submit, with the assistance of the Town Treasurer and other town officers, the annual budget of the town and be responsible for its administration after its adoption;

(d) Submit adequate reports as required by Town Council and Mayor; and

(e) Perform such other duties as may be prescribed by this Charter, or required in accordance therewith by the Mayor and Town Council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the town, except those appointed by the Town Council pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the Town Administrator, who shall report each appointment or removal to the Mayor and Town Council immediately. The Town Council shall designate a person to act as Town Administrator in case of the absence, incapacity, death, or resignation of the Town Administrator, until his return to duty or appointment of a successor. Until such time as the Town Council appoints any such Town Administrator, the duties and powers outlined herein shall be given to the Mayor or such other person as may be designated by the Town Council. The removal of such Town Administrator shall be by majority vote of the Town Council. (2019, c. 813)

§ 4.6. Powers and Duties of Chief of Police.

The Chief of Police shall work closely with the Town Administrator and other town officers and shall report to the Town Council and the Mayor as needed. The removal of the Chief of Police shall be by majority vote of the Town Council. (2019, c. 813)

§ 4.7. Duties of Town Clerk.

The Town Clerk shall be the clerk of the Town Council. The clerk shall keep the journal of the proceedings and shall record all ordinances and resolutions in a book or books kept for this purpose. The clerk shall record the vote of each Council Person on any question submitted to the Town Council as required by law or the Town Council. The clerk shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. The clerk shall perform such other duties

and keep such other records as the Town Council may specify or general laws of the Commonwealth may require of town clerks. All records in the Town Clerk's office shall be public records and open to inspection at any time during regular business hours, subject to such limitations and exceptions as are set forth in the Code of Virginia, as amended from time to time. The Town Clerk shall work with the other officers of the town and shall report to the Mayor and Town Council as needed. The removal of the Town Clerk shall be by majority vote of the Town Council. (2019, c. 813)

§ 4.8. Duties of Town Treasurer.

The Town Treasurer shall collect the town taxes and license fees and shall have the power to levy and sell property for collection of delinquent taxes and fees as given to county treasurers. The Town Treasurer shall work cooperatively with the Town Administrator to provide full financial disclosure and reporting as requested by the Town Council. The Town Treasurer shall work cooperatively with the Town Administrator and other town officers to prepare and assist in the administration of the annual budget, and arrange for an annual audit by a certified public accountant as directed by Town Council, with the approval of the Town Council. The Town Treasurer shall perform such other duties, not inconsistent with the office, as the Mayor and Town Council may direct. The removal of the Town Treasurer shall be by majority vote of the Town Council. (2019, c. 813)

§ 4.9. Duties of Town Attorney.

The Town Attorney shall be the legal advisor of the Town Council and Mayor. The Town Attorney shall represent the town in all legal affairs as may be requested by the Mayor, by the Town Council, or by an officer of the town appointed under provisions of this Charter. The Town Attorney shall serve at the will and pleasure of the Town Council. (2019, c. 813)

§ 4.10. Bonds.

Officers, deputies, and assistants appointed by the Town Council shall execute such bonds as may be required by resolution of the Town Council. (2019, c. 813)

§ 4.11. Vacancies in Office.

The Town Council may fill any vacancy in any appointive office. (2019, c. 813)

§ 4.12. Residence of Officers and Employees.

Any appointive officers or employees of the town may be appointed and serve whether or not the officer or employee is a resident of the town. (2019, c. 813)

§ 4.13. Emergency Management Organizations Management.

The Town of Eastville reserves the right to operate its own emergency management services separate from the County of Northampton if it is deemed necessary by the Town Council at any time. The Town of Eastville recognizes the Town Police Department, as well as the Eastville Volunteer Fire Co. Inc., as an integral part of the official safety program. The management of emergency services shall be under the control and direction of the Chief of Police. (2019, c. 813)

Chapter 5. Raising of Revenue.

§ 5.1. Assessment of Taxes.

The Town Council shall have the power to assess and tax real or personal property within the town, levy taxes, impose license requirements, and collect the same to any extent not prohibited by laws of the Commonwealth of Virginia. (2019, c. 813)

§ 5.2. Other Revenue-Generating Activity.

The Town Council shall have the power to engage in other revenue-generating activities to any extent not prohibited by the laws of the Commonwealth of Virginia. (2019, c. 813)

Chapter 6. Financial Provisions.

§ 6.1. Fiscal Year.

The fiscal year of the town shall begin on July one of each year and end on June thirtieth of the year following. (2019, c. 813)

Chapter 7. Miscellaneous.

§ 7.1. Elections Governed by State Law.

All town elections shall be conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (2019, c. 813)

§ 7.2. Applicability outside Town.

All ordinances of the town, so far as they are applicable, shall apply on, in, or to all land, buildings, and structures owned by or leased or rented to the town and located outside the town. (2019, c. 813)

§ 7.3. Present Officers to Continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms and until their successors have been duly elected and qualified. (2019, c. 813)

§ 7.4. Ordinances Continued in Force.

All ordinances now in force in the Town of Eastville not inconsistent with this Charter shall be and remain in force until altered, amended, or repealed by the Town Council. (2019, c. 813)

§ 7.5. Severability of Provisions.

If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgement shall have been rendered. (2019, c. 813)

§ 7.6. Disclosure of Interest.

The Town Council is hereby empowered to adopt a conflict of interest and disclosure ordinance to govern elected or appointed town officials, or both, not inconsistent with the general laws of the Commonwealth of Virginia. (2019, c. 813)

Edinburg, Town of

County of Shenandoah

History of incorporation

Incorporated by an 1852 Act of Assembly.
Incorporation and charter, 1852, c. 377; repealed 1924, c. 16.
Charter, 1877, c. 60; repealed 1924, c. 16.

Current charter

Charter, 1924, c. 16.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

§ 1. Be it enacted by the general assembly of Virginia, That all contracts and obligations of the town of Edinburg, Shenandoah county, heretofore and hereafter made by the present council and government by them while in office, and former councils in the corporate name of the council of the town of Edinburg not inconsistent with this charter and the general laws and Constitution of the State, shall be, and are hereby declared to be, valid and legal. (1924, c. 16)

§ 2. The town corporate.

The inhabitants of the town of Edinburg, Virginia, as its limits are or hereafter may be established, shall be a body, politic and corporate, to be known and designated as the town of Edinburg, and as such shall have and may exercise all power as now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated therein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1924, c. 16)

§ 3. The town boundaries.

The outside boundaries or corporate limits of the said town are as follows: Beginning at a stake the northwest corner of the present corporate lines; thence north fifty-one degrees, east eighty-one and three-quarter poles over the lands of Joseph F. Grandstaff and George Grandstaff, senior, to a white oak on the east side of the Stony Creek road; thence due east, passing over the lands of P. M. Grandstaff, George Grandstaff, senior, D. D. Evans, J. C. McDonald and John A. Saum, one hundred and seventy-two and eight-tenths poles, to a planted rock on a hill side; thence south five degrees, east one hundred and fourteen poles, passing over the lands of John A. Saum, Joseph Comer, D. D. Evans and Charles Hutchison, to a stake, a corner to the present corporate lines of said town. (1924, c. 16)

§ 3-a. Council, mayor, and vice-mayor.

(1) There is hereby created a council consisting of six members and a mayor, which shall have full power and authority, except as hereinafter otherwise provided, to exercise all of the power conferred upon the town and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the State and of the charter.

(2) The mayor and councilmen shall serve for terms commencing on the first day of July next following their election and until their successors shall be duly elected and qualified.

(3) Vacancies in the office of mayor and on the council shall be filled within thirty days for the unexpired term by a majority vote of the remaining members. Any person qualified to vote in the town shall be eligible for the office of mayor and councilman.

(4) The council shall make such rules for its organization, government and order of business, appointment of committees, as it may deem proper, including the times of meeting and special meetings.

(5) The mayor shall preside at the meetings of the council and perform such duties consistent with his office and prescribed by the ordinances of the town. The mayor shall have the right to vote. The duly elected members of the council at their first meeting in July following the May election shall select from among themselves by majority vote a vice-mayor to serve in the absence of the mayor. The vice-mayor shall possess all the powers and discharge the duties of the mayor in the event of the mayor's absence or inability to act. During absence or disability of both the mayor and vice-mayor, the council shall elect a member of the council to perform the duties of the mayor.

(6) On the first day of July following the regular municipal election and organization of the council, or as soon thereafter as may be practicable, the council, in its sole discretion, may appoint a treasurer, a chief of police, a town attorney, superintendent of water works, health officer, chief or captain of the fire department, and such other officers as the council may determine and may prescribe their duties. Such officers and their duties shall be consistent with general law. The prescribed duties shall be by ordinance. Such officers shall serve for two years, or at the pleasure of the council. In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant.

(7) Legislative procedure. Except in dealing with parliamentary procedure, as set forth in the ordinances, the council shall act only by ordinance or resolution and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness shall be confined to one subject.

(8) Each proposed ordinance or resolution shall be introduced in writing or in printed form, and the enacting clause of all ordinances hereinafter passed by the council shall substantially be "Be it ordained by the town of Edinburg." And all ordinances shall be read at two meetings not less than a week apart, one of which shall be a regular meeting and the other of which may be either an

adjourned or called meeting, provided the requirements of a second reading by the affirmative vote of four members of the council may be confined to the reading of the title only, but this provision shall not apply to an emergency measure. No ordinance shall be amended unless such section or sections as are intended to be amended shall be reenacted. The ayes and noes shall be taken and recorded upon the passage of all ordinances, and so entered upon the minutes of the proceedings of the council.

(9) No ordinance passed by the council shall take effect until at least thirty days from the date of its passage, except the council may by an affirmative vote of a majority of its members, pass emergency measures to take effect at the time indicated therein. Every ordinance passed shall be recorded by the clerk in a book kept for that purpose and shall be authenticated by the signatures of the presiding officer and the clerk.

(10) Nominations and elections; municipal elections. A municipal election shall be held on the first Tuesday in May, 1998, and every second year thereafter, and shall be known as the regular municipal election for the election of councilmen. Three councilmen shall be elected at each regular municipal election. The mayor shall be elected at the regular municipal election held on the first Tuesday in May, 1998, and every fourth year thereafter. The nominations and elections held under this charter shall be in accordance with the general laws of the State. (1981, c. 603; 1983, c. 47; 1990, c. 651; 1998, c. 184)

§ 4. Powers of the Town of Edinburg, Virginia.

In addition to the powers mentioned in § 2 hereof, the said town of Edinburg shall have the following powers:

(1) To raise annually by taxes and assessments in said town, sums of money as the council thereof shall deem necessary for the purpose of said town, and in such manner as said council shall deem expedient, not prohibited by the Constitution or general law of the Commonwealth, provided, however, that it shall impose no tax on lands of said town.

(2) To impose special and local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prohibited by the Constitution and general law of Virginia, as may be in force at the time of the imposition of such special and local assessments.

(3) Subject to the provisions of the Constitution of Virginia and of this charter, to contract debts, borrow money and make and issue evidences of indebtedness.

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

(5) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without the town or State, and for any of the purposes of the

town; and to hold, impose, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(6) To acquire in any lawful manner for the purpose of encouraging commerce, manufacture, education, lands within and without the town, not exceeding at one time one thousand acres in the aggregate, and from time to time, sell, dispose of, lease or donate the same or any part thereof for commercial, industrial, educational uses and purposes, including land now owned by the town, and including the power to donate any land now or hereafter owned by the town for hospital purposes.

(7) To make and adopt a comprehensive plan for the town and to that end all plats and replats subdividing any land within the town into streets, alleys, roads and lots or tracts, shall be submitted to and be approved by the council before the same are filed or recorded in the clerk's office of the county.

(8) To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, markets and other buildings for the use and operation of the various departments of the town, and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements or any of them.

(9) To acquire in any lawful manner in any county of the State, such water, lands, property rights and riparian rights as the council of said town may deem necessary for the purpose of providing an adequate water supply for said town and of piping or conducting it; to lay all necessary mains and tunnels, to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the water shed tributary to any such water supply where such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent, by injunction, any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights and riparian rights or materials for any such use, to exercise within the State all powers of eminent domain provided by the laws of this State; provided, that the lands which may be held for such purpose shall not exceed in the aggregate one thousand acres at one time.

For any of the purposes aforesaid the said town may, if the council shall so determine, acquire by condemnation, purchase or otherwise, any interest or interests in such lands or any of them in fee, reserving to the owner or owners thereof such property rights or easements therein, as may be prescribed in the ordinances providing such condemnation or otherwise.

(10) To acquire, by purchase or exchange, or by the exercise of the power of eminent domain, any spring, springs, water supplies, pipe lines, reservoirs, land, property, easements, interests, contract

rights, property rights, riparian rights or any interest or interests therein in the State of Virginia, which is now, or may be at any time used for supplying the inhabitants of the said town with water.

(11) To establish, impose and enforce water rates and rates and charges for public utilities, or other service, products or conveniences, operated, rendered or furnished by the town; and to assess or cause to be assessed water rents directly against the owner or owners of the buildings or against the proper tenant or tenants, and may, by ordinance, provide that when charges are made against tenants, the owner or owners shall be directly liable in case such tenant or tenants fail to pay when the rents or charges are assessed.

(12) To establish, condemn, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, and to alter or close the same; to establish and maintain public playgrounds or other public grounds; to construct, maintain, and operate bridges, tunnels, sewers and drains, and to regulate the use of all such highways, streets, parks, public grounds or work, to prevent the obstruction of such streets and highways, abolish and prevent grade crossings over the same by railroads in the manner provided by general law for the elimination of grade crossings; to require any railroad company operating a railroad at the place where any highway or street is crossed within the town limits to erect and maintain at such crossing any style of gate deemed proper and keep a man in charge thereof or keep a flagman at such crossings during such hours as the council may require, in accordance with the laws or make any other ordinance which the council may deem proper to accomplish the purpose desired; and to regulate the length of time such crossings may be closed due to any operations of the railroad; and to regulate the operation, weight of load and speed of all cars, and vehicles using the same, as well as the operation and speed of all engines, cars, trains, or railroads in the said town; to prevent or prohibit poles and wires for electric, telephone or telegraph purposes to be erected in the streets and alleys and to prescribe and to collect annual license charge for such privileges heretofore or hereafter granted; but, except in so far as may be necessary in the proper exercise of the police power, nothing herein contained shall apply to companies which have been granted franchises by the council, as provided by law, to place poles and wires in said streets and alleys.

(13) To establish, construct and maintain sanitary sewers, sewer lines and systems; to establish, construct, maintain and operate sewage disposal plants; to acquire by condemnation or otherwise, within or without the town, all lands, rights of way, riparian and other rights and easements necessary for the purposes aforesaid; to charge and collect reasonable fees and assessments or costs of service for connecting with and using the same; to collect and dispose of sewage, garbage, carcasses of dead animals and fowls and other refuse; and to acquire and operate plants for the utilization or destruction of the same or any of them.

(14) To compel the abatement and removal of all nuisances within the town at the expense of the person or persons causing the same or the owner or occupant of the ground or premises wherein

the same may be found, and to require all lands and lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits or to make them at the expense of the owners or occupants thereof; to regulate or prevent slaughter-houses or other noisome and offensive business within the town, the keeping of hogs or other animals; to regulate the transportation of all articles through the streets, to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables, and other obnoxious buildings, and the manner in which they are to be kept and constructed and generally to define, prohibit, abate and suppress and prevent all things detrimental to health, morals, safety, convenience and welfare of the inhabitants of the town.

(15) To inspect, test, measure and weigh any commodity or articles of consumption or use within the town and to establish, regulate, license and inspect weights, meters, measures and scales.

(16) To establish, regulate and control a fire department, to regulate the size, height, location and construction of buildings, fences, walls and altered structures as public safety may require; to remove or require to be removed any structure which by reason of dilapidation or other cause may have become dangerous to life or property, and enact efficient laws to secure the safety of persons from fires in halls or buildings used for public assemblies or entertainments.

(17) (1924, c. 16; repealed 1998, c. 184)

(18) To establish, organize and administer public schools and libraries subject to the general laws establishing a standard of education for the State.

(19) (1924, c. 16; repealed 1998, c. 184)

(20) To provide for the promotion of the general health of the residents of said town, make regulations to protect the same, inspect all foods and foodstuffs and to prevent the introduction and sale in said town of any articles or things intended for human consumption, which is adulterated, impure, or otherwise dangerous to health; to prevent the introduction and spread of contagious or infectious diseases, and prevent and suppress disease generally; and to establish quarantine grounds within or without the town and regulations respecting the same, subject to the laws of the State.

(21) To accept and receive unconditionally or upon conditions, absolutely or in trust, gifts, grants, bequests and devises of any kind of property, real or personal, for educational, charitable or public purposes and to do all things necessary to carry out the purpose of the donor, in accordance with the terms and conditions of such gifts, grants, bequests or devises.

(22) To restrain and punish drunkards; to prevent vice and immorality; to preserve peace and good order; to prevent riots, disorderly assemblages and suppress houses of ill-fame and gambling; and to punish lewd, indecent and disorderly exhibitions in the town.

(23) To license and regulate the holding of shows and their location, circuses, public exhibitions, carnivals, or fairs, or prohibit the holding of the same within the town.

(24) (1924, c. 16; repealed 1998, c. 184)

(25) To exempt by four-fifths vote of the members of the council, the buildings, machinery and equipment of factories and industries from town taxes for a reasonable period of time not exceeding ten years.

(26) To contract, own and maintain power and light and operate facilities necessary thereto and to acquire by condemnation or otherwise, within, or without the town, land, water-power sites, easements, property and property rights necessary for such purposes.

(27) through (31) (1924, c. 16; repealed 1977, c. 121)

(32) To borrow money for the town, not to exceed the amount authorized by State law.

(33) To prescribe any penalty for the violation of any town ordinance, rule or regulation, or any provision of this charter, not exceeding one thousand dollars, or imprisonment in a penal or correctional institution for twelve months, or both; however, such penalty shall not exceed the penalty prescribed by general law for a like offense. To carry into effect the police regulations of said town, the said town shall be allowed the use of the jail at Shenandoah County for the safekeeping and imprisonment of all persons sentenced to prison under the ordinances of said town.

(34) through (42) (1924, c. 16; repealed 1981, c. 603)

(43) Licenses and taxation. - License taxes may be imposed by ordinances on business, trades, professions and callings and upon the persons, firms, associations and corporations engaged therein and the agents thereof, except in cases where licenses or taxations are expressly prohibited by the general laws of the State. Any one who shall fail to procure the license required by the council shall be subject to such penalty as provided by ordinances of the town.

(44) (1924, c. 16; repealed 1998, c. 184)

(45) The council of the town of Edinburg is authorized to and shall annually order a town levy of so much as is in their opinion necessary to be raised by that way, in addition to what may be raised for licenses and from other sources, to meet the appropriations and made to be enabled to pay the indebtedness of the town and meet all of its municipal expenses required by law to be raised. The levy or assessment shall be on all real and tangible personal property owned or possessed by any and all of the residents and corporations located in said town; provided, however, that the rate assessed does not at any time exceed the maximum rate provided by the law of the State in force at that time. The values of such property as fixed by the State shall be accepted as the basis of the taxation and assessment by the council, or as the general laws of the State may hereafter prescribe.

There shall be a lien on real estate for the town taxes as assessed thereon, from the commencement of the year for which they are assessed. The council may require real estate in the town delinquent for the nonpayment of taxes to be sold for taxes, with interest thereon, and said council may regulate the terms on which real estate so delinquent may be sold or redeemed, provided, that such sales shall be made subject to the prior lien of the Commonwealth for taxes. And all town taxes shall be due and payable as and when similar State taxes are due and payable, otherwise by ordinance.

The town shall also have a lien for its taxes and levies upon all such corporate property as is authorized by law. All goods and chattels of any persons against whom taxes for the town are may be distrained and sold for said taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for State taxes.

(46) Franchises. - The granting of franchises by the council shall be as provided by the general law of the State, and ordinances not in conflict therewith.

(47) All liabilities, actions, claims, contracts heretofore existing under the former charter and amendatory acts under the corporate name of the council of the town of Edinburg shall remain and continue in force and effect as if this act had not been passed.

And all now in force in the town of Edinburg, not inconsistent with this charter, shall be and remain in full force until altered, amended or repealed by the council of said town.

If, however, any clause, sentence, paragraph or part of this act shall for any reason, be adjudged by any act of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act.

(48) The enumeration of particular powers and authority in this charter shall not be held exclusive, but the said town shall have and may exercise all other powers which are now or may hereafter be possessed or applied to towns under the Constitution and general laws of the State. (1924, c. 16; 1977, c. 121; 1981, c. 603; 1998, c. 184)

§ 4-a. (1944, c. 42; repealed 1981, c. 603)

§ 4-b. (1948, c. 134; repealed 1952, c. 435)

§ 4-c. (1952, c. 435; repealed 1981, c. 603)

§ 4-d. (1972, c. 70; repealed 1981, c. 603)

§ 5. Repealing clause.

All acts and parts of acts in conflict with this charter are hereby repealed and previous charters and amendments thereto in conflict with this charter in the corporate name of the town of Edinburg are hereby repealed, except an act approved May 15,1903, respecting cemetery, and an act approved

March 8, 1906, as to issuance of bonds of, which shall continue to be in full force and virtue as though incorporated herein. (1924, c. 16)

§ 6. An emergency existing, this act shall be in force from its passage. (1924, c. 16)

Editor's note: Complete amendments listing for the Town of Edinburg:

Current charter
Charter, 1924, c. 16.

Amendments to current charter
1944, c. 42 (§ 4-a [added])
1948, c. 134 (§ 4-b [added])
1952, c. 435 (§§ 4-b [repealed], 4-c [added])
1972, c. 70 (§ 4-d [added])
1977, c. 121 (§§ 4 (27) through 4 (31) [repealed], 4 (48))
1981, c. 603 (§§ 3-a [added], 4 (34) through 4 (42) [repealed], 4 (48), 4-a [repealed], 4-c [repealed], 4-d [repealed])
1983, c. 47 (§ 3-a)
1990, c. 651 (§ 3-a)
1998, c. 184 (§§ 3-a, 4 (17) [repealed], 4 (19) [repealed], 4 (24) [repealed], 4 (44) [repealed], 4 (48))

Elkton, Town of

County of Rockingham

History of incorporation
Incorporation and charter, 1908, c. 347; all amended 1926, c. 550.
Charter, 1926, c. 550; repealed 1954, c. 580.
Charter, 1954, c. 580; repealed 2006, cc. 690, 742.

Current charter
Charter, 2006, cc. 690, 742.

Amendments to current charter
2020, cc. 135, 757 (§§ 1.2, 3.2, 3.6, 6.8).

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Elkton, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Elkton (the Town), and as

such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (2006, cc. 690, 742)

§ 1.2. Boundaries.

The boundaries of the Town until altered shall be as follows:

a. All that area which constituted the Town of Elkton, Virginia, prior to January 1, 2004, which is more particularly described by metes and bounds as set out and recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, as Instrument Number 04035858 at Deed Book 2573, page 216;

b. All that area annexed on January 1, 2004, which is identified in the Ordinance recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, at Deed Book 2415, page 117, dated December 22, 2003; and

c. All that area annexed on January 1, 2005, which is identified in the Ordinance recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, at Deed Book 2602, page 105, dated December 28, 2004.

d. All that area which is identified in an Order of the Joint Petition of the County of Rockingham, Virginia, and the Town of Elkton, Virginia, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 2874, page 686, dated June 5, 2006.

e. All that area which is identified in an Order of the Joint Petition of the County of Rockingham, Virginia, and the Town of Elkton, Virginia, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 4258, page 24, dated June 14, 2013.

f. All that area which is identified in an Order of the Joint Petition of the County of Rockingham, Virginia, and the Town of Elkton, Virginia, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 4820, page 129, dated November 23, 2016. (2006, cc. 690, 742; 2020, cc. 135, 757)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the Town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the Town as a municipal corporation. (2006, cc. 690, 742)

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.2-900 through 15.2-975 and 15.2-1100 through 15.2-1132, including subsequent amendments . (2006, cc. 690, 742)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for mayor and council.

The Town shall be governed by a town council composed of six council members and the mayor, all of whom shall be qualified voters of the Town and shall be elected from the Town at large by the qualified voters of the Town in the manner provided by law. The council and the mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. An election for three council members and the mayor shall be held on the Tuesday after the first Monday in November, 2008, and for three council members and the mayor on the Tuesday after the first Monday in November, 2010. Elections shall be held on the Tuesday after the first Monday in November every two years thereafter. The council members shall serve for a term of four years, and the mayor shall serve for a term of two years, or until their successors are elected and qualified; however, those persons elected in November 2008, shall not take office until the first day of January, 2009, following their respective elections. Subsequently, commencing in 2010, the term of each person elected under this section shall begin on the first day of January next following their election. (2006, cc. 690, 742)

§ 3.2. Vacancies.

Any vacancy in the council shall be filled within 45 days, for the unexpired term, by a majority of the remaining voting members, provided that if the term of office to be filled does not expire for two years or more after the next regular election for councilmen following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidate receiving the next highest number of votes shall be entitled to the unexpired term, caused by such vacancy. (2006, cc. 690, 742; 2020, cc. 135, 757)

§ 3.3. Council.

a. A Continuing Body. The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council member.

b. Management of Town's Affairs. The town council shall collectively have, subject to the provisions of this charter and to general laws of the Commonwealth, the management and control of the assets, fiscal and municipal affairs, and day to day operations, of the Town. The council may delegate its control from time to time as the council may deem necessary and appropriate. (2006, cc. 690, 742)

§ 3.4. Mayor.

The mayor shall be the chief executive officer of the Town. The mayor shall have and exercise all the privileges and authority conferred by general law not inconsistent with the charter. The mayor shall preside over and maintain orderly meetings of the town council and shall have the right to speak therein as a member of the council. The mayor shall not have a vote as a member of council except to break a tie vote. The mayor shall be the head of the town government for all its ceremonial purposes and shall perform such other duties consistent with the office as may be imposed by the town council. The mayor shall authenticate the mayor's signature on such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (2006, cc. 690, 742)

§ 3.5. Vice mayor.

The town council shall, by a majority of all of its voting members, elect a vice mayor from its membership at its first meeting to serve for a term of two years. In the absence of or during the disability of the mayor; and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. (2006, cc. 690, 742)

§ 3.6. Meetings of council.

a. The council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduct of its business, except where inconsistent with the laws of the Commonwealth.

b. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law.

c. The mayor or any other two members of the council, may call a special meeting upon a 36-hour written notice or an emergency meeting upon a 12-hour written notice to each council member stating the time, place, and purpose for the meeting and served personally or left at the council members' usual place of business or residence by the Chief of Police, or his or her designee. No business shall be transacted by the council in such special or emergency meeting which has not been stated in the notice; however, these requirements shall not apply when all members of the council attend such meetings or waive notice thereof, nor shall this regulation apply to an adjourned session from a regular meeting.

d. The agenda for a regular scheduled monthly council meeting shall include a provision for public comments as defined in the town ordinances.

e. A majority shall consist of four voting members of the six voting members of the council and shall constitute a quorum. (2006, cc. 690, 742; 2020, cc. 135, 757)

§ 3.7. Compensation.

Compensation for the mayor and council members shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth. (2006, cc. 690, 742)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The town council may appoint the following officers:

a. Town manager. A town manager who shall be responsible to the council for the proper administration of all affairs of the Town, for the control and supervision of all town departments, employees and property, for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council.

b. Town treasurer. A town treasurer, whose duties shall be to receive all money belonging to the Town, to keep correct accounts of all receipts from all sources and of all expenditures, to be responsible for the collection of all license fees, taxes, levies and charges due to the Town, to disburse the funds of the Town as the council may direct, and other such duties as prescribed by the council.

c. Town attorney. A town attorney who shall be an attorney at law licensed to practice under the laws of the Commonwealth. The town attorney shall receive such compensation as provided by the council and shall have such duties as prescribed by the council.

d. Chief of police. The council in its discretion may provide for a chief of police whose duties shall be as prescribed by the council.

e. Other officers. The council may appoint such other officers as permitted by the laws of the Commonwealth. (2006, cc. 690, 742)

§ 4.2. Term of office.

Appointees under this chapter shall serve at the pleasure of the council. The council may fill any vacancy in any appointive office. (2006, cc. 690, 742)

Chapter 5. Financial Provisions.

§ 5.1. Fiscal year.

The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the year following. (2006, cc. 690, 742)

§ 5.2. Appropriation of funds.

No ordinance or resolution appropriating money exceeding the sum set by the general laws of the Commonwealth shall be valid until at least three days intervene between the council meeting at which the resolution or ordinance is introduced and the council meeting at which it is adopted. (2006, cc. 690, 742)

Chapter 6. Miscellaneous.

§ 6.1. Burial places for the dead.

The Town shall have the authority to provide, in or near the Town, lands to be used as burial places for the dead; to improve and care for the land and the approaches, and to charge for and regulate the use of the ground land; to cooperate with any nonprofit corporation in the improvement and care of burial places and approaches; and to provide for the perpetual upkeep and care of any plots or burial lots. The Town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept and invested only for the perpetual upkeep and care of the said cemetery. (2006, cc. 690, 742)

§ 6.2. Ordinances continued in force.

All ordinances now in force in the Town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council. (2006, cc. 690, 742)

§ 6.3. Severability of provisions.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (2006, cc. 690, 742)

§ 6.4. Title and delivery of documents.

Any person who has been an officer of the Town, shall deliver without notice or demand to their successor in office all property, books, and papers belonging to the Town or appertaining to such office, in their possession or under their control within 10 days after vacating or being removed from office. (2006, cc. 690, 742)

§ 6.5. Execution of bonds.

All bonds evidencing debt by the Town shall be signed by the mayor and countersigned by the clerk of the council. The clerk of the council shall affix the Town's corporate seal to all bonds and attest to the same. (2006, cc. 690, 742)

§ 6.6. Continuance of officers in office.

The present officers of the Town shall remain in office until expiration of their terms or until their successors have been duly elected and qualified. (2006, cc. 690, 742)

§ 6.7. Amendment of charter.

Amendments to this charter may be made only in accordance with the procedure specified in the laws of the Commonwealth. (2006, cc. 690, 742)

§ 6.8. How act cited.

This act shall be referred to or cited as the Elkton Charter of 2006, as amended. (2006, cc. 690, 742; 2020, cc. 135, 757)

Emporia, City of

History of incorporation

Incorporated as a town by an 1897-98 Act of Assembly.
Changed to a city on July 31, 1967, by Court Order.
Charter, 1952, c. 590; repealed 1968, c. 78.

Current charter

Charter, 1968, c.78.

Amendments to current charter

1972, c. 806 (§§ 3, 6, 8, 9, 17, 18, 19, 22a, 23, 28, 29 [reserved], 30 [reserved], 31, 33, 36, 37, 38 through 40 [reserved], 61)

1975, c. 354 (§ 3.1 [added])

1986, c. 49 (§ 3)

1987, c. 27 (§ 12)

1988, c. 143 (§§ 7, 8)

1991, Special Session II, c. 1 (§ 7)

2006, c. 1 (§§ 8, 15)

2008, c. 326 (§ 9).

§ 1. Incorporation.

The inhabitants of the territory comprised within the limits of the city of Emporia as the same are now or may hereafter be established by law shall continue to be a body politic and corporate under the name of the city of Emporia and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure. (1968, c. 78)

§ 2. Territorial limits.

The corporate boundaries of the city are set forth in the annexation orders and contraction of corporate limits, recorded in the office of the Clerk of the Circuit Court of Greensville County, Virginia, in Common Law Order Book 11, at page 330, Common Law Order Book 13, at page 325, and Common Law Order Book 14, at page 444, and Common Law Order Book 15, at page 184. (1968, c. 78)

§ 3. Powers.

The powers set forth in §§ 15.1-837 through 15.1-915 of Title 15.1 of the Code of Virginia as in force on January 1, 1972, and all other powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government are hereby specifically conferred upon the city of Emporia. It is intended that the city shall possess all powers which under the Constitution it would be competent for this charter to enumerate specifically and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. The powers which are now or may hereafter be conferred upon or delegated to this city under the Constitution and laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by the city and in case of doubt as to the existence of a power such doubts shall be resolved in favor of the city.

In addition to the powers granted by other sections of this charter, the city shall have the power to raise annually by taxes and assessments, as permitted by general law, such sums of money as the council shall deem necessary for the purposes of the city in such manner as the council shall deem expedient. The city shall have the power to expend the money of the city for any and all lawful purposes. In addition to, but not as a limitation upon, this general grant of power the city shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, local general retail sales and use tax as provided by law and capitation taxes; to require a business license tax on local telephone service provided to subscribers within the city; unless prohibited by general law to require business licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect to all businesses, professions, vocations and callings which cannot, in the opinion of the council be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets, and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license. Notwithstanding § 58.1-3916 of the Code of Virginia, the city by ordinance may require tangible personal property taxes to be paid on July 1 for the succeeding fiscal year.

In addition to the other powers conferred by law, the city of Emporia shall have the power to impose, levy and collect, in such manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, gas, electricity, telephone, and any other public utility service within the city or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. (1968, c. 78; 1972, c. 806; 1986, c. 49)

§ 3.1. Eminent domain.

A. Generally. (a) The powers of eminent domain set forth in Title 15.1, Chapter 1.1 of Title 25 and Chapter 1 of Title 33.1 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the city of Emporia.

(b) In any case in which a petition for condemnation is filed by or on behalf of the city, a true copy of the ordinance or resolution duly adopted by the council, declaring the necessity for any taking or damaging of any property within the city, for the purposes of the city, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the city.

B. Certificates. (a) Certificates issued pursuant to §§ 33.1-121 to 33.1-129, inclusive, of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, may be issued by the city, signed by the city manager. Such certificate shall have the same effect as certificates issued by the State Highway and Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful purpose, whether within or without the city.

(b) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition or motion of the city, at any time after the filing thereof, provided that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the city or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the city.

C. Alternate method. (a) In addition to the other powers conferred by law, the city may, in exercising the right of eminent domain, make use of the procedure prescribed by the general law or may elect to proceed as hereinafter provided. Upon the adoption of an ordinance or resolution directing acquisition of any property, the city may file a petition for condemnation in the clerk's office of a court having jurisdiction.

(b) Upon the filing of the petition and the funds provided for the purpose having been duly deposited to the credit of the court, if the court is of the opinion that the property or interest or estate therein to be acquired is for the purpose of the city as provided by law, it may order that the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to

such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceedings are instituted shall make and certify a copy of the order and deliver or transmit the same to the clerk of the court in which deeds are admitted to record who shall record the same in his deed book and index it in the name of the record title owner of such property and in the name of the city.

(c) All other proceedings under this section shall be had in accordance with the provisions of the Virginia General Condemnation Act insofar as they are then applicable and not inconsistent with the provisions of this section; provided, however, that the provisions of § 25-233 of the Code of Virginia, as now or hereafter in effect, shall apply to any property belonging to any corporation possessing the power of eminent domain that may be taken hereunder. (1975, c. 354)

Administration and Government.

The Mayor.

§ 4. Chief executive.

The mayor shall be a qualified voter and a bona fide resident of the city. By virtue of his office, the mayor shall be the chief executive officer of the city. He shall receive such annual compensation as may be fixed by the council in accordance with the laws of the State. (1968, c. 78)

§ 5. Duties.

The mayor shall preside over the meetings of the council and shall have the same right to speak therein as other members. He shall have no vote in the proceedings of the council except in case of a tie. He shall have authority to appoint such committees of the council as deemed necessary and expedient to the proper administration of the city government.

He shall be recognized as the head of the city government for all ceremonial purposes, the purpose of military law and the service of civil process. He shall authenticate, by his signature such instruments as the council, this charter or the laws of the State shall require. (1968, c. 78)

§ 6. President of Council.

The council of the city of Emporia, at its first meeting after each councilmanic election, shall elect from its membership one of its members as President of Council who shall, in the absence or inability of the mayor to act, have all the powers and duties of the mayor, and shall perform all of his functions.

At the first meeting of each new and succeeding council elected hereunder, such President of Council shall be elected. (1968, c.78; 1972, c. 806)

§ 7. Mayor and council.

In addition to a mayor who shall be elected at large, the city of Emporia shall be governed, beginning July 1, 1992, by a City Council which shall be composed of seven members elected from districts and who shall be qualified voters and bona fide residents of the city. More than one member of the City Council may be apportioned to a single district, but each such district shall be constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. Candidates seeking election to the City Council shall be residents of the district for which they qualify to run and shall be elected solely by the voters of that district.

The districts to be used for electing the members of Council, the number of members to be elected from each district, and the terms of office of the members of Council shall initially be as prescribed in the consent decree entered on January 12, 1988, by the United States District Court for the Eastern District of Virginia (the "Consent Decree") in the civil action styled Thomas M. Person, et al. v. William H. Ligon, et al. (Civil Action No. 84-0270-R).

Vacancies in either the office of the mayor or in the Council shall be filled within thirty days by a recorded majority vote of the council for the unexpired term.

In absence, or in the case of disability of both the mayor and President of the Council, one of the other councilmen selected by a majority vote of the Council shall have all of the powers heretofore conferred upon the mayor and President of the Council.

The Council shall have the right to fix salaries for the members thereof, and same shall not be increased or diminished during their respective terms of office. (1968, c. 78; 1988, c. 143; 1991, Sp. Session II, c. 1)

§ 8. Election and term of mayor and council.

At the regular municipal election to be held on the first Tuesday after the first Monday in November 2006, and every two years thereafter, there shall be elected one council member from each district having an incumbent council member whose term expires on or before the first day of January next following such election. At the regular municipal election to be held on the first Tuesday following the first Monday in November 2008, and every four years thereafter, the mayor shall be elected at large. The mayor and members of the Council shall each serve for a term of four years commencing on the first day of January next following the date of their election and until their successors have been duly elected and qualified; provided, however, that the terms of the four council members subject to expire June 30, 2006, shall be extended to December 31, 2006, and the terms of the mayor and the three council members subject to expire June 30, 2008, shall be extended to December 31, 2008. (1968, c. 78; 1972, c. 806; 1988, c. 143; 2006, c. 1)

§ 9. Powers of council.

All powers of the city of Emporia as a body politic and corporate shall be vested in the city council.

The council shall be the policy determining and lawmaking body of the city and shall be vested with all the rights and powers conferred on councils in cities, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

(a) To have full power to inquire into the official conduct of any office or officer under its control and to investigate the accounts, receipts, disbursements, and expenses of any city employee; for these purposes it may subpoena witnesses, administer oaths and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

(b) To provide for the performance of all the governmental functions of the city; and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by ordinance or resolution of the council. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer or combine any city functions, activities, or departments.

(c) To fix a schedule of compensation for all city officers and employees. The council may by ordinance define certain classes of city employees whose salaries shall be set by the city manager, except that this provision shall not apply to the constitutional officers, the heads of city departments, and judges.

(d) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may designate.

(e) To set the membership of the Emporia Redevelopment and Housing Authority. Commissioners of the Emporia Redevelopment and Housing Authority shall be not less than five nor more than nine in number and shall hold their offices at the pleasure of the council for terms not to exceed four years; however, the council may at any time, and from time to time, adopt an ordinance adding one council member as a commissioner of the Emporia Redevelopment and Housing Authority. The remaining members of the Authority shall be appointed by council from the citizenry of the city. The Authority shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by general law. Notwithstanding any other provisions of law to the contrary, a city council member shall receive no compensation for service as a commissioner of such authority; nor shall a council member continue to serve as a commissioner after ceasing to be a member of council. (1968, c. 78; 1972, c. 806; 2008, c. 326)

Council Procedures.

§ 10. Oath of office.

The mayor and other municipal officers of the city, before entering upon the duties of their respective offices, shall be sworn in according to the laws of the State by any one authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

The failure of any person elected or appointed to an office under this charter to qualify within thirty (30) days after the commencement of the term for which he was elected or appointed, or if elected or appointed to fill a vacancy, for thirty (30) days after such election or appointment shall vacate his office. (1968, c. 78).

§ 11. Council meetings generally.

The council shall, by ordinance, fix the time and place of its meetings. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings and may compel the attendance of its members, punish its members for disorderly behavior, and by a vote of two-thirds of its members, may expel a member for malfeasance or misfeasance in office. The council shall determine its own rules of procedure. All elections and appropriations of money shall be by oral vote and the vote shall be recorded in the minutes of the council. (1968, c. 78)

§ 12. Quorum.

Five members of the council shall constitute a quorum for the transaction of business; but no ordinance or resolution shall be adopted, having for its object the levying of taxes or the appropriating of moneys, except by a recorded affirmative vote of a majority of all the elected members of the council. The mayor shall preside at all meetings of the council when present, but in the absence or inability of the mayor or the President of the council, the members of the council present shall select one of their body to preside over the meeting. The mayor shall not be entitled to vote except on case of a tie. (1968, c. 78; 1987, c. 27)

§ 13. Forfeiture of office upon conviction of felony.

Any member of the council or other officer of the city who shall have been convicted of a felony while in office shall thereby forfeit his office. (1968, c. 78)

§ 14. Condition of discharge of officer or employee.

Any officer or employee of the city may be discharged for good cause. (1968, c. 78)

§ 15. Organization meeting.

On the first Thursday in January following the regular municipal election, the council shall meet in the council chambers at 7:30 P.M. at which time the newly elected councilmen and mayor, after first having taken the oath of office prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such time as may be prescribed by ordinance or resolution, except that they shall meet regularly not less than once each month. (1968, c. 78; 2006, c. 1)

§ 16. Special meetings.

The mayor, or any two (2) members of the council, may call special meetings of the council, at any time, after a written notice of twelve (12) hours, with the purpose of the meeting stated therein, served personally on each member of the council and the mayor, or left at his usual place of business or residence if he be not found with due diligence, or such meeting may be held at any time, without any service of notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. (1968, c. 78)

§ 17. Except as hereinafter provided, all meetings of the council and of the school board, planning commission and any other board, commission, organization, agency or other public body of the city shall be public. Information as to the time and place of each such meeting shall be furnished to any citizen and to the news media upon request.

(a) Executive meetings may be held only for the following purposes:

(1) Discussion or consideration of employment, assignment, appointment, promotion, demotion, salaries, disciplining or resignation of public officers, appointees or employees of any public body.

(2) Discussion or consideration of the condition, acquisition or use of real property for public purpose, or of the disposition of publicly held property.

(3) The protection of the privacy of individuals in personal matters not related to public business.

(4) Discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating in the community.

(5) The investing of public funds where competition or bargaining is involved, where if made public initially the financial interest of the city would be adversely affected.

(6) Consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to pending litigation, or legal matters within the jurisdiction of the public body, including legal documents.

(7) Discussion of any matter which will be the topic of a public hearing prior to a final decision, provided that notice of every such public hearing shall be published generally in the city not less than ten days prior to such public hearing.

(b) No meeting shall become an executive or closed meeting unless there shall have been recorded an affirmative vote to that effect by the public body holding such meeting.

(c) No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in an executive or closed meeting shall become effective unless such public body, following such meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, rule, contract, regulation or motion.

(d) Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same regulations for holding executive or closed sessions as are applicable to any other public body.

(e) Except as otherwise specifically provided by law, all official records shall be open to inspection and copying by any citizen of this State having a personal or legal interest in specified records during the regular office hours of the custodian of such records. Access to such records shall not be denied to any such citizen of this State, nor to representatives of newspapers published in this State, nor to representatives of radio and television stations located in this State.

(f) The following records are excluded from the provisions of subsection (e):

(1) Memoranda, correspondence, evidence and complaints related to criminal investigations, and reports submitted to the State police in confidence.

(2) State income tax returns, medical and mental records, scholastic records, welfare records, adoption records, illegitimate births and personnel records.

(3) Memoranda, working papers and correspondence held by the mayor, city manager or city attorney, or any material furnished in confidence to such officials.

(4) Memoranda, working papers and records compiled specifically for use in pending or impending litigation. (1968, c. 78; 1972, c. 806)

§ 18. Clerk of the council.

The council shall appoint a clerk of the council to serve at the pleasure of the council. He shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purposes. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. He shall receive such compensation as clerk of the council as may be determined by the council. (1968, c. 78; 1972, c. 806)

Enactments.

§ 19. Ordinances and resolutions.

Each proposed ordinance or resolution shall be introduced in written or printed form. Except as otherwise provided in this charter, an affirmative vote of a majority in the members elected to the council shall be necessary to adopt any ordinance or resolution. An ordinance or resolution may be presented and enacted at the same meeting. (1968, c. 78; 1972, c. 806)

§ 20. Recordation and authentication of ordinances.

Every ordinance or resolution having the effect of an ordinance when enacted by the council shall be recorded and indexed by the clerk of the council in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the clerk of the council. (1968, c. 78)

§ 21. Publication of ordinances.

Every ordinance involving a penalty for its violation shall be published one time, immediately following its passage, in some newspaper published in the city, or posted at three or more public places in the city for one week.

This section shall not be construed to require the publication or posting of any revision or codification of the ordinances of the city. It shall be sufficient, in the case of any such revision or codification of the city ordinances and any new material or ordinances included therein, to publish or post the adopting ordinance as required herein. (1968, c. 78)

§ 22. Final passage of ordinance on day of presentation and first reading.

When it is proposed to place an ordinance on its final passage on the same day on which it was first presented and read, and objection is made to so doing, the ayes and noes shall be ordered on the question of so doing. In such case the ordinance shall not be placed upon its final passage at that meeting, except by the concurrence of two-thirds of the members present. (1968, c. 78)

The City Manager.

§ 22a. Appointment.

There shall be a city manager who shall be responsible to the council and mayor for the proper administration of the city government. He shall be chosen by the council without regard to his political beliefs and solely upon the basis of his executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office at the pleasure of the council. At the time of his appointment he need not be a resident of the city or the Commonwealth, but during his tenure of office he shall reside within the city. (1968, c. 78; 1972, c. 806)

§ 23. Duties.

(1) To see that all laws and ordinances of the city are enforced.

(2) To exercise supervision and control over all administrative departments and divisions.

(3) To attend all regular meetings of council with the right to take part in the discussion but having no vote.

(4) To recommend to the council for adoption such measures as he may deem necessary or desirable.

(5) To execute all contracts on behalf of the city, which do not, by their nature, require the seal of the city.

(6) To prepare and submit to the council the annual budget.

(7) To keep the council advised as to the present and future needs of the city and as to all operations of its government.

(8) To perform all such duties as may be prescribed by the charter or be required of him by the council. (1968, c. 78; 1972, c. 806)

§ 24. Absence or disability.

During the absence or disability of the city manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability or vacancy. (1968, c. 78)

§ 25. Council-manager relationship.

Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. (1968, c. 78)

§ 26. Councilmen not to succeed to office of city manager.

No councilman shall be appointed as city manager during the term for which he shall have been elected nor within one year after the expiration of his term. (1968, c. 78)

Financial Administration.

§ 27. Fiscal year.

The fiscal year of the city shall be from July 1 through June 30 inclusive. (1968, c. 78)

§ 28. Submission and adoption of budget, hearings and tax levy.

No later than the first day of May annually the city manager shall prepare and submit to the council a budget presenting the financial plan for conducting the affairs of the city for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as council, by ordinance or resolution, may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with general laws of the Commonwealth. The tax levy for each fiscal year shall be made and a budget for the fiscal year shall be adopted prior to the first day of the fiscal year for which they were made or adopted. (1968, c. 78; 1972, c. 806)

§ 29. Reserved. (1968, c. 78; 1972, c. 806)

§ 30. Reserved. (1968, c. 78; 1972, c. 806)

§ 31. Audits generally.

At the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall always be available for public inspection in the office of the clerk of the council during regular business hours. Upon the death, resignation or termination of employment of any city officer or

employee, council may order an audit of the accounts, books, records and financial transactions of that office. (1968, c. 78; 1972, c. 806)

§ 32. City attorney.

There shall be a city attorney appointed by council and shall hold office at the pleasure of the council and he shall receive such compensation as council may determine. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. The city attorney shall be the chief legal adviser of the council, the city manager, and of all departments, boards, commissions and agencies of the city including the school board in all matters affecting the interest of the city. He shall represent the city in all civil proceedings. It shall be his duty to perform all services as may be required by the laws of the Commonwealth, this charter or by ordinance. (1968, c. 78)

Municipal Court.

§ 33. Municipal court judge and qualifications.

There shall be within the city of Emporia a municipal court which shall have jurisdiction and other judicial powers as are conferred on such courts by general law.

There shall be a judge of the municipal court of the city of Emporia and such associate and substitute judges as may be deemed necessary by the council. Such judges shall be appointed by the council for terms of four (4) years. Vacancies in the office of the judge of the municipal court or associate or substitute judge shall be filled by the council for the unexpired term. The municipal court judge, associate or substitute judge shall be an attorney at law qualified and authorized to practice in this Commonwealth.

The judge, associate and substitute judges of any other city or county court may be appointed as judge, associate or substitute judge of the Municipal Court of the city of Emporia. (1968, c. 78; 1972, c. 806)

§ 34. Municipal judge, compensation.

The municipal judge shall receive such compensation as council may determine, which salary is to be paid in the same manner as salaries of other officials are paid and he shall receive no other compensation for his services as municipal judge. (1968, c. 78)

§ 35. Juvenile and domestic relations court.

The municipal judge, associate and substitute judge, at the time of his appointment and during his term of office, may also serve as judge, associate or substitute judge of the juvenile and domestic relations court. The council may appoint a judge of the juvenile and domestic relations court of the city of Emporia in the same manner and for the same term as the judge of the municipal court.

The juvenile and domestic relations court shall possess such jurisdiction and other judicial authority as is conferred on juvenile and domestic relations court by general law. (1968 c. 78)

§ 36. Fees, costs and fines.

Fees, costs and fines shall be assessed, fixed and collected by the municipal court in the manner provided by general law. All such fees, costs and fines shall be paid into the city treasury for the benefit of the city; provided that fines, costs and fees due to the Commonwealth shall be paid to the proper officials of the Commonwealth. (1968, c. 78; 1972, c. 806)

§ 37. Municipal court clerk.

The clerk of the municipal court and of the juvenile and domestic relations court shall be appointed by the judge or judges of such courts and serve at the pleasure of the judge or judges thereof. The clerk of the municipal court may also serve as clerk of the juvenile and domestic relations court. The clerk shall receive such compensation as the council may prescribe, and shall take such oath and give such bond as may be prescribed by general law. The powers, authority and duties of the clerk shall be the same as are now or may hereafter be conferred or imposed upon clerks by the laws of the Commonwealth in civil and criminal matters including violations of city ordinance.

The clerk and deputy clerk of any other city or county court may be appointed as clerk and deputy clerk of the Municipal Court of the city of Emporia and as Clerk and Deputy Clerk of the Juvenile and Domestic Relations Court of the city of Emporia. (1968, c. 78; 1972, c. 806)

§ 37a. Circuit court.

The city of Emporia shall be and continue in every respect within the jurisdiction of the circuit court of Greensville County and there shall be one and the same circuit court for the county of Greensville and the city of Emporia. There shall be for said county of Greensville and the city of Emporia but one circuit courthouse and circuit court clerk's office and the circuit court clerk of the county of Greensville shall continue in all respects as the clerk of such circuit court. Such court shall have the same jurisdiction in the city of Emporia in all respects as corporation courts have in other cities of its class. (1968, c. 78)

Department of Public Safety. (Repealed)

§ 38. Reserved. (1968, c. 78; 1972, c. 806)

§ 39. Reserved. (1968, c. 78; 1972, c. 806)

§ 40. Reserved. (1968, c. 78; 1972, c. 806)

Department of Public Works.

§ 41. Department of public works.

There may be a department of public works which shall consist of the Director of Public Works who may be the city manager or a person appointed by the city manager with the approval of the council

and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1968, c. 78)

§ 42. Functions.

The department of public works shall be responsible for the construction and maintenance of all public buildings, streets, roads, bridges, drains, sewers, garbage and refuse collection and disposal, and all other public works and constructions; the care of public buildings; the custody of such equipment and supplies as the city manager may require; and such other powers and duties as may be assigned to the department by the city manager. (1968, c. 78)

Department of Public Utilities.

§ 43. Department of public utilities.

There may be a department of public utilities which shall consist of the director of public utilities, who may be the city manager or a person appointed by the city manager with the approval of the council, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1968, c. 78)

§ 44. Functions.

The department of public utilities shall be responsible for: the water, sewer, gas and operation of the water, sewer, gas and electric departments and such other powers and duties as may be assigned to the departments by the city manager. (1968, c. 78)

Department of Health.

§ 45. Department of public health.

There may be a department of public health which shall consist of the director of public health, to be appointed by the city manager with the approval of the council and such other officers and employees organized into such bureaus, divisions, and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1968, c. 78)

§ 46. Functions.

The department of public health shall be responsible for the exercise of all health functions imposed on municipalities by general law and such other functions as may be assigned to the department. (1968, c. 78)

§ 47. Director of public health.

The head of the department of public health shall be the director of public health. He shall have general management and control of the several bureaus, divisions, and other units of the department. He shall have all the powers and duties with respect to the preservation of the public health which now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the

laws of the Commonwealth, as well as the powers and duties conferred or imposed on him by this charter and the ordinances of the city. (1968, c. 78)

§ 48. Board of health.

The council may select two or more qualified citizens of the city, who together with the director of public health shall constitute the board of health. The board of health shall advise and cooperate with the department of health and shall have power to adopt necessary rules and regulations, not in conflict with law, concerning the department. The provisions of general law relating to the establishment of local boards of health shall not apply to the city of Emporia. (1968, c. 78)

§ 49. Contractual services.

The council may, in its discretion, effectuate the powers, duties, and functions assigned to the department of public health in this chapter through contractual agreements with the State Department of Health, neighboring cities and counties. (1968, c. 78)

Department of Public Welfare.

§ 50. Department of public welfare.

There shall be a Department of Public Welfare consisting of three (3) members, elected by the council of the city of Emporia, one of whom shall be appointed annually. The first appointment hereunder shall be for one (1) year, one for two (2) years and one for three (3) years, beginning July 1, 1968, and thereafter all appointments shall be for terms of three (3) years.

The department of public welfare shall appoint the Superintendent of Public Welfare and such other employees of the department as may be necessary.

The Superintendent of Public Welfare of Greensville County may be appointed Superintendent of Public Welfare of the city of Emporia.

The Department of Public Welfare shall be responsible for carrying out the duties and functions imposed on local boards and superintendents of public welfare by general law and such other duties as may be assigned by council. (1968, c. 78)

City Constitutional Officers.

§ 51. Election, terms, powers, duties and compensation.

On the first Tuesday after the first Monday in November, 1969, and every four (4) years thereafter, the qualified voters of the city shall elect a Treasurer, City Sergeant and a Commissioner of the Revenue for the city who shall have such powers and perform such duties and receive such compensation as are provided by general law. (1968, c. 78)

§ 52. Vacancies.

Vacancies in the office of Treasurer, City Sergeant and Commissioner of the Revenue shall be filled by the council for the unexpired portion of the term of office. (1968, c. 78)

§ 53. Duties of commissioner of revenue.

The commissioner of revenue shall perform such duties not inconsistent with the laws of The Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of licenses taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the director of finance. He shall perform such other duties as may be required of him by the council. (1968, c. 78)

§ 54. Duties of treasurer.

The city treasurer shall collect and receive, all money due the city by the State and all taxes and levies due the State and collected within the city, and disburse same as provided by the general laws of the Commonwealth relating to city treasurers, and may be authorized by the council also to collect and receive all money, taxes and levies due the city and disburse the same according to this charter and the ordinances enacted by the city. (1968, c. 78)

§ 54a. Duties of city sergeant.

The city sergeant and any deputy city sergeants shall have the authority and powers and jurisdiction which is granted to sergeants of other cities of the class of Emporia by the general laws of the Commonwealth of Virginia and the ordinances of the city of Emporia and they shall perform such duties as may be prescribed by the State laws and the ordinances of the city of Emporia. (1968, c. 78)

Schools.

§ 55. School district and division.

The city of Emporia may enter into an agreement with the county of Greensville for a joint school district between the city and county, subject to the approval of the State Board of Education. (1968, c. 78)

§ 56. Number and qualification of board.

The school board of the city of Emporia may consist of not more than four (4) trustees, who shall be bona fide residents and qualified voters of the city and not a member of the city council. The number of said trustees on the school board shall be set by the city council. (1968, c. 78)

§ 57. Appointment and term.

Members of the school board for the city of Emporia shall be appointed by the city council for a term of four (4) years, one of whom shall be appointed annually. The first trustee appointed shall be for a term expiring December 31, 1968, another for a term expiring December 31, 1969, and the others for a term

expiring December 31, 1970, and thereafter all appointments shall be for a term of four (4) years. (1968, c. 78)

§ 58. Compensation.

The compensation to be paid each trustee shall be fixed by a majority vote of the council, provided, however, that the annual compensation to be paid to any trustee shall not exceed the sum set by statute. (1968, c. 78)

§ 58a. Powers.

The city school board shall be responsible for the employment of all personnel required for the operation of the city schools with a neighboring political subdivision. (1968, c. 78)

Constitutional Officers.

§ 59. Constitutional officers and election thereof.

In addition to the municipal officers provided for by the preceding provisions of this charter there shall also be a sheriff, an attorney for the Commonwealth and a clerk of said circuit court of Greensville County elected conjointly for the city and the county of Greensville by the qualified voters of said city and county. The sheriff, attorney for the Commonwealth and clerk of said circuit court of Greensville County at the effective date of this charter are hereby continued in office for the terms for which they were appointed or elected and until their successors have been appointed or elected and qualified. Subsequent elections for any of the three above-mentioned offices shall be held at the times, in the manner, and for the terms provided by general law. (1968, c. 78)

§ 60. Powers and duties of sheriff, attorney for commonwealth and clerk of circuit court.

The sheriff, attorney for the Commonwealth and clerk of said circuit court of Greensville County shall exercise and have the same rights and privileges, perform the same duties, have the same jurisdiction and receive the same fees therefor in the city as they, respectively, exercise and have and receive in the county of Greensville, and shall receive such compensation as is prescribed by the general law. (1968, c. 78)

General Provisions.

§ 61. Contractual relationships.

The city of Emporia may, at the option of the city council, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivision, and private agencies for the performance of any part of or all of the functions, or purposes of the city, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. The school board may, with the approval of the city council, enter into contractual relationships with the Commonwealth or its departments, bureaus, boards and agencies,

neighboring political subdivisions, and private agencies for the performance of any part of or all of the functions, or purposes of the school board, on such terms and for such periods as the school board may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. (1968, c. 78; 1972, c. 806)

§ 62. Residence of employees.

Except as otherwise provided in this charter, the council shall have the power to provide by ordinance from time to time that the regular, permanent officers and employees of the city, or any of them, shall reside within the city during their continuance in such office or employment. (1968, c. 78)

§ 63. Present ordinances and rules and regulations continued in effect.

All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed. (1968, c. 78)

§ 64. Continuance of officials and officers.

Except where this charter may otherwise provide, all officials and officers of the city holding office immediately prior to the effective date of this charter, whether such office be elective or appointive, may continue in such office until the expiration of their respective current term of office or until their successors shall have been elected or appointed and qualified or until such office may be lawfully terminated. (1968, c. 78)

§ 65. Continuance of internal organization of the city.

Except where this charter may otherwise provide, the several departments, commissions, boards and other administrative units of the city functioning at the effective date of this charter are hereby continued until otherwise provided by ordinance. (1968, c. 78)

§ 66. Continuance of contracts.

All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public works begun prior to the taking effect of this charter may be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws. (1968, c. 78)

§ 67. Partial invalidity.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said charter, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

This act may for all purposes be referred to or cited as the city of Emporia Charter of 1968. (1968, c. 78)

Exmore, Town of

County of Northampton

History of incorporation

Incorporation and charter, 1950, c. 551; repealed 2002, c. 126.

Current charter

Charter, 2002, c. 126.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Exmore, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Exmore, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal that it may alter, renew or amend at its pleasure by proper ordinance. (2002, c. 126)

§ 1.2. Boundaries.

The territory embraced within the Town of Exmore is that territory in the County of Northampton, Virginia, established in Chapter 551 of the Acts of Assembly of 1950, and that territory added by the Order of the Circuit Court of Northampton County, Virginia, entered on October fourth, two thousand, and recorded in the Civil Law Book 9, at pages 182-184, in the Clerk's Office of said Court. (2002, c. 126)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Exmore shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (2002, c. 126)

§ 2.2. Adoption of certain sections of the Code of Virginia.

The powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, as in force on January one, two thousand two, and as may hereafter be amended, are hereby conferred on and vested in the town. (2002, c. 126)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.2, Chapter 1.1 (§ 25-46.1 et seq) of Title 25 and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town. (2002, c. 126)

Chapter 3. Mayor and Council.

§ 3.1. Election qualification and term of office of councilmen and mayor.

1. The town of Exmore shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters and residents of the town, to be elected from the town at large.

2. The mayor and councilmen in office at the time of the passage of this act shall continue in office until their successors are elected and qualified. An election for mayor and councilman shall be held on the first Tuesday in May, two thousand two. The mayor so elected shall serve a term of four years, with subsequent mayoral elections to be held at four year intervals thereafter. In order to provide for staggered terms of council members, the three candidates so elected receiving the highest numbers of votes shall serve a term of four years. The three candidates so elected receiving the next highest numbers of votes shall serve a term of two years. Thereafter, there shall be an election on the first Tuesday in May of each even-numbered year at which three council members shall be elected to serve a term of four years. Terms of office for mayor and council members shall begin on the first day of July next following their election. (2002, c. 126)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council within sixty days after the vacancy occurs. Persons so elected to fill vacancies must be qualified voters and residents of the Town of Exmore. (2002, c. 126)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. The person so elected to fill the vacancy must be a qualified voter and resident of the town. (2002, c. 126)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body or any contract or obligation incurred shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (2002, c. 126)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor, or the town manager as may be designated by the town council, for the purpose of enforcing peace and good order and executing the laws of the Commonwealth and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary. The mayor shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (2002, c. 126)

§ 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council. (2002, c. 126)

§ 3.7. Meetings of council.

The town council shall fix the time of its stated meetings and it shall meet at least once a month. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified in writing a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (2002, c. 126)

§ 3.8. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. (2002, c. 126)

§ 3.9. Acting mayor.

In the absence or inability to act of both the mayor and vice-mayor, any member of the town council may act with all the powers of the mayor upon the request to do so by the town council, but only during the period of such dual absence and inability. (2002, c. 126)

§ 3.10. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (2002, c. 126)

Chapter 4. Appointive Officers.

§ 4.1. Appointment.

The town council may appoint such officers of the town as it deems necessary. Such officers may include, but shall not be limited to, a town manager, a town clerk, a town attorney, a town treasurer, a town sergeant and special police officers. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this charter, by the laws of the Commonwealth, or by the town council. (2002, c. 126)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. (2002, c. 126)

§ 4.3. Terms of office.

Officers and deputies and assistant officers appointed by the town council shall serve at the will and pleasure of the town council. (2002, c. 126)

§ 4.4. Appointment of one person to more than one office.

The town council in its discretion may appoint the same person to more than one appointive office, subject to such limitations as are set forth in the Constitution of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time. (2002, c. 126)

§ 4.5. Qualifications and duties of the town manager.

The town manager shall be the chief executive officer of the town and shall be responsible to the town council for the proper administration of the town government. It shall be the duty of the town manager to:

1. Attend all meetings of the town council, with the right to speak but not to vote.

2. Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration and make such recommendations as may seem to him desirable.

3. Prepare and submit the annual budget of the town council and be responsible for its administration after its adoption.

4. Prepare in suitable form for publication and submit to the town council at the next regular meeting following the end of each fiscal year, a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.

5. Present adequate financial and activity reports as required by the town council.

6. Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

7. Perform such other duties as may be prescribed by this charter, or required of him in accordance therewith by the town council, or that may be required of the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the town, except those appointed by the town council pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. The town council shall designate by ordinance a person to act as town manager in the case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. Until such time as the town council appoints any such town manager, the duties and powers outlined herein shall be given to the mayor or such other person as may be designated by the town council. (2002, c. 126)

§ 4.6. Duties of the town clerk.

The town clerk shall be the clerk of the town council. He shall keep the journal of the proceedings of the town council and shall record all ordinances and resolutions in a book or books kept for that purpose. He shall record the vote of each council member on any question submitted to the council as required by law or the council. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council may specify or as the general laws of the Commonwealth may require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours, subject to such limitations and exceptions as are set forth in the Code of Virginia, as amended from time to time. (2002, c. 126)

§ 4.7. Duties of the town attorney.

The town attorney shall be the legal advisor of the town council and shall serve at the pleasure of council. He shall represent the town in all legal affairs as may be requested by the mayor, town council, or by an officer of the town appointed under the provisions of this charter. (2002, c. 126)

§ 4.8. Duties of the town treasurer.

The town treasurer shall collect the town taxes and license fees, and shall have the same power to levy and sell property for collection of delinquent taxes and fees as given to county treasurers. He shall perform such other duties, not inconsistent with his office, as the town council may direct. (2002, c. 126)

§ 4.9. Powers and duties of the town sergeant and special policemen.

The sergeant of the town shall be conservator of the peace, and vested with the full powers of a constable within the limits of the town. He, and any special police officers, who may be appointed by the mayor with the advice and consent of a majority of the members of the town council, shall have all the powers given to special police officers under the laws of the Commonwealth. He shall assist the treasurer in the collection of town taxes, and may distrain and sell therefor in like manner for which State taxes and county levies are distrained. (2002, c. 126)

§ 4.10. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (2002, c. 126)

§ 4.11. Vacancies in office.

The town council may fill any vacancy in any appointive office. (2002, c. 126)

§ 4.12. Residence of officers and employees.

Any appointive officers or employees of the town may be appointed and serve whether or not the appointee be a resident or nonresident of the town. (2002, c. 126)

Chapter 5. Raising of Revenue.

§ 5.1. Assessment of taxes.

The council shall have the power to assess and tax real or personal property within the town, levy taxes, impose license requirements and collect the same to any extent not prohibited by the laws of the Commonwealth of Virginia. (2002, c. 126)

§ 5.2. Other revenue-generating activity.

The council shall have the power to engage in other revenue raising activity to any extent not prohibited by the laws of the Commonwealth of Virginia. (2002, c. 126)

Chapter 6. Financial Provisions.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year, and end on June thirty of the year following. (2002, c. 126)

Chapter 7. Miscellaneous.

§ 7.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (2002, c. 126)

§ 7.2. Applicability outside town.

All ordinances of the town so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (2002, c. 126)

§ 7.3. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (2002, c. 126)

§ 7.4. Ordinances continued in force.

All ordinances now in force in the Town of Exmore, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (2002, c. 126)

§ 7.5. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (2002, c. 126)

Fairfax, City of

History of incorporation

Providence established as Fairfax County Courthouse in 1805.
Name changed in 1859 to Fairfax.
Originally incorporated as a town in 1874.
Became City of Fairfax by Court Order in 1961.
Charter, 1892, c. 282; repealed 1954, c. 357.
Charter, 1954, c. 357; repealed 1962, c. 468.
Charter, 1962, c. 468; repealed 1966, c. 319.

Current charter

Charter, 1966, c. 319.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Fairfax as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Fairfax and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew, or amend at its pleasure. (1966, c. 319)

§ 1.2. Boundaries.

The corporate limits of the City of Fairfax, Virginia, as heretofore established, are hereby reestablished and the said corporate limits shall be as set forth in the final order entered on August 7, 1958, by the Circuit Court of Fairfax County, sitting as a duly constituted Annexation Court, in Town of Fairfax v. County of Fairfax, At Law 7597, Circuit Court of Fairfax County, the order entered on December 15, 1980, by the Circuit Court of Fairfax County, pursuant to Code of Virginia, § 15.1-1031.1, et seq., in City of Fairfax, Virginia, and County of Fairfax, Virginia, Co-Petitioners, At Law 51496, Circuit Court of Fairfax County, the order entered on October 18, 1991, by the Circuit Court of Fairfax County, pursuant to Code of Virginia § 15.1-1031.1 et seq., in City of Fairfax, Virginia, and the County of Fairfax, Virginia, Co-Petitioners, At Law 108937, Circuit Court of Fairfax County, and the order entered on October 22, 1993, by the Circuit Court of Fairfax County, pursuant to Code of Virginia § 15.1-1031.1 et seq., in City of Fairfax, Virginia, and County of Fairfax, Virginia, Co-Petitioners, At Law 127258, Circuit Court of Fairfax County, and the order entered on March 16, 2001, by the Circuit Court of Fairfax County, pursuant to Article 2 (§ 15.2-3106 et seq) of Chapter 31 of Title 15.2 of the Code of Virginia, in the City of Fairfax, Virginia, and the County of Fairfax, Virginia, Co-Petitioners, At Law 194160, Circuit Court of Fairfax County, and as thereafter lawfully changed. (1966, c. 319; 1984, c. 205; 1992, c. 281; 1994, c. 130; 2002, c. 5)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The City shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and Laws of the Commonwealth and all other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the said Constitution and Laws and which in the opinion of the Council are necessary or desirable to promote the general welfare of the City and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1966, c. 319)

§ 2.2. Financial powers.

In addition to the powers granted by other sections of this Charter, the City shall have the power:

(a) To raise annually by taxes and assessments, as permitted by General Law, in the City such sums of money as the Council shall deem necessary to pay the debts and defray the expenses of the City, in such manner as the Council shall deem necessary or expedient. In addition to but not as a limitation upon this general grant of power, the City shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect gross receipts taxes against public utilities; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the City, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; unless prohibited by General Law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the Council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, and other public places in the City, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the City without such license.

(b) To budget, borrow, appropriate and expend, without being bound by other provisions of this Charter, in an amount not in excess of ten percent of the total General Fund Budget of the preceding fiscal year, for the purpose of meeting a public emergency; provided that any such action shall require the affirmative votes of two-thirds of the entire Council and shall be in the form of an ordinance containing a clear statement of the nature and the extent of the emergency.

(c) To levy a transient occupancy tax on hotels, motels and boarding houses. Such tax shall be in such amount and on such terms as the Council may, by ordinance prescribe; provided, that such tax shall not exceed four percent of the amount of charge for the occupancy of any room occupied. The tax imposed hereunder shall not apply to rooms rented for continuous occupancy for thirty or more days in hotels, motels, and boarding houses. (1966, c. 319; 1977, c. 274; 1984, c. 205; 2005, cc. 641, 673)

§ 2.3. The powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, and any acts amendatory thereof or supplementary thereto are hereby conferred on and vested in the City of Fairfax. (1966, c. 319; 2014, cc. 654, 689)

§ 2.4. Property assessments.

(a) The Council shall provide for the annual assessment and reassessment of real estate for taxation.

(b) All real estate shall be assessed at its fair market value and the taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

(c) The Assessor shall prepare the land books and extend the taxes thereon and perform all the duties required by law to be performed in respect to real estate assessments. The Clerk of the Circuit Court of Fairfax County, Fairfax, Virginia, shall furnish to the Assessor the list of real estate transfers within the City of Fairfax.

(d) Notwithstanding the provisions of § 58.1-3370 of the Code of Virginia, the Circuit Court of Fairfax County, Virginia, or the judge thereof in vacation, shall appoint for the City a Board of Equalization of Real Estate Assessments, to be composed of three members, who shall be freeholders of the City, and who shall be selected by the court or judge from the citizens of the City. Initially one member shall be appointed for a term of three years, one for a term of two years and one for a term of one year. Each succeeding year thereafter one member shall be appointed for a term of three years. All terms shall run from the first day of December in the year of appointment until the thirtieth day of November in the year of expiration, the terms of the members first appointed shall begin on the day of appointment. Members shall hold over until a successor is appointed and qualifies. Such court or judge thereof in vacation may reappoint any member upon the expiration of his term and shall fill any vacancy upon the Board for the unexpired term. The members of the Board shall receive per diem compensation for the time actually engaged in the duties of the Board, to be fixed by the Council, and paid out of the Treasury of the City; provided, however, the Council, may limit the per diem compensation to such number of days as in its opinion is sufficient for the completion of the work of the Board. Such Board of Equalization shall have and may exercise the power to revise, correct and amend any assessment of real estate made by the Assessor in the calendar year in which they serve and to that end shall have all the powers conferred upon Boards of Equalization by Article 14 of Chapter 32 of Title 58.1 of the Code of Virginia, and any acts amendatory thereof and supplemental thereto. Notwithstanding such Chapter, however, the Board of Equalization may adopt any regulations providing for the oral presentation, without formal petitions or other pleading or requests for review, and looking to the further facilitation and simplification of proceedings before the Board.

(e) The City and any person aggrieved by any correction or assessment made by the Assessor or the Board of Equalization may apply for relief in the manner provided by §§ 58.1-3382, 58.1-3982 and 58.1-3984 of the Code of Virginia and any acts amendatory thereof and supplemental thereto.

(f) This section shall not apply to any real estate assessable under law by the State Corporation Commission.

(g) All provisions of law relating to the assessment of real estate in cities not in conflict with the provisions of this section shall apply to the assessment made pursuant thereto. (1966, c. 319; 1984, c. 205; 2014, cc. 654, 689)

§ 2.5. The City may receive and accept from any source, including any federal agency, aid, contributions, money, property, labor or other things of value, to be held, used and applied for any lawful purpose. (1966, c. 319; 1984, c. 205)

§ 2.6. Contractual relationships.

The City may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, with other political subdivisions, with authorities, including regional authorities, and with private agencies on such terms and for such periods as the Council may determine to be in the public interest in order to promote the education, health, safety, and general welfare of its residents. Such contracts may include, but shall not be limited to, schools, libraries, sewage collection and disposal, water supply, police and fire protection, mass or rapid transit, parks, playgrounds and open spaces. (1966, c. 319; 1984, c. 205; 2014, cc. 654, 689)

§ 2.7. Eminent domain.

The powers of eminent domain set forth in Title 15.2, Chapter 2 of Title 25.1 and Chapter 1 of Title 33.1 of the 1950 Code of Virginia, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the City.

(a) In any case in which a petition for condemnation is filed by or on behalf of the City, a true copy of a resolution or ordinance duly adopted by the City Council declaring the necessity for any taking or damaging of any property, within or without the City, for the public purposes of the City, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the City. The City may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.1-121 to 33.1-129, inclusive, and § 33.1-119, of the Code of Virginia, and acts amendatory thereof and supplemental thereto, may be issued by the Council, signed by the Mayor and countersigned by the City Treasurer. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the City proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the City; provided, however, that the provisions of § 33.1-119, of the Code of Virginia, and acts amendatory thereof and supplemental thereto, shall not be used for the acquisition of lands, easements or related interests in property located outside of the City except for the acquisition of said interests necessary for streets, water, sewer or utility pipes or lines or related facilities.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the Court having jurisdiction of the proceedings, upon petition of the City, at any time after the filing thereof, provided that the Court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The Court shall have jurisdiction to require refunding bonds, for good cause shown by the City or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the City. (1966, c. 319; 1984, c. 205; 2014, cc. 654, 689)

§ 2.8. (1966, c. 319; repealed 1976, c. 101)

§ 2.8:1. Board of architectural review.

The Council shall have power to create by ordinance a board of architectural review which shall perform the functions, duties and responsibilities more particularly set forth hereinafter.

(a) Old and historic districts. In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the City, the Council may provide by ordinance for old and historic districts in which no building or structure shall be erected, reconstructed, altered, restored or razed until approved by the board of architectural review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of buildings and structures to be erected, reconstructed, altered or restored in any old and historic district established in the City, and to prohibit the razing of any building in such a district that was erected prior to or during the year 1900 and is of such architectural or historical interest that its removal would be to the detriment of the public interest.

(b) Architectural control districts. In order to encourage the construction of attractive buildings, to protect and promote the general welfare, and to prevent deterioration of the appearance of the City which would tend to create hazards to public health, safety and morals, destroy the opportunity for development of business and industry, and thereby deteriorate taxable land values and commerce below levels necessary to finance acceptable levels of municipal services, the Council may provide by ordinance for architectural control districts in which no structure, building or major improvement, or major landscape features surrounding such structure, building or major improvement shall be erected, reconstructed, altered or restored until the plans for such have been approved by the board of architectural review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of structures, buildings, or major improvements, or major landscape features surrounding such building, structure or major improvement to be erected, reconstructed, altered or restored in any architectural control district established in the City. (1976, c. 101)

Chapter 3. Elections.

§ 3.1. Election of Council members and Mayor.

On the first Tuesday in May, 1972, and in every second year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the City at large six members of the Council and a Mayor for terms of two years. The terms of Council members and Mayor are to begin on the first day of July following their election.

All elections held pursuant to the prior provisions of this section are hereby ratified and confirmed. (1966, c. 319; 1972, c. 12; 1984, c. 205; 2014, cc. 654, 689)

§ 3.2. Nomination of candidates.

Candidates for the office of Council member and Mayor may be nominated under general law. There shall be printed on the ballots used in the election of Council member the names of all candidates who have been so nominated. (1966, c. 319; 2014, cc. 654, 689)

§ 3.3. Conduct of general municipal election.

The ballots used in the election of Council members and Mayor shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for each of as many as six Council candidates and no more. In counting the vote, any ballot found to have been voted for more than six Council candidates shall be void as to those votes but no ballot shall be void for having been voted for a less number. The six Council candidates and the candidate for Mayor receiving the highest number of votes cast in such election shall be declared elected. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election. (1966, c. 319; 2014, cc. 654, 689)

§ 3.4. Vacancies in office of Mayor or Council.

A vacancy in the office of the Mayor or in the Council, from whatever cause arising, shall be filled in accordance with the general laws of the Commonwealth relating to the filling of vacancies in such local offices, so far as pertinent. (1966, c. 319; 1984, c. 205; 2012, cc. 221, 431; 2014, cc. 654, 689)

§ 3.5. Election of other city officers.

All other City officers required by the laws of the Commonwealth to be elected by the qualified voters of the City shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. A vacancy in the office of Commissioner of Revenue or City Treasurer shall be filled by the Council by majority vote of all its members for the interim period until a successor is elected at the next general election and takes office. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1966, c. 319; 1984, c. 205)

§ 3.6. Residence of elected officers.

Except as otherwise provided herein, every elected officer of this City and every appointed member of any board or commission shall, at the time of his election or appointment, be a qualified voter in the City and have resided in the City for at least one year prior to his appointment or election. If any such officer or appointee moves from the City, his office shall thereupon be deemed vacant.

Provided, however, that in the event it is required that one or more positions on any board or commission be filled by an individual engaged in a particular professional or technical occupation, then such professional or technical member need not be a qualified voter in or resident of the City, if such professional or technical member maintains an office within the City. (1966, c. 319; 1976, c. 101)

§ 3.7. Eligibility of federal employees.

No person, otherwise eligible, shall be disqualified by reason of his accepting or holding an office, post, trust, or emolument under the Government of the United States from serving as Mayor or Council member, as an officer or employee of the City, or as a member of any board or commission. (1966, c. 319; 2014, cc. 654, 689)

§ 3.8. Advisory referendum.

The Council, by majority vote of the entire Council, may submit to the qualified voters of the City for advisory purposes, any question or group of questions relating to the affairs of the City. Any such advisory referendum shall be conducted in the manner provided for bond elections, but the results thereof shall not be binding upon the Council. There shall be no right of appeal from or recount of the results of an advisory referendum. (1966, c. 319; 1975, c. 93; 2014, cc. 654, 689)

§ 3.9. Voting machines.

The Council, by ordinance, may authorize the use of voting machines in all elections, and wherever the term "ballot" shall appear herein the same shall be interpreted in a manner consistent with the use of said machines. (1966, c. 319)

Chapter 4. Other City Officers.

§ 4.1. City collector.

The Council may appoint a City Collector for an indefinite term and shall fix his salary, which shall be paid from the City Treasury. All of the duties theretofore performed by the Treasurer of the City in connection with the collection of taxes, special assessments, license fees, and other revenues of the City shall devolve upon the City Collector, when appointed. The City Collector shall be required to take an oath of office and shall furnish a bond with corporate surety in the manner and amount required by City ordinance. The City Collector shall have the following powers and shall be charged with the following duties and functions:

(a) The collection of all taxes, special assessments, license fees and other revenues of the City or for the collection of which the City is responsible.

(b) To transfer to and place in the custody of the City Treasurer all public funds belonging to or under the control of the City and to receive and maintain complete and accurate receipts and records thereof.

(c) The City Collector shall have any and all powers which are now or may hereafter be vested in any officer of the Commonwealth charged with the collection of State taxes in order to collect all City taxes, special assessments, license fees and other revenues of the City and may collect the same in the same manner by which State taxes are collected by an officer of the Commonwealth.

(d) The City Collector shall have power to use all legal means of collecting all delinquent City taxes, levies, special assessments, license fees, charges and other revenues of the City. The City Collector shall have the power to conduct public sales of real estate upon which delinquent taxes, levies or charges assessed thereon have not been paid for three consecutive years and may institute suits in equity to enforce any lien in favor of the City against any property within the City to which such lien may lawfully attach. The Council may determine by ordinance the procedure for the conduct of such sales not inconsistent with general law and the City Collector shall comply therewith. (1966, c. 319; 1984, c. 205; 2014, cc. 654, 689)

§ 4.2. Department heads.

All department heads shall be chosen on the basis of their executive, technical, and administrative qualifications, with special reference to their actual experience in or knowledge of accepted practices with respect to the duties of the offices for which they are appointed. All department heads will be appointed and removed by the City Manager after he has received the concurrence of the Council. At the time of the appointment said officials need not be residents of the City or the Commonwealth, but the Council, where deemed necessary, may require any City official during his tenure to reside within the City. (1966, c. 319; 1984, c. 205; 2014, cc. 654, 689)

§ 4.3. Assistant registrars.

Whenever, in the judgment of the Council, the Office of the Registrar shall require additional personnel the Council may appoint such assistant registrars as may be required for the proper and efficient conduct of that office. The term and compensation for such appointments shall be determined by the Council and paid from the City Treasury. (1966, c. 319; 2014, cc. 654, 689)

§ 4.4. (1966, c. 319; repealed 1984, c. 205)

Chapter 5. Mayor and Council.

§ 5.1. Composition.

The Council shall consist of six members elected as provided in Chapter 3. They shall receive as compensation for their services as members of the Council in accordance with § 15.2-1414.6 of the Code of Virginia. It shall be lawful for the Council to increase the amount of such compensation provided the

increase does not become effective until the end of the Council term then current. (1966, c. 319; 1981, c. 368; 2004, cc. 19, 161)

§ 5.2. Powers.

All Powers vested in the City shall be exercised by the Council except as otherwise provided in this Charter. In addition to the foregoing, the Council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the City.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions and offices.

(c) To designate the time and place for all Council meetings; provided, that special meetings of the Council may be called at the request of the Mayor or of not less than three members thereof.

(d) To provide for the number, titles, qualifications, power, duties and compensation of all officers and employees of the City, and to supplement the salary of any elected official and his deputies and employees other than the Mayor and Council members, provided that any such supplement shall not exceed the maximum permitted by general law.

(e) To provide for compensation of the Mayor in accordance with § 15.2-1414.6 of the Code of Virginia.

(f) To provide for compensation of members of boards or commissions in an amount not to exceed $50 per meeting. (1966, c. 319; 1981, c. 368; 2004, c. 19, 161; 2014, cc. 654, 689)

§ 5.3. Mayor.

The Mayor shall preside over the meetings of the Council and shall have the same right to speak. The Mayor shall have the power of veto which veto may be overridden by the Council as provided herein. He shall not have the right to vote except in case of a tie and, in the event of a tie, only when not expressly prohibited under the Constitution or general laws of the Commonwealth of Virginia. He shall be recognized as the head of the City government for all ceremonial purposes, the purposes of military law and the service of civil process, and he shall be the principal representative of the City in interjurisdictional matters. In the absence or disability of the Mayor, the Mayor may designate a member of the Council to serve as Acting Mayor and perform the duties of Mayor and if he fails to do so the Council shall, by majority vote of those present, choose one of their number to serve as Acting Mayor and perform the duties of Mayor.

Each ordinance and resolution having the effect of an ordinance, before it becomes operative, shall be transmitted to the Mayor for his signature. The Mayor shall have five days, Sundays excepted, to sign it or veto it in writing. If the Mayor fails to sign it or veto it in writing within such five days, such ordinance or resolution shall become operative as if he had signed it, unless his term of office or that of the Council shall expire within such five days. If the Mayor vetoes such ordinance or resolution in

writing, such written veto shall be returned to the Clerk to be entered on the City Council's record and the Council shall reconsider the same at the next regular meeting. Upon such reconsideration, if such ordinance or resolution is approved by two-thirds of all members of the Council, it shall become operative, notwithstanding the veto of the Mayor. The votes of the Council shall be determined by yeas and nays and the names of the members voting for and against such ordinance or resolution shall be entered on the record. (1966, c. 319; 1984, c. 205; 2014, cc. 654, 689)

§ 5.4. City clerk.

The Council shall appoint a City Clerk for an indefinite term. He shall be the Clerk of the Council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the City and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the Council and all fees received by him shall be paid into the City Treasury. (1966, c. 319)

§ 5.5. Induction of members.

The City Clerk shall administer the oath of office to the duly elected members of the Council and to the Mayor on or before June thirtieth immediately following their election. In the absence of the City Clerk the oath may be administered by any judicial officer having jurisdiction in the City. The Council shall be the judge of the election and qualification of its members. The first meeting of a newly elected Council shall take place in the Council chamber in the City Hall on the second Tuesday of July following their election, or at the first scheduled regular or special meeting of the Council in July, whichever occurs first. (1966, c. 319; 2005, cc. 641, 673; 2011, cc. 425, 454; 2014, cc. 654, 689)

§ 5.6. Procedure for passing ordinances.

Except in the case of zoning ordinances, the following procedure shall be followed by the Council in adopting ordinances of the City:

(a) Any ordinance may be introduced by any member of the Council at any regular meeting of the Council or at any special meeting when the subject thereof has been included in the notice for such special meeting or has been approved by a two-thirds vote of all members of the Council present at such special meeting. Upon introduction, the ordinance shall receive its first reading, verbatim, unless waived by a two-thirds vote of those Council members present, and, provided a majority of members present concur, the Council shall set a place, time and date, not less than three days after such introduction for a public hearing thereon. A copy of the proposed ordinance shall be delivered to the Mayor and each member of Council and shall be made available to the public prior to its introduction.

(b) The public hearing may be held at a regular or special meeting of the Council and may be continued from time to time. The City Clerk shall publish in a newspaper of general circulation a notice

containing the date, time and place of the hearing and the title or subject matter of the proposed ordinance. On direction of the Council the Clerk shall also publish the full text of the proposed ordinance which shall be available to citizens of the City.

(c) A proposed ordinance, unless it be an emergency ordinance, may be finally passed upon the completion of the public hearing.

(d) Amendments or additions to a proposed ordinance may be made at any time. Publication of an amendment shall not be required except that if said amendments or additions introduce an entirely new subject matter or radically change the overall purpose of the original ordinance, they shall be introduced and treated as a new ordinance. At the second reading only the title of an ordinance need be read, unless amendments or additions have been made subsequent to the introduction, in which case said amendments or additions shall be read in full prior to enactment.

(e) If, in the opinion of Council, an emergency exists, an ordinance pertinent to the emergency may be passed with or without amendment at the same meeting at which it is introduced and no publication, hearing or specific time interval between introduction and passage shall be necessary. An emergency ordinance must contain a specific statement of the emergency upon which it is based, and must be passed by a two-thirds affirmative vote of the members of Council present.

Every emergency ordinance shall automatically stand repealed as of the 91st day following the day upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner prescribed for ordinances not related to an emergency. An emergency ordinance may also be repealed by adoption of a repealing ordinance. The repeal of an emergency ordinance shall follow the procedure specified for the adoption of an emergency ordinance. (1966, c. 319; 1984, c. 205; 2014, cc. 654, 689)

§ 5.7. Record and codification of ordinances.

Every ordinance after passage shall be given a serial number and shall be recorded by the Clerk in a properly indexed book kept for that purpose. The Council may cause to be prepared, under the direction of the City Attorney, a codification of all general ordinances in force. Such codification may be passed by the Council as a single ordinance and without hearings or prior publication. This codification, to be known and cited officially as the City Code, shall be printed and distributed as the Council may direct.

In so codifying such ordinances, the Council may, without limitation of the foregoing, arrange the various ordinances and assign to them appropriate places and section numbers, create new titles, chapters, articles and sections, correct unmistakable printers' errors or other unmistakable errors, make consequential changes in the title of officers, agencies and references which are no longer appropriate, and make such other consequential changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified Code of Ordinances in

force shall be presented, but with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated. (1966, c. 319)

§ 5.8. No member of the Council shall cast any vote without first disclosing what interest, if any, he has in the outcome of the vote being taken. The Council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and appointed City officials not inconsistent with the general law. (1966, c. 319; 2014, cc. 654, 689)

§ 5.9. Actions requiring an ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

(a) Adopt or amend the City Code or establish, alter or abolish any City department, office or agency;

(b) Establish a law or regulation and fine or other penalty for the violation of such;

(c) Levy taxes, except as otherwise provided with respect to the property tax levied by adoption of the budget;

(d) Grant, review or extend a franchise;

(e) Regulate the rate charged for the services provided by a City public utility;

(f) Convey or lease or authorize the conveyance or lease of any lands of the City;

(g) Amend or repeal any ordinance previously adopted, except for emergency ordinances; and

(h) Other such acts as provided for by law to require an ordinance.

Acts other than those referred to in the preceding sentence may be done by ordinance or by resolution. (1984, c. 205)

§ 5.10. Independent audit.

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its offices. The Council shall employ such accounting firm in accordance with procedures and regulations required by law. If the Commonwealth makes such an audit, the Council may accept it as satisfying the requirements of this section. (1984, c. 205)

Chapter 6. City Manager.

§ 6.1. Appointment and qualifications.

There shall be a City Manager who shall be the executive officer of the City and shall be responsible to the Council for the proper administration of the City government. He shall be appointed by the

Council for an indefinite term. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the City or the Commonwealth, but during his tenure of his office he shall reside within the City, except as may be waived by Council. (1966, c. 319; 1984, c. 205)

§ 6.2. Temporary transfer of personnel between departments.

The City Manager shall have power, whenever the interests of the City require, irrespective of any other provisions of this Charter, to assign employees of any department, bureau, office or agency, to the temporary performance of duties in another department, bureau, office or agency. (1966, c. 319)

§ 6.3. Duties.

It shall be the duty of the City Manager to: (a) attend all meetings of the Council with the right to speak but not to vote; (b) keep the Council advised of the financial condition and the future needs of the City, and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the Council as provided in chapter 6 of this Charter and be responsible for its administration after its adoption; (d) present adequate financial and activity reports as required by the Council; (e) arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Council; (f) with the concurrence of the Council to appoint and remove all department heads; (g) supervise and issue orders for the performance of the functions of public safety and civil defense; (h) appoint and, when he deems it necessary for the good of the City, suspend or remove all City employees provided for by or under this Charter, except as otherwise provided by law or this Charter; and may delegate this power to an appointing authority as defined by the City Code; (i) direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law; and (j) perform such other duties as may be prescribed by this Charter or required of him in accordance therewith by the Council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the Mayor by this Charter. (1966, c. 319; 1976, c. 101; 1982, c. 8; 1984, c. 205; 2014, cc. 654, 689)

§ 6.4. Relations with boards, commissions and agencies.

The City Manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this Charter or by ordinance, except the School Board, and any other board or commission the Council may designate. (1966, c. 319)

§ 6.5. Acting city manager.

The Council, by ordinance, shall establish a procedure whereby an acting City Manager is appointed in case of the absence, incapacity, death, resignation, or other vacancy in the position of City Manager. (1966, c. 319; 1984, c. 205)

Chapter 7. Budgets.

§ 7.1. Fiscal and tax years.

The fiscal year of the City shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year. The tax year for taxes levied on real estate, tangible personal property, machinery and tools shall begin on the first day of January and end on the thirty-first day of December following, and the tax year for all other taxes shall be fixed by the Council by ordinance. The rates of all taxes and levies, except on new sources of tax revenue, shall be fixed at the time of adoption of the general fund budget. (1966, c. 319)

§ 7.2. Submission of budgets.

On a day to be fixed by the Council, but in no case later than the first day of March in each year the City Manager shall submit to the Council and make available to the public a budget that presents a comprehensive financial plan for all City departments and for all City funds and activities for the next fiscal year. Such a plan shall contain, but not be limited to, a budget for the general operation of the City government hereinafter referred to as the general fund budget, including the total budget for the support of the public schools as filed by the School Board; a budget for the debt service of the City and reserve requirements therefor; a budget for proposed capital expenditures; a budget for all City enterprise activities; and a budget message by the City Manager presenting a concise and comprehensive view of City activities as proposed in the next fiscal year and the budget message of the School Board. A summary of the budget shall be published in a newspaper having general circulation in the City of Fairfax and/or other media as permitted or prescribed by the Code of Virginia at least fifteen days prior to the public hearing at which the budget is adopted. (1966, c. 319; 1984, c. 205; 2014, cc. 654, 689)

§ 7.3. Preparation of budgets.

It shall be the duty of the head of each department, each board or commission and each other office or agency supported in whole or in part by the City, including offices of the Commissioner of Revenue and the Treasurer to file with the City Manager or with the Director of Finance designated by him, at such time as the City Manager may prescribe, estimates of revenue and expenditure for that department, board, commission, office or agency for the ensuing fiscal year. (1966, c. 319; 1984, c. 205)

§ 7.4. School budget.

It shall be the duty of the School Board to file its budget estimates with the City Manager. The action of the Council on the School Budget shall relate to its total or to such major classifications as may be prescribed by the State Board of Education. If the amount appropriated by the Council relates to the total only, the School Board shall have authority to expend in its discretion the sum appropriated for its use, provided that if it receives an appropriation greater or less than its original request it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The School

Board shall have power to order during the course of the fiscal year transfers from one item of appropriation to another. If the amount appropriated by the Council relates to said major classifications, the School Board shall expend such funds in accordance with said classifications. Notwithstanding anything to the contrary contained herein, nothing in this section shall be construed to be in conflict with the provisions of general law. (1966, c. 319; 1977, c. 274)

§ 7.5. Reserve for permanent public improvements.

The Council may, by ordinance, establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible property not to exceed ten cents on $100 of the assessed valuation thereof or the whole or part of the proceeds of any other tax. (1966, c. 319)

Chapter 8. Borrowing.

§ 8.1. Borrowing power.

The Council may, in the name and for the use of the City, incur indebtedness by issuing its negotiable general obligation bonds or notes for the purposes and in the manner provided in this chapter, and to the extent provided in this chapter and under the general law when the general law is not inconsistent with this chapter.

The full faith and credit of the City shall be pledged for the payment of the principal of and interest on such general obligation bonds and the City shall be unconditionally and irrevocably obligated to levy ad valorem taxes on all taxable property in said City without limitation as to rate or amount to the full extent necessary for the payment of such principal and interest on such general obligation bonds and for any reserve funds provided therefor. The Council may provide by ordinance the methods and procedures for the borrowing of money, consistent with general law and this Charter. (1966, c. 319; 1984, c. 205)

§ 8.2. Purposes for which bonds or notes may be issued.

(a) Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project which is hereby defined to include any public improvement, work or utility which the City is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, work, structure or facility necessary or useful in carrying out the powers of the City, and the equipment or reequipment of the same and any and all other purposes necessary and incidental thereto, and including any other purpose authorized by general law or for which the City may lawfully make an appropriation, except current expenses.

(b) To anticipate the collection of tax revenue. Notes may be issued, when authorized by the Council, at any time during the fiscal year in anticipation of the collection of any or all tax revenues not to exceed sixty percent of such estimated revenue for the fiscal year. Said notes shall be repaid within twelve months from the date of issue and can be issued only for budgeted purposes except as hereinafter provided.

(c) Notes in anticipation of bond proceeds. Temporary notes may be issued at such times and amounts as may be deemed necessary by the Council in anticipation of the receipt of the proceeds of any bonds, either revenue or general obligation, the issuance of which had been duly authorized (herein called "bond anticipation notes"). Said bond anticipation notes shall not exceed the total principal amount of the bonds in anticipation of which they are issued, shall be dated as of the date of issuance, shall be executed by the Mayor and City Treasurer and sealed with the corporate seal of the City attested by the City Clerk, shall be in such form and denominations, shall be callable or noncallable, shall bear such rate of interest as shall be determined by the Council, and shall bear a descriptive designation referring to the bonds in anticipation of which they are issued. Said bond anticipation notes may be sold at public or private sale in the discretion of the Council and shall mature not later than one year from the date of issuance provided that no such bond anticipation notes or renewals thereof shall mature later than three years from the date of the bonds in anticipation of which they are issued. (1966, c. 319)

§ 8.3. Limitation on indebtedness.

In the issuance of bonds and notes, the City shall be subject to the limitations as to amount contained in the Constitution of the Commonwealth or other applicable general law. (1966, c. 319; 1984, c. 205)

§ 8.4. Issuance of bonds; how authorized.

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be the same as for the passage of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that the affirmative votes of two-thirds of the entire Council shall be necessary for its adoption. Upon adoption by the Council of a bond ordinance, the City Clerk shall forthwith certify a copy of said ordinance to the Circuit or Corporation Court having jurisdiction or to the judge thereof, in vacation, who shall thereupon order a special election of the qualified voters of the City to be held by general law in such cases provided. If a majority of those voting therein at such election shall approve the ordinance, it shall take effect immediately, and if not, it shall be void. (1966, c. 319)

§ 8.5. Form and execution of bonds.

Any of said bonds shall be in such form, either registered or coupon, and shall be in such denominations as shall be determined by the Council in the proceedings authorizing the issuance of same. Said bonds may be made redeemable prior to maturity at such prices as may be determined by the Council, shall bear interest at such rate or rates as shall be determined at the sale thereof, shall mature at such time or times as shall not exceed forty years from their date or dates of issuance and

shall be executed by the Mayor and City Treasurer by their manual or facsimile signature and sealed with the corporate seal of the City, either by impression or facsimile, attested by the City Clerk by his manual or facsimile signature. (1966, c. 319; 1970, c. 125; 1984, c. 205)

§ 8.6. Procedure of sale of bonds.

All bonds issued under this Charter shall be sold as provided by general law. (1966, c. 319; 1970, c. 125; 1978, c. 514)

§ 8.7. Short period of limitation.

When thirty days shall have elapsed from the date of approval of a bond ordinance by the voters, as provided in this chapter, (a) any recitals or statements of fact contained in such bond ordinance or in the preambles or recitals thereof shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the City and all other parties interested shall forever thereafter be estopped from denying the same; (b) such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the City and to comply with the provisions of this Charter and all laws, and (c) the validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such thirty days. (1966, c. 319)

§ 8.8. Revenue bonds.

The City shall have power to construct, acquire, repair, improve, extend and operate water systems, sewer systems, gas systems, electric systems, public parking systems, including both off-street and on-street public parking facilities, and to issue from time to time revenue bonds payable from the revenues derived from such water systems, sewer systems, gas systems, electric systems, public parking systems or any other revenue producing undertakings or enterprises which the City is authorized by this Charter or any other law to construct or acquire (hereinafter referred to as "revenue undertakings"), or any combination of such systems or other revenue undertakings, to finance or refinance the cost or part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of such systems or other revenue undertakings, or any combination thereof, including the acquisition of any property, real or personal, or mixed, therefor or other costs in connection therewith or the refunding of outstanding revenue bonds issued for such purposes.

(a) Any two or more of such systems or other revenue undertakings may be combined and consolidated into a single revenue undertaking, and may thereafter be operated and maintained as a single revenue undertaking. The revenue bonds authorized herein may be issued to finance any one or more of such revenue undertakings separately, or to finance two or more of such revenue undertakings and regardless of whether or not such revenue undertakings have been combined and consolidated into a single revenue undertaking as provided herein. If the Council deems it advisable, the proceedings authorizing such revenue bonds may provide that the City may thereafter combine the revenue undertakings then being financed or theretofore financed with other revenue undertakings to

be subsequently financed by the City and that revenue bonds to be thereafter issued by the City to finance such subsequent revenue undertakings shall be on a parity with the revenue bonds then being issued under such terms, conditions and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent revenue undertakings shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent revenue undertakings.

(b) The City shall also have power to pledge as additional security for such revenue bonds issued under this article any franchise taxes, occupational license taxes, or any other excise taxes or other funds which the City may have available to pledge to the payment of the principal of or interest on such revenue bonds, and for reserves therefor, except moneys derived from ad valorem taxes, or any two or more of such excise taxes or other funds.

(c) The cost of any works, properties, improvements or other purposes financed by the issuance of bonds under this chapter shall include, but not be limited to construction costs, engineering, fiscal or financial and legal expenses, surveys, plans and specifications, interest during construction or acquisition and for one year thereafter, initial reserve funds, discount, if any, on the sale of bonds, acquisition of real or personal property, including franchises, and such other costs as are necessary and incidental to the construction or acquisition of such works, properties, improvements or other purposes and the financing thereof. The City shall have power to retain and enter into agreements with engineers, fiscal agents or financial advisers, attorneys, architects or other consultants or advisers for the planning, supervision and financing of such works, properties, improvements or other purposes upon such terms and conditions as shall be deemed advisable to the Council.

(d) Any such revenue bonds, as set forth in this section, shall be deemed to be negotiable instruments, and shall be authorized, executed and sold as provided under general law, specifically the provisions of the Virginia Public Finance Act of 1991, Chapter 26 (§ 15.2-2600 et seq) of Title 15.2 of the Code of Virginia as the same may be superseded or amended. Without limiting the foregoing, any referendum requirement contained within this Charter shall not be applicable to revenue bonds. (1966, c. 319; 1984, c. 205; 2011, cc. 425, 454)

Chapter 9. City Attorney.

§ 9.1. (1966, c. 319; repealed 2014, cc. 654, 689)

§ 9.2. Appointment and qualifications.

There shall be a City Attorney who shall be an attorney at law licensed to practice under the laws of the Commonwealth and need not be a resident of the City of Fairfax. He shall be appointed by the Council to serve at the pleasure of the Council. (1966, c. 319; 1984, c. 205; 2014, cc. 654, 689)

§ 9.3. Powers and duties.

The City Attorney shall be the legal advisor of (1) the Mayor and Council, (2) the City Manager, and (3) of all departments, boards, commissions and agencies of the City, in all matters affecting the interests of the City and shall, (a) upon authorized request, furnish a written opinion on any question of law involving their respective official powers and duties; (b) at the request of the City Manager or of the Council prepare ordinances for introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the City is a party or in which it has an interest; (d) have the management and control of all the law business of the City and the departments, boards, commissions and agencies thereof, or in which the City has an interest as the Council may from time to time direct; (e) represent the City as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (f) have the power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the City, whether violations of City ordinances or the laws of the Commonwealth of Virginia; (g) attend in person or assign one of his assistants to attend all regular meetings of the Council and all other meetings of Council unless excused by a majority of the Council; (h) appoint and remove such Assistant City Attorneys and other employees as shall be authorized by the Council; (i) authorize the Assistant City Attorneys or any of them or special counsel appointed by the Council to perform any of the duties imposed upon him in this Charter; and (j) have such other powers and duties as may be assigned to him by ordinance. The School Board shall have authority to employ legal counsel. (1966, c. 319; 1984, c. 205; 2005, cc. 641, 673; 2014, cc. 654, 689)

Chapter 10. Public Safety.

§ 10.1. Public safety functions; contracts for fire protection.

The functions of public safety shall be performed by the Police Department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the City Manager consistent therewith.

The City may enter into contractual relationships with neighboring political subdivisions for the support and utilization of joint fire and rescue services inclusive of hazardous materials response, technical rescue, and other ancillary services. These agreements and services shall augment the City Fire Department and provide for the protection of life and property from fire within the City. (1966, c. 319; 2014, cc. 654, 689)

§ 10.2. Police department.

The Police Department shall consist of the Chief of Police and such other officers and employees of such ranks and grades as may be established by the Council. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth,

the ordinances of the City and all rules and regulations made in accordance therewith. The Chief of Police and the other members of the police force of the City shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth. (1966, c. 319; 1984, c. 205)

§ 10.3. Chief of police.

The head of the Police Department shall be the Chief of Police. He shall be appointed by the City Manager with the concurrence of Council and shall be under the supervision of the City Manager. He shall be in command of the Police Department. He shall make rules and regulations in conformity with this Charter and the ordinances of the City concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. (1966, c. 319; 1984, c. 205)

§ 10.4. (1966, c. 319; repealed 1984, c. 205)

§ 10.4:1. Fire Department.

The fire department shall consist of the City of Fairfax Fire Department and the Fairfax Volunteer Fire Department operating as one combined department and referred to as "the Fire Department." The Fire Department shall be made up of the Fire Chief and such other officers and employees of such ranks and grades as may be established by Council. The Fire Department shall be responsible for the protection of life and property from fire and injury through public education programs and the enforcement of applicable fire and building codes. Furthermore, the Fire Department shall provide emergency medical services, fire suppression, hazardous materials response, and technical rescue services to the public. (2014, cc. 654, 689)

§ 10.5. (1975, c. 93; repealed 1984, c. 205)

§ 10.5:1. Fire Chief.

The head of the Fire Department shall be the Fire Chief. He shall be appointed by the City Manager with the concurrence of Council and shall be under the supervision of the City Manager. The Fire Chief shall have responsibility and authority for all operational and administrative decisions of the Fire Department. The Chief of the Fairfax Volunteer Fire Department shall be known as the Deputy Chief of the Fire Department and shall be elected from and by the membership of the Fairfax Volunteer Fire Department in accordance with its corporate bylaws. (2014, cc. 654, 689)

Chapter 11. Law Enforcement. (Repealed)

§ 11.1. (1966, c. 319; repealed 1975, c. 93)

§ 11.2. (1966, c. 319; repealed 1975, c. 93)

§ 11.3. (1966, c. 319; repealed 1975, c. 93)

§ 11.4. (1966, c. 319; 1972, c. 12; repealed 1975, c. 93)

§§ 11.5 through 11.10. (1966, c. 319; repealed 1975, c. 93)

§ 11.11. (1966, c. 319; 1971, c. 58; 1972, c. 12; repealed 1975, c. 93)

§ 11.12. (1966, c. 319; repealed 1975, c. 93)

Chapter 12. Public Education.

§ 12.1. School district.

The City shall constitute a separate school district. (1966, c. 319; 2014, cc. 654, 689)

§ 12.2. School board.

The School Board shall consist of five qualified voters of the City elected by popular vote at large and who, at the time of their election, shall have resided in the City for at least one year prior to their election. The election of members of the School Board shall be held to coincide with the election of the members of the Council and Mayor. The terms of the members of the School Board shall be the same as the terms of the members of the Council and Mayor. The School Board shall meet annually in July at which time the board shall fix the time for holding regular meetings for the ensuing year, shall elect one of its members chairman, and, on recommendation of the superintendent, shall elect or appoint a competent person as clerk of the School Board, and shall fix his compensation. In the discretion of the School Board, the superintendent may serve as clerk. The School Board shall conduct such other business, elect such other officers and make such other appointments at the annual meeting as it may, in its discretion, deem appropriate. (1966, c. 319; 1977, c. 274; 1989, cc. 21, 116; 1994, c. 130; 2014, cc. 654, 689)

§ 12.3. Except as provided in this Charter the School Board shall have all the powers and duties relating to the management and control of the public schools of the City provided by the general laws of the Commonwealth, including the right of eminent domain within and without the City. None of the provisions of this Charter shall be interpreted to refer to or include the School Board unless the intention so to do is expressly stated or is clearly apparent from the context. (1966, c. 319)

§ 12.4. The School Board by and with the consent of the Council shall have the right to contract with the school board of nearby political subdivisions of the Commonwealth to provide for the education of City children on a tuition basis upon such terms and conditions as the respective school boards may agree, provided the same do not conflict with the Constitution of Virginia. (1966, c. 319; 2014, cc. 654, 689)

§ 12.5. All recreation facilities and grounds located on property owned by the School Board shall be under the control and supervision of the School Board, except as provided by any contractual relationship entered into by the School Board or as otherwise required by applicable law. The title to property and buildings devoted to public school purposes shall be in the School Board. (1966, c. 319; 2014, cc. 654, 689)

§ 12.6. The School Board may borrow subject to the approval of the Council from the Literary Fund of Virginia or from such other sources as may be available to it by general law. (1966, c. 319; 2014, cc. 654, 689)

§ 12.7. The terms "member of the School Board" and "School Board" shall have the same meaning as "School Trustee" and "School Trustees" as used in the Code of Virginia. The term "board" or "boards" as used in this Charter shall not include the School Board unless the School Board is specifically named. (1966, c. 319)

Chapter 13. Miscellaneous Provisions.

§ 13.1. Enforcement of surety bonds.

The Council shall designate which City officers and employees shall be bonded and the amount of such bonds. In all cases where a bond is required of any officer, such bond or bonds shall be with corporate surety and conditioned for the faithful discharge by him, or his deputies, assistants or other subordinates, of the duties imposed on him by this Charter and all ordinances passed in pursuance thereof. (1966, c. 319; 1984, c. 205)

§ 13.2. Reprinting of charter after amendment.

Within a reasonable time after the conclusion of any session of the General Assembly and the effective date of any amendment or amendments to this Charter adopted at such session, the amendment or amendments shall be published in such number of copies as the Council shall order. (1966, c. 319)

§ 13.3. Officers to hold over until their successors are appointed and qualified.

Whenever, except as otherwise provided in this Charter, any officer of the City, judge or member of any board or commission is elected or appointed for a fixed term, such officer, judge, or member shall continue to hold office until his successor is appointed and qualified. (1966, c. 319)

§ 13.4. Courtroom for district judge and office space for constitutional officers.

It shall be the duty of the City to provide a suitable courtroom for the District Judge of the City and suitable offices for the Commissioner of Revenue and the City Treasurer. (1966, c. 319; 1984, c. 205)

§ 13.5. Posting of bonds unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the City, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the City has not filed or executed the bond that might otherwise be required, and the City shall be bound to the same extent that it would have been bound had the bond been given. (1966, c. 319)

§ 13.6. Code references.

All references in this Charter are to the Code of Virginia of 1950, as amended. (1966, c. 319)

§ 13.7. Present ordinances and rules and regulations continued in effect.

All ordinances of the City and all rules, regulations and orders legally made by any department, board, commission or officer of the City, in force at the effective date of this Charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this Charter. (1966, c. 319)

§ 13.8. Validation and ratification bond, taxes and contracts.

All bonds issued and sold, all contracts, agreements and obligations made at any time prior to the enactment of this Charter or any amendment thereto by the Council and government of the City, and the former Town of Fairfax, not inconsistent with the Constitution of Virginia and general law, all taxes assessed and levied when the City was a Town, and when the City was in transition from the status of a town to that of a City of the second class to the effective date of this Charter and its amendments, are hereby validated, ratified and confirmed; and all proceedings authorizing the issuance of bonds, notes or other obligations of the City of Fairfax heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this Charter, and such bonds, notes or other obligations may be authorized, sold or issued in accordance with the provisions of law in force prior to the effective date of this Charter as amended, or in accordance with the provisions of this Charter. (1966, c. 319)

§ 13.9. (1966, c. 319; repealed 1984, c. 205)

§ 13.10. Severance clause.

If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1966, c. 319)

§ 13.11. Gender.

Whenever the male gender or the pronoun "he" or "his" appears in the Charter, the same shall equally apply to the female gender or "she" or "her." (1984, c. 205)

§ 13.12. Exemptions from city-imposed permit charges and application fees.

The Council, by ordinance, may provide that organizations exempt from taxation pursuant to § 501 (c) (8) and (19) of the Internal Revenue Code shall be exempt from the payment of permit charges and application fees imposed by the City Code. (1992, c. 30)

Editor's note: Complete amendments listing for the City of Fairfax:

Current charter

Charter, 1966, c. 319.

Amendments to current charter

1970, c. 125 (§§ 8.5, 8.6)
1971, c. 58 (§ 11.11)
1972, c. 12 (§§ 3.1, 11.4, 11.11)
1975, c. 93 (§§ 3.8, 10.5 [added], 11.1 through 11.12 [repealed])
1976, c. 101 (§§ 2.8 [repealed], 2.8:1 [added], 3.6, 6.3)
1977, c. 274 (§§ 2.2, 7.4, 12.2)
1978, c. 514 (§ 8.6)
1981, c. 368 (§§ 5.1, 5.2)
1982, c. 8 (§ 6.3)
1984, c. 205 (§§ 1.2, 2.2, 2.4, 2.5, 2.6, 2.7, 3.1, 3.4, 3.5, 4.1, 4.2, 4.4 [repealed], 5.3, 5.6, 5.9 [added], 5.10 [added], 6.1, 6.3, 6.5, 7.2, 7.3, 8.1, 8.3, 8.5, 8.8, 9.2, 9.3, 10.2, 10.3, 10.4 [repealed], 10.5 [repealed], 13.1, 13.4, 13.9 [repealed], 13.11 [added])
1989, cc. 21, 116 (§ 12.2)
1992, c. 30 (§ 13.12)
1992, c. 281 (§ 1.2)
1994, c. 130 (§§ 1.2, 12.2)
2002, c. 5 (§ 1.2)
2004, cc. 19, 161 (§§ 5.1, 5.2)
2005, cc. 641, 673 (§§ 2.2, 5.5, 9.3)
2011, cc. 425, 454 (§§ 5.5, 8.8)
2012, cc. 221, 422 (§ 3.4)
2014, cc. 654, 689 (§§ 2.3, 2.4, 2.6, 2.7, 3.1, 3.2, 3.3, 3.4, 3.7, 3.8, 4.1, 4.2, 4.3, 5.2, 5.3, 5.5, 5.6, 5.8, 6.3, 7.2, 9.1 [repealed], 9.2, 9.3, 10.1, 10.4:1 [added], 10.5:1 [added], 12.1, 12.2, 12.4, 12.5, 12.6)

Falls Church, City of

History of incorporation
Named for the Anglican church located near the Little Falls of the Potomac River.
Established in 1850; incorporated as a town in 1875.
Became a city by court order in 1948.
Town Charter, 1946, c. 378; repealed 1950, c. 323.

Current charter
Charter, 1950, c. 323.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

Chapter 1. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Falls Church as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Falls Church and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure. (1950, c. 323)

§ 1.02. Boundaries.

The corporate limits of Falls Church, as heretofore established, are hereby reestablished as follows:

So much of the territories in the County of Fairfax, together with all the improvements and appurtenances thereunto belonging, as is contained in the following boundaries, to-wit: "Beginning at a large planted stone on the estate of the late J. C. DePutron, at the original Western corner of the District of Columbia, which is also at the corner of Fairfax and Arlington Counties and at the corner of the Town of Falls Church; thence North 73° 50' West 4850 feet to a point; thence South 25° 45' West 4014 feet to a point in the center of West Street; thence South 21° East 3185 feet to a point in the center line of Fairfax Street; thence with said center line North 67° 15' East 418½ feet; North 89° 00' East 911 feet; North 87° 50' East 1650 feet to a point; thence North 56° 45' East 146 feet to a point in the middle of said street; thence South 77° East 1539 feet to a point near the Methodist Episcopal Church; thence South 62° East 5604 feet to a point in the North line of Georgetown Road; thence with said North line North 41° 20' East 214½ feet; thence North 87° 30' East 567 feet; North 62° East 372 feet; North 88° East 371 feet; South 82° 30' East 338½ feet to a point; thence North 4° 15' East to the boundary between Fairfax and Arlington Counties; thence with said boundary in a Northwesterly direction to the point of beginning" containing all that portion of the Town of Falls Church remaining after the separation of that portion lying in Arlington County, and the area added to the City of Falls Church by a Final Agreed Order of the Special Court of the Circuit Court of Fairfax County in Case No. 2013-16489, recorded among the land records of the Circuit Court of Fairfax County in Deed Book 23555, Page 2115. (1950, c. 323; 1973, c. 292; 2015, c. 715)

Chapter 2. Powers.

§ 2.01. General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the said constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated

in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1950, c. 323)

§ 2.02. Financial powers.

In addition to the powers granted by other sections of this charter, the city shall have the power:

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; unless prohibited by general law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license.

(b) To borrow money for the purposes and in the manner provided by Chapter 7 of this charter.

(c) To make appropriations, subject to the limitations imposed by this charter, for the support of the city government and any other purposes authorized by this charter and not prohibited by the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this charter, in an amount of not more than five percent of the receipts of the preceding fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require the affirmative votes of a majority of the entire council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government, and to act as trustee for any appropriate purpose.

(f) To provide, or aid in the support of, public libraries and public schools.

(g) To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth, and to charitable or benevolent institutions and corporations, including those

established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the city.

(h) To establish a system of pensions for injured, retired or superannuated city officers and employees, members of the police and fire departments, teachers and other employees of the school board, judges, clerks, deputy clerks, bailiffs and other employees of the municipal courts, and to establish a fund or funds for the payment of such pensions by making appropriations out of the treasury of the city, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by any combination of these methods or by any other method not prohibited by law, provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be paid therefrom, and provided further that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever nor shall any assignment of such benefits be enforceable in any court.

(j) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof. (1950, c. 323)

§ 2.03. Powers relating to public works, utilities and properties.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light, streets, including limited access or express highways, alleys, bridges, viaducts, subways and underpasses, and make and improve walkways upon streets and improve and pave alleys within the city; and the city shall have the same power and authority over any street, alley or other public place ceded or conveyed to the city or dedicated or devoted to public use as over other streets, alleys and other public places.

(b) To acquire, construct, own, maintain and operate, within and without the city, public parks, parkways, playfields and playgrounds, and to lay out, equip and improve them with all suitable devices, buildings and other structures.

(c) To collect and dispose of garbage and other refuse and to acquire, construct, maintain and operate, within and without the city, incinerators, dumps or other facilities for such purposes.

(d) To acquire, construct, maintain and operate, within and without the city, sewers, drains, culverts and sewage disposal works.

(e) To assess to the extent permitted by law the cost of making and improving walkways on then existing streets, improving or paving existing alleys, or constructing sewers, culverts and drains, upon the owners of land abutting thereon or on the street or alley in which such sewer, culvert or drain is laid, provided that the amount of such assessment shall not exceed the peculiar benefit resulting to the landowner from the improvement, provided further, that in lieu of any such assessment for the construction of a sewer, culvert or drain, the city may assess and collect an annual sewer tax as compensation for the use thereof, and may provide for the commutation thereof upon such terms and conditions as the council may provide by ordinance, but such assessment shall not be in excess of the peculiar benefit resulting therefrom to such abutting landowners; and provided further, that the city may acquire by condemnation or otherwise any interest or right of any owner of abutting property in the use of any sewer, culvert or drain, and thereafter charge such landowner for the use of such sewer, culvert or drain. The city may order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the city and the abutting landowners.

(f) To acquire, construct, maintain and equip all buildings and other structures necessary or useful in carrying out the powers and duties of the city.

(g) To sell, lease or dispose of, except as otherwise provided in this charter and in the Constitution and laws of the Commonwealth, land, buildings and other property of the city, real and personal.

(h) To control and regulate the use and management of all property of the city, real and personal, and specifically to rent or lease under such regulations as the school board shall deem expedient, school buildings, lands, grounds and equipment to persons or organizations for such health, educational, civic or recreational purposes as the school board shall deem prudent and beneficial to the community.

(i) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts or underpasses over or under any stream, creek or ravine when any portion of such bridge, viaduct or underpass is within the city limits, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contact heretofore or hereafter made with the company concerned.

(j) To authorize by ordinance, in accordance with the Constitution and laws of the Commonwealth, the use of the streets for the operation of public transportation systems under such conditions and regulations as may be prescribed by such ordinance or by any future ordinance, or to acquire by agreement or condemnation any such transportation system and operate the same.

(k) To acquire, construct, own, maintain and operate, places for the parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use provide

for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.

(l) To acquire, construct, own, maintain and operate, airports and all the appurtenances thereof; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease any appurtenance of any such airport or any concession incidental thereto or, in the discretion of the council, lease any such airport and its appurtenance with the right to all concessions thereon to, or enter into a contract for the management and operation of the same with any person, firm or corporation on such terms and conditions as the council may determine by ordinance.

(m) To acquire, construct, own, maintain and operate, stadia, arenas, swimming pools and other sport or recreation facilities; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of or admission to such stadia, arenas, swimming pools and other sport facilities, including charges for any services incidental thereto; lease, subject to such regulations as may be established by ordinance, any such stadium, arena, swimming pool or other sport or recreation facility or any concession incidental thereto, or enter into a contract with any person, firm or corporation for the management and operation of any such stadium, arena, swimming pool or other sport or recreation facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine by ordinance.

(n) To acquire, construct, own, maintain and operate, within and without the city, water works, sanitary sewers and sewage disposal plants, gas plants and electric plants, with the pipe and transmission lines incident thereto, to be managed and controlled as provided in Chapter 13 of this charter, for the purpose of supplying water, sanitary sewers, gas and electricity within and without the city, and to charge and collect compensation therefor, and to provide penalties for the unauthorized use thereof. The council may require the charges made for any and all of such facilities to be paid at such time, in such manner, and subject to such penalties as it may prescribe. The charges for the use of the sanitary sewers may be based upon the amount of water used, or the number of water taps or outlets serving any premises, or the connections, if any, with such sanitary sewers, or such other basis as the council of the city may deem just, or any combination thereof. (1950, c. 323)

§ 2.04. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals, and welfare of the city and its inhabitants.

In addition to the powers granted by other sections of this charter, the city shall have power to adopt ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth, for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, and among such powers, but not in limitation thereof, the city shall have power:

(a) To provide for the prevention of vice, immorality, vagrancy and drunkenness; prevention and quelling of riots, disturbances and disorderly assemblages; suppression of houses of ill-fame and gambling places; prevention of lewd and disorderly conduct or exhibitions; and prevention of conduct in the streets dangerous to the public.

(b) To regulate the construction, maintenance and repair of buildings and other structures and the plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health.

(c) To provide for the protection of the city's property, real and personal, the prevention of the pollution of the city's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, airports and other public property, whether located within or without the city. For the purpose of enforcing such regulations all city property, wherever located, shall be under the police jurisdiction of the city. Any member of the police force of the city or employee thereof appointed as a special policeman shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section and the civil and police court shall have jurisdiction in all cases arising thereunder.

(d) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city by railroads, street railways, buses, taxicabs and other vehicles for hire, prescribe the location in, under or over, and grant permits for the use of, streets, alleys and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, areas and cellars, require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted, and prohibit such use of the streets, alleys and other public places of the city, and no such use shall be made of the streets, alleys or other public places of the city without the consent of the council.

(e) To prevent any obstruction of or encroachment over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment, remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes, require the owner or owners or the occupant or occupants of the property so

obstructing or encroaching to remove the same; pending such removal charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk, or other public place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter, authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, but such authorization shall not relieve the owner or owners, occupant or occupants of the property encroaching, of any liability for negligence on account of such encroachment, and recover possession of any street, alley, sidewalk or other public place or any other property of the city by suit or action in ejectment.

(f) To prescribe the route and grade of any railroad laid in the city, regulate the operation of locomotives and cars, and exclude such locomotives and cars from the city, provided no contract between the city and the corporation operating such locomotives or cars is violated by such action.

(g) To regulate the operation of motor vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations, provided that ordinances or administrative regulations adopted by virtue of this subsection shall not be inconsistent with the provisions of the motor vehicle code of Virginia. All fines imposed for the violation of such ordinances and regulations shall be paid into the city treasury.

(h) To regulate in the interest of public health, the production, preparation, distribution, sale and possession of milk, others beverages and foods for human consumption, and the places in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, where sewers are not available, and the sanitation of swimming pools and lakes, provide for the removal of night soil, and charge and collect compensation for the removal thereof; compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; provide for the quarantine of any person afflicted with a contagious or infectious disease, and for the removal of such person to a hospital or ward specially designated for contagious or infectious diseases; inspect and prescribe reasonable rules and regulations, in the interest of public health, with respect to private hospitals, sanatoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of the sick, of children, the aged and the destitute, and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.

(i) To regulate cemeteries and burials therein, prescribe the records to be kept by the owners of such cemeteries; and prohibit all burials except in a public burying ground.

(j) To regulate or prohibit the exercise of any dangerous, offensive or unhealthful business, trade or employment, and the transportation of any offensive or dangerous substance.

(k) To regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same.

(l) To regulate the emission of smoke, dust and other atmospheric pollution, the construction, installation and maintenance of fuel-burning equipment, and the methods of firing and stoking furnaces and boilers.

(m) To compel the removal of weeds from private property, the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public, to prevent controllable noises, and to compel the abatement or removal of any and all other nuisances whatsoever. If after such reasonable notice as the council may prescribe by ordinance the owner or owners, occupant or occupants of the property or premises affected by the provisions of this subsection shall fail to abate or obviate the condition or nuisance, the city may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of taxes.

(n) To regulate or prohibit the manufacture, storage, transportation, possession and use of explosive or inflammable substances and the use and exhibition of fireworks and discharge of firearms, and other weapons.

(o) To regulate or prohibit the making of fires in the streets, alleys and other public places in the city and to regulate the making of fires on private property.

(p) To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations.

(q) To prevent cruelty to and the abuse of animals.

(r) To regulate the sale of goods, wares or merchandise at auction; regulate the conduct of and prescribe the number of pawnshops and dealers in secondhand goods, wares and merchandise;

regulate or prohibit the peddling or hawking of any article for sale on the streets of the city; prevent fraud or deceit in the sale of goods, wares and merchandise; require the weighing, measuring, gauging and inspection of goods, wares and merchandise offered for sale; require weights and measures to be sealed and subject to inspection; and provide for the appointment of a sealer and one or more weighmasters who shall perform such duties and functions as may be prescribed by ordinance.

(s) Upon an affirmative finding of the need to protect the public health, welfare, and safety of its citizens, the City of Falls Church may provide by ordinance for the issuance of certificates of compliance with current building code regulations for existing residential rental buildings located in areas of the city subject to neighborhood blight as defined below, designated by the city council, after inspections of such buildings upon a termination of the tenancies or when such rental property is sold. "Neighborhood blight" means a legislative finding by the city council of unhealthful, dangerous, or harmful conditions in a residential site or residential area of the city caused by neglect or lack of maintenance, residential overcrowding of land, or illegal activity, of owners or occupants of the residential structures. (1950. c. 323; 1995, c. 655)

§ 2.05. Miscellaneous powers.

The city shall also have power:

(a) To establish, maintain and operate public employment bureaus and public markets.

(b) To establish, maintain and operate, within and without the city, public hospitals, sanitoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute and is authorized to engage in or assist in development or operation of housing for the elderly, handicapped, and for low or moderate income families and individuals.

(c) To provide care for the poor and have all the powers and duties conferred and imposed on cities by the laws of the Commonwealth relating to public assistance.

(d) To establish, own, maintain and operate, within and without the city, cemeteries for the interment of the dead, fix the price at which graves and lots therein shall be sold, make contracts for their perpetual care and establish the rates to be charged for the digging of graves, construction of vaults and other services.

(e) To establish, maintain and operate, within or without the city, a jail for the confinement of prisoners, ordered or sentenced to be confined therein, and a jail farm; and compel able-bodied prisoners confined in the jail to work on such farm, with the approval of the official trying such cases.

(f) To establish, impose and enforce the collection of water, light, gas, and sewage rates, and rates and charges for other services, products, or conveniences operated or furnished by the city; and the

council may prescribe a different rate to be paid for such services and conveniences rendered to users or customers without the corporate limits of the city. (1950, c. 323; 1976, c. 13)

§ 2.06. Enforcement of regulations.

When by the provisions of this charter or the Constitution and general laws of the Commonwealth, the city is authorized to pass ordinances on any subject, the council may provide suitable penalties for the violation of any such ordinances, including ordinances effective outside the city as provided in this charter. No such penalty shall exceed the maximum limits set by general law for Class 1 misdemeanors or substantially similar offenses. Upon conviction for violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security in the penalty of not more than $2,000.00, conditioned to keep the peace and be of good behavior and especially for the period of not more than one year not to violate the ordinance for the breach of which he has been convicted. From any fine or imprisonment imposed an appeal shall lie as in cases of misdemeanor. Whenever any fine or penalty shall be imposed but not paid the court trying the case may, unless an appeal be forthwith taken, proceed in accordance with general law and may issue a writ of fieri facias directed to the sheriff having jurisdiction in the city for the collection of the amount due, returnable within sixty days from its issuance. The city is hereby expressly authorized and empowered to institute and maintain a suit or suits to restrain by injunction the violation of any ordinance legally adopted by it, notwithstanding such ordinance may provide penalties for its violation. The city is authorized to fix a fine not to exceed fifty dollars for violations of the city's motor vehicle license tax. (1950, c. 323; 1979, c. 421; 1989, c. 345; 1991, c. 40)

§ 2.07. Licenses and permits.

Whenever in the judgment of the council it is advisable in the exercise of any of the powers of the city or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or permits in connection therewith, establish the amount of the fee to be charged the licensee or permittee and require from the licensee or permittee a bond and an insurance policy of such character and in such amount and upon such terms as it may determine. (1950, c. 323)

Chapter 3. Elections.

§ 3.01. Election of council members.

In the regular municipal election to be held on the first Tuesday after the first Monday in November, 2013, and every four (4) years thereafter, four (4) council members shall be elected for terms of four (4) years each, such terms of office to begin on the first day of January, 2014, and end on the last day of December, 2017; succeeding terms shall begin on the first day of January following the year of election and end on the last day of December, four (4) years thereafter. In the regular municipal election to be held on the first Tuesday after the first Monday in November, 2015, and every four (4) years thereafter, three (3) council members shall be elected for terms of four (4) years each, such terms of office to

begin on the first day of January, 2016, and end on the last day of December, 2019; succeeding terms shall begin on the first day of January following the year of election and end on the last day of December, four (4) years thereafter. Council members serving on council who were elected in May, 2010, and those members elected in May, 2012, shall have their term of office shortened by six (6) months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve. (1950, c. 323; 1956, c. 190; 1973, c. 292; 2012, cc. 255, 452)

§ 3.02. Nomination of candidates for council.

Candidates for the office of council member shall be qualified voters of the city and shall file their notice of candidacy and be nominated only by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary, convention or other party-affiliated proceeding.

There shall be printed on the ballots used in the election of councilmen the names of all candidates who have been so nominated. The requirements for nomination by petition shall be:

(a) Any qualified voter of the city actually residing within the corporate limits may be nominated by filing a petition together with the notice of candidacy required by the general laws of the Commonwealth relating to elections.

(b) The petition shall state the name and address of the residence of the person whose name is presented thereby as a candidate.

This section of the City Charter is intended to ensure nonpartisan elections for City Council. (1950, c. 323; 1952, c. 301; 1958, c. 136; 1960, c. 429; 1976, c. 13; 1989, c. 345; 1991, c. 40; 2012, cc. 255, 452)

§ 3.03. Conduct of general municipal election.

The ballots used in the election of councilmen shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for each of as many councilmen as are to be elected in that election and those candidates receiving the highest number of votes shall be declared elected. In counting the votes, any ballot found to have been voted for more than the number of persons to be elected shall be void but no ballot shall be void for having been voted for a less number. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election. (1950, c. 323; 1956, c. 190; 1999, c. 135, 168)

§ 3.04. Vacancies in office of member of city council.

When a vacancy occurs in the office of member of the council, whatever the cause, the vacancy shall be filled for the unexpired portion of the term by special election at the next November general election date, as provided in § 24.2-226 of the Code of Virginia. The remaining members of the council shall make an interim appointment to fill the vacancy, as provided in § 24.2-228 of the Code of Virginia. (1950, c. 323; 1956, c. 190; 1979, c. 421; 1996, c. 310; 2014, cc. 240, 701)

§ 3.05. All other city officers required by the laws of the Commonwealth to be elected by the qualified voters of the city shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. A vacancy in the office of commissioner of revenue or city treasurer shall be filled by the council by majority vote of all its members for the interim period until a successor is elected at the next general election and takes office, as is provided in the Code of Virginia. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1950, c. 323; 1952, c. 301; 1954, c. 561; 1956, c. 190; 1958, c. 136; 1976, c. 13; 1979, c. 421)

§ 3.06. (1956, c. 190; 1973, c. 292; repealed 1976, c. 13)

§ 3.07. Vacancies in office of member of school board.

When a vacancy occurs in the office of member of the school board, the vacancy shall be filled in the same manner in which vacancies are filled on the city council, as provided in § 3.04. The remaining members of the school board shall make an interim appointment to fill the vacancy. (1996, c. 310)

Chapter 4. Council.

§ 4.01. Composition.

The council shall consist of seven members, who shall be qualified voters of the city actually residing within the corporate limits, and they shall be elected as provided in Chapter 3. They shall each receive in full compensation for their services such salary as the city council may fix in accordance with state law. No member of the council shall during the term for which he was elected and one year thereafter be appointed to any office of profit under the government of the city. (1950, c. 323; 1952, c. 301; 1956, c. 190; 1960, c. 429; 1966, c. 146; 1979, c. 421; 1999, c. 135, 168)

§ 4.02. Powers.

All powers vested in the city shall be exercised by the council except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers:

(a) To establish goals and objectives and provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies other than those specifically established by Chapters 10, 11 and 17, and §§ 16.06 and 20.02 of this charter.

(c) Upon recommendation of the city manager, to assign and reassign to departments, all bureaus, divisions, offices, agencies, departments and functions thereof except the city school board.

(d) To provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city, subject in the case of members of the classified service to the provisions of Chapter 9 of this charter.

(e) To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city. (1950, c. 323; 1979, c. 421; 1996, c. 310)

§ 4.03. Mayor.

At the first meeting of the newly elected council as provided in § 4.05, the newly elected council, having taken the oath of office as hereinafter provided, shall proceed to choose by majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The vice-mayor shall in the absence or disability of the mayor, perform the duties of mayor, and if a vacancy shall occur in the office of mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor, the council shall, by majority vote of those present, choose one of their numbers to perform the duties of mayor. (1950, c. 323; 1952, c. 301)

§ 4.04. City clerk.

The council shall appoint a city clerk for an indefinite term. He shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the council and all fees received by him shall be paid into the city treasury. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, an assistant city clerk, who shall be authorized to act as city clerk in the absence or disability of the city clerk, and all deputies and other employees in his office, and shall have such other powers and duties as may be prescribed by this charter or ordinance. (1950, c. 323; 1973, c. 292; 1981, c. 361)

§ 4.05. Induction of members.

The first meeting of a newly elected council shall take place in the council chamber in the city hall at 7:30 P.M. on the first Monday after the first Friday in January. The oath of office for duly elected members shall be administered prior to January 1 by the city clerk or any judicial officer having jurisdiction in the city. The council shall be the judge of the election and qualifications of its members. The first business of the council shall be the election of a mayor and vice-mayor and the adoption of rules of procedure. Until this business has been completed the council shall not adjourn for a period longer than forty-eight hours. (1950, c. 323; 1976, c. 13; 2014, cc. 240, 701)

§ 4.06. The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, the city manager or any two members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council, unless otherwise provided for in this charter. (1950, c. 323; 1958, c. 136)

§ 4.07. Voting.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public. All voting except on procedural motions shall be by roll call and the ayes and noes shall be recorded in the journal. No member of the council shall participate in the vote on any ordinance, resolution, motion or vote in which he, or any person, firm or corporation for which he is attorney, officer, director, employee or agent, has a financial interest other than as a minority stockholder of a corporation or as a citizen of the city. (1950, c. 323)

§ 4.08. Ordinances, when required.

In addition to such acts of the council which are required by the constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department, or creating, altering, assigning or abolishing any bureau, division, office, or agency or enacting a pay plan, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance. (1950, c. 323; 1999, c. 135, 168)

§ 4.09. Form of ordinances.

Every ordinance except the annual appropriation ordinances and an ordinance codifying ordinances shall be confined to a single subject. The enacting clause of all ordinances shall be: "The City of Falls Church hereby ordains." Unless another date is specified therein and except as otherwise provided in this charter, an ordinance shall take effect on the tenth day following its passage. (1950, c. 323; 1952, c. 301)

§ 4.10. Procedure for passing ordinances.

An ordinance may be introduced by any member or committee of the council or by the city manager at any regular meeting of the council or at any special meeting when the subject thereof has been included in the notice for such special meeting or been approved by a majority vote of all members of the council. Upon introduction it shall receive its first reading and a time, not less than seven days after such introduction, and place shall be set at which the council or a committee thereof will hold a

public hearing on such ordinance, other than an emergency ordinance, provided that the council may reject any ordinance on first reading without a hearing thereon by vote of a majority of the members. The hearing may be held separately or in connection with a regular or special meeting of the council and may be adjourned from time to time. It shall be the duty of the city clerk to cause to be published in a newspaper of general circulation in the city, not later than at least two days prior to the hearing on the ordinance, a notice containing the time and place of the hearing and the title of the proposed ordinance. It shall also be his duty, within three working days after the introduction of an ordinance, to cause its full text to be printed or otherwise reproduced, as the council may by resolution direct, in sufficient numbers to supply copies to those who individually request them, or, if the council shall so order, to cause the same to be published as a paid advertisement in a newspaper of general circulation in the city. It shall further be his duty to place a copy of the ordinance in a file provided each member of the council for this purpose. A proposed ordinance, unless it be an emergency ordinance, shall be read a second time and may be finally passed at the meeting of the council following the introduction of the ordinance and after the conclusion of the public hearing thereon. If on its second reading an ordinance, other than an emergency ordinance, be amended as to its substance it shall not be passed until it shall be reprinted, reproduced or published as amended and a hearing shall be set and advertised and all proceedings had as in the case of a newly introduced ordinance. The readings referred to above may be accomplished by reading the ordinance by title only, provided copies of the ordinance are available to the public in the Council Chambers at the beginning of any meeting at which said ordinance is introduced or considered. (1950, c. 323; 1952, c. 301; 1976, c. 13)

§ 4.11. Emergency ordinances.

An emergency ordinance may be read a second time and passed with or without amendment at any regular or special meeting at which the ordinance was introduced. An emergency ordinance must contain a specific statement of the emergency claimed and affirmative votes of a majority of the entire council shall be necessary for its adoption. Ordinances passed as an emergency ordinance shall expire sixty days after the effective date of the emergency ordinance unless the ordinance is adopted again after a public hearing where the procedure followed for notice and hearing is the same as that required in § 4.10 for nonemergency ordinances. The effective date of emergency ordinances, unless otherwise provided, shall be the date of adoption. (1950, c. 323; 1987, c. 68)

§ 4.12. The council shall have authority, by resolution, to submit to the qualified voters of the city for an advisory referendum thereon any proposed ordinance or amendment to the city charter, not less than thirty nor more than sixty days after the passage of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by § 24-141 of the Code of Virginia. If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten percent of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding and

verified as hereinafter provided, is filed with the city clerk he shall forthwith certify that fact to the council. The signatures to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto. Upon the certification of such petition the council shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the results thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approve the proposed amendment, such results shall be communicated by the city clerk to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment. (1950, c. 323; 1960, c. 429)

§ 4.13. Record and publication of ordinances.

Every ordinance after passage shall be given a serial number and shall be recorded by the clerk in a properly indexed book kept for that purpose. Within one year after the first Tuesday in September 1951, there shall be prepared under the direction of the city attorney, who is hereby authorized to employ such assistance as he deems necessary for the purpose, a codification or revision of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without prior publication. Upon its passage, it shall be published in bound or loose-leaf form. This codification, to be known and cited officially as the city code, shall be furnished to city officers and shall be sold to the public at a price to be fixed by the council. A similar codification shall be prepared, passed, published and distributed, as above provided, at least every five years. It shall be the duty of the city clerk to cause all ordinances adopted to be printed or reproduced as promptly as possible after their adoption in substantially the same style and format as the codification or revision of ordinances and sold at such prices as the council may establish. (1950, c. 323)

§ 4.14. The council in making appointments shall act only by the affirmative vote of a majority of the members of the council. All members of boards and commissions, appointed by the council, shall be qualified voters of the city, actually residing within the city limits. (1950, c. 323; 1952, c. 301; 1954, c. 514)

§ 4.15. Removal of councilmen and members of boards and commissions appointed by the council for specified terms.

Any member of the council or any member of a board or commission appointed by the council for a specified term may be removed in accordance with the general law. (1950, c. 323)

§ 4.16. Power of investigation.

The council shall have power to investigate any or all of the departments, boards, commissions, offices and agencies of the city government, including the school board, and any officer or employee

of the city. The council, or any of its committees, when authorized by the council, the city manager, the heads of all departments, all boards and commissions appointed by the council, collector of city taxes, license inspector, and auditor of municipal accounts, in any investigation or hearing held by them, within their respective powers and duties, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person refusing or failing to obey such order may be summoned by the court of appropriate jurisdiction to appear before such court and upon failure to give a satisfactory excuse to the judge of such court may be fined not exceeding the sum of $100 or imprisoned not exceeding thirty days or both. Witnesses may be sworn by the officer presiding at such investigation and shall be liable to prosecution for perjury for any false testimony given at such investigation. (1950, c. 323; 1979, c. 421)

§ 4.17. Requests to the General Assembly for amendments to this charter shall be by one of the following procedures:

(a) By initiative of the qualified voters as set forth in § 4.12 hereof. At least ten days prior to the holding of such election, the text, or an informative summary of the amendments proposed, shall be published in a newspaper of general circulation in the city.

(b) By election of the qualified voters of the city. The council may provide for holding an election to determine if the qualified voters of the city desire that it request the General Assembly to amend its charter. Such election shall be held within thirty days following the action of the council with respect thereto. At least ten days prior to the holding of such election, the text, or an informative summary of the amendments proposed shall be published in a newspaper of general circulation in the city. If a majority of the qualified voters voting in such election vote in favor of such amendments to the charter, the clerk shall transmit the necessary copies of the requested amendments to the General Assembly.

(c) By resolution of a majority of the entire council. At least ten days notice of the time and place of a public hearing and the text or an informative summary of the proposed amendments shall be published in a newspaper of general circulation in the city. The public hearing may be adjourned from time to time, and upon adoption of a resolution to request the proposed amendments, the clerk shall transmit the necessary copies to the General Assembly. (1954, c. 514; 1960, c. 429; 1973, c. 292)

Chapter 5. City Manager.

§ 5.01. Appointment and qualifications.

There shall be a city manager who shall be the executive officer of the city and shall be responsible to the council for the proper administration of the city government in furthering the council's goals and objectives. He shall be appointed by the council for an indefinite term. He shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual

experience in or knowledge of accepted practice in respect to the duties of his office. (1950, c. 323; 1952, c. 301; 1979, c. 421)

§ 5.02. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 5.02.1. Powers with respect to city personnel.

Except for the city attorney, city clerk and their employees, the city manager may appoint or employ and may remove or discharge city officers, employees and assistants as may be necessary to carry on the work in those departments and offices of the City as deemed necessary by the city manager. The city manager shall have the authority to manage, organize and reorganize all city employees under the control of the city manager. Whenever the interests of the City require, irrespective of any other provisions of this charter, the city manager shall have the power and authority to assign employees of any city department, bureau, office or agency under the control of the city manager, to the temporary performance of duties in another city department, bureau, office or agency. The city manager may not remove or discharge city council appointive officers. The salaries and conditions of employment of employees and assistants shall be recommended by the city manager subject to the approval of the city council and as provided by the general law. The city manager's actions in all respects shall be subject to review by the city council and shall be accountable to city council. (2004, cc. 497, 569)

§ 5.03. Council not to interfere in appointments or removals.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by any of his subordinates except as specifically provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. (1950, c. 323)

§ 5.04. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 5.05. Duties.

It shall be the duty of the city manager to: (a) attend all meetings of the council with the right to speak but not to vote; (b) keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit to the council not later than its first meeting in September of each year a concise, comprehensive report of the financial transactions and administrative activities of the city government during the fiscal year ending on the preceding thirtieth day of June and cause to be printed such number of copies thereof as the council shall direct; (e) present adequate financial and activity reports at each regular meeting of the council; and (f) perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of

the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter. (1950, c. 323)

§ 5.06. The city manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance. (1950, c. 323; 1954, c. 514)

§ 5.07. Acting city manager.

The council shall designate by resolution an acting city manager to act as city manager in case of the absence, incapacity, death or resignation of the city manager, until his return to duty or the appointment of his successor. (1950, c. 323; 1987, c. 68; 1999, c. 135, 168)

Chapter 6. Budgets.

§ 6.01. Fiscal and tax years.

The fiscal year of the city shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year. The tax year for taxes levied on real estate, tangible personal property, and machinery and tools and the tax year for all other taxes shall be fixed by the council by ordinance. The rates of all taxes and levies, except on new sources of tax revenue, shall be fixed at the time of adoption of the general fund budget. (1950, c. 323; 2013, c. 399)

§ 6.02. On a day to be fixed by the council and in furtherance of its goals and objectives the city manager shall submit to the council: (a) separate current expense budgets for the general operation of the city government, hereinafter referred to as the general fund budget, including the total budget for the support of public schools as filed with him by the school board, and for each utility as defined in Chapter 13 of this charter; (b) a budget message and the budget message of the school board; and (c) a capital budget, including the capital budget as defined in § 6.19 together with the capital budget for schools as submitted to the planning commission by the school board. (1950, c. 323; 1954, c. 560; 1960, c. 429; 1979, c. 421)

§ 6.03. Preparation of budgets.

It shall be the duty of the head of each department, each board or commission and each other office or agency supported in whole or in part by the city, including the commissioner of revenue, treasurer, sheriff, clerk of the general district court and clerk of the juvenile and domestic relations court, to file with the city manager or with the director of finance designated by him, at such time as the city manager may prescribe, estimates of revenue and expenditure for that department, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the director of finance and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the city manager may require to be submitted thereon. The director of finance shall assemble and compile these estimates and supply

such additional information relating to the financial transactions of the city as may be necessary or valuable to the city manager in the preparation of the budgets. The city manager shall hold such hearings as he may deem advisable and with the assistance of the director of finance shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose. The school board shall furnish a copy of its budget to the city manager. (1950, c. 323; 1979, c. 421; 1987, c. 68)

§ 6.04. Scope of the general fund budget.

In respect of each utility there shall be included in the general fund budget estimates only the net amounts estimated to be received from or to be appropriated to such utility in the general fund budget as provided in § 6.13. In respect to the public schools there shall be included only the total amount to be appropriated by the city for their support. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques and shall contain: (a) an estimate of such portion of the general fund cash surplus, if any, at the end of the current fiscal year as it is proposed to use for meeting expenditures in the general fund budget; (b) an estimate of the receipts from current ad valorem taxes on real estate and tangible personal property during the ensuing fiscal year, assuming that the proportion of the levy collected be no greater than the average proportion of the levy collected in the last three completed tax years; (c) an estimate of receipts from all other sources of revenue; (d) a statement to be furnished by the director of finance of the debt service requirements for the ensuing year; (e) an estimate of the general fund cash deficit, if any, at the end of the current fiscal year and of any other obligations required by this charter to be budgeted for the ensuing fiscal year; (f) an estimate of expenditures for all other purposes to be met from the general fund in the ensuing fiscal year. All the estimates shall be in detail showing receipts by sources and expenditures by operating units, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year in comparison with estimated receipts and recommended expenditures for the ensuing fiscal year. (1950, c. 323)

§ 6.05. A balanced budget.

In no event shall the expenditures recommended by the city manager in the general fund budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, as provided in the preceding section, unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three tax years last past, will make up the difference. If estimated receipts exceed

estimated expenditures the city manager may recommend revisions in the tax and license ordinances of the city in order to bring the general fund budget into balance. (1950, c. 323)

§ 6.06. The budget message.

The budget message shall contain the recommendations of the city manager concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all salient changes in each budget submitted, as to estimated receipts and recommended expenditures as compared with the current fiscal year and the last preceding fiscal year, and a summary of the proposed budgets showing comparisons similar to those required by § 6.04 above. The budget message of the school board shall contain similar provisions. (1950, c. 323)

§ 6.07. Appropriation and additional tax ordinances.

At the same time that he submits the general fund budget, the city manager shall introduce in the council a general fund appropriation ordinance. The appropriation ordinance shall be based on the general fund budget but need not be itemized further than by departments and the major operating units thereof, and by bureaus, boards, commissions, offices and agencies submitting separate budget estimates, and by the principal objects of expenditure. At the same time the city manager shall also introduce any ordinance or ordinances altering the tax rate on real estate and tangible personal property or levying a new tax or altering the rate of any other tax necessary to balance the general fund budget as hereinbefore provided. The hearing on the budget plan as a whole, as provided in § 6.09, shall constitute the hearing on all ordinances referred to in this section, and the appropriation ordinances for each utility. (1950, c. 323)

§ 6.08. Availability of budgets for inspection and publication of the budget message.

The city manager shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council and sufficient copies of the general fund, school and utility budgets to be made to supply copies to each member of the council and a newspaper of general circulation in the city, and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours. (1950, c. 323)

§ 6.09. A public hearing on the budget plan as a whole shall be held by the council within the time and after the notice provided for hearings on ordinances by § 4.10 of this charter, except that the notice of such hearing shall be published in a newspaper of general circulation in the city. The second reading of the budget ordinances and the public hearing shall be not later than the first regular council meeting in May. (1950, c. 323; 1960, c. 429)

§ 6.10. Action by the council on the general fund budget.

After the conclusion of the public hearing the council may insert new items of expenditure or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service or required to be included by this charter or other provision of law shall be

reduced or stricken out. The council shall not alter the estimates of receipts contained in the said budget except to correct omissions or mathematical errors and it shall not cause the total of expenditures as recommended by the manager to be increased to an amount that would result in a higher tax rate without a public hearing on such increase, which shall be held not less than three days after notice thereof by publication in a newspaper of general circulation in the city. The council shall in no event adopt a general fund budget in which the total of expenditures exceeds the receipts, estimated as provided in § 6.04, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as provided in § 6.05, sufficient to make up this difference. (1950, c. 323; 1987, c. 68)

§ 6.11. Adoption of the general fund budget.

If, for any reason, the council fails to adopt the general fund budget, the general fund appropriation ordinance and such ordinances providing for additional revenue as may be necessary to put the budget in balance on or before the first day of July , the general fund budget in effect for the previous fiscal year shall be the general fund budget on a monthly basis beginning on the first day of July until the general fund budget shall be adopted by the council. (1950, c. 323)

§ 6.12. Effective date of general fund budget; certification; copies made available.

Upon final adoption, the general fund budget shall be in effect for the ensuing fiscal year. A copy of such budget as finally adopted shall be certified by the city manager and city clerk and filed in the office of the director of finance. The general fund budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof made available for the use of all departments, courts, boards, commissions, offices and agencies and for the use of interested persons and organizations. (1950, c. 323)

§ 6.13. Utility budgets.

Separate budget estimates for each of the utilities as defined in Chapter 13 of this charter shall be submitted to the director of finance at the same time as the budgets of other departments and in the form prescribed by the city manager, subject, however, to the provisions of Chapter 13 which shall also control the action of the city manager and council thereon. Estimated receipts shall take account of (a) any estimated balance of net income from the current fiscal year as determined in accordance with subsection (d) of § 13.06 of this charter not anticipated to be transferred to the general fund or a renewal fund; (b) the effect of any change in rates made during the current fiscal year or contained in any rate ordinance submitted with such budget; and (c) any appropriation to make up an estimated deficit in utility operations for the ensuing fiscal year contained in the general fund budget. The city manager shall submit with the budget of each utility an ordinance making appropriations for the operation of such utility during the ensuing fiscal year, which need not be itemized further than by principal objects of expenditure. He shall also at the same time submit any ordinance changing the rates to be charged by the utility, used in estimating receipts. The council shall have the same powers and be subject to the

same limitations with regard to the adoption of such utility budgets and accompanying appropriation and rate ordinances, subject to the provisions of the said Chapter 13 as are conferred or imposed on it by § 6.10 with regard to the general fund budget and its accompanying appropriation and revenue ordinances. If, for any reason, the council fails to adopt the utility budgets or any of them before the expiration of the time set for the adoption of the general fund budget, such budget or budgets in effect for the previous fiscal year shall be the utility budget or budgets on a monthly basis beginning on the first day of July until the utility budget or budgets shall be adopted by the council. When such utility budgets and accompanying appropriation ordinances are adopted, they shall be certified to the director of finance with like effect as in the case of the general fund budget and its appropriation ordinance. (1950, c. 323)

§ 6.14. School operating budget.

It shall be the duty of the school board to file its operating budget estimates with the city manager or with the director of finance. The action of the council on the school budget shall relate to its total only and the school board shall have authority to expend in its discretion the sum appropriated for its use, provided that if it receives an appropriation greater or less than its original request it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The school board shall have power to order during the course of the fiscal year transfers from one item of appropriation to another. (1950, c. 323; 1954, c. 560)

§ 6.15. Administration of the budget.

If, at any time during the fiscal year, the city manager shall ascertain that the revenue cash receipts of the general fund or any utility fund for the year, plus any cash surplus available from the preceding year, will be less than the total appropriations to be met from such receipts, he shall have the power to restrict expenditures, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, so as to forestall the incurring of a deficit, provided, however, that there shall be no reduction in salaries except by ordinance. (1950, c. 323; 1987, c. 68)

§ 6.16. Transfers of appropriations.

The city manager may at any time authorize, at the request of any department, board, commission, office or agency, the transfer of any unencumbered balance or portion thereof in any general fund or utility appropriation from one classification of expenditure to another within the same department, board, commission, office or agency, provided that for this purpose the water and sanitary sewer utilities shall be deemed separate departments. At the request of the city manager, the council may, by resolution, transfer any unencumbered balance or portion thereof in any general fund appropriation from one department, board, commission, office or agency to another. (1950, c. 323; 1992, c. 513)

§ 6.17. Additional appropriations.

An appropriation in addition to those contained in the general fund appropriation ordinance, except for the purpose of meeting a public emergency as provided in subsection (d) of § 2.02 of this charter, may

be made by the council, by an affirmative vote of at least two-thirds of the entire council, only on the recommendation of the city manager and only if the director of finance certifies in writing that there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. Additional appropriations may be made by the council, by an affirmative vote of at least two-thirds of the entire council, from the funds of any utility for the operation of that utility, and by the school board, by the affirmative votes of at least a majority of the total membership, from school funds for school purposes, but in the case of a utility, only if the director of finance certifies in writing that there is available in the funds of the utility a sum unencumbered and unappropriated sufficient to meet such appropriation. (1950, c. 323)

§ 6.18. Appropriations to lapse.

Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse, except that any balance remaining in the funds of the school board at the end of the fiscal year shall remain to the credit of that board and an estimate of any such balance shall be included in the school budget of the ensuing year as an estimated receipt. (1950, c. 323)

§ 6.19. At the same time that he submits the current expense budgets, the city manager shall submit to the council a program, previously acted upon by the city planning commission as provided in Chapter 17 of this charter, of proposed capital improvement projects, including schools, as defined in § 7.02 of this charter, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. This program shall be termed the "capital budget" and may be adopted by resolution. Whenever the revenue for financing any capital improvement project or projects is to be derived from the sale of bonds, the bond ordinance need not be introduced at the time of submission of the capital budget, but any appropriations for any project or projects, to be so financed shall be contingent upon the issuance of such bonds being authorized in accordance with § 7.06 of this charter. The council shall have power to accept, with or without amendments, or reject, the proposed program and proposed means of financing for the ensuing fiscal year but, except in the case of emergency as provided in subsection (d) of § 2.02 of this charter, and except to meet needs for capital improvements arising out of annexation of additional territory taking effect during the current or preceding fiscal year and except to meet needs for capital improvements which could not reasonably have been foreseen at the time of adoption of the capital budget, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation for such project is included in the capital budget as adopted by it. The council shall take final action on the capital budget and on any revenue or appropriation ordinance submitted therewith, not later than the twenty-eighth day after the adoption of the general fund budget. The council shall in no event adopt a capital budget in which the total of expenditures for the ensuing fiscal year exceeds the estimated receipts unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year sufficient to make up the difference. No

appropriation for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned, and if there be no such indebtedness shall be available for appropriation in the next capital budget. (1950, c. 323; 1954, c. 560; 1960, c. 429; 1992, c. 513)

§ 6.20. Certification of funds, penalties for violation.

No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made; provided that the council shall have the power to authorize and direct the making of contracts for the expenditure of funds not appropriated in any budget for the then current fiscal year, in which event the council shall appropriate the funds in the budget or budgets for the next fiscal year or years for the performance of the contracts. No payment shall be made from or obligation incurred against any allotment or appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in subsection (f) of § 8.03 of this charter. Every expenditure or obligation authorized or incurred in violation of the provisions of this charter shall be void. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein, such action shall be cause for his removal. (1950, c. 323)

§ 6.21. Reserve for permanent public improvements.

The council may, by ordinance, establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible property not to exceed ten cents on the $100 of the assessed valuation thereof or the whole or part of the proceeds of any other tax. Appropriations from the said fund shall be made only to finance improvements included in the capital budget. The proceeds of the sale of public property, including any utility, may be placed in this fund. The interest accruing on the principal may be appropriated to the operating expenses of the city. (1950, c. 323; 1987, c. 68)

Chapter 7. Borrowing.

§ 7.01. Borrowing power.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner provided in this chapter, and to the extent provided in this chapter and under the general law. The council may choose to issue bonds using the process set out in this chapter, which includes use of a referendum on the bond-authorizing ordinance, or may use the procedure established by the Public Finance Act of 1991 in the state's general law, which does not include the use of a referendum. This charter provision shall prevail over any general law. The council may, by ordinance, borrow money from a surplus in any city account provided a competitive rate of interest for short term tax-free municipal bonds is assigned. (1950, c. 323; 1987, c. 68; 1992, c. 513)

§ 7.02. Purposes for which bonds or notes may be issued.

(a) To finance capital projects. Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project which is hereby defined to include any public improvement project or utility which the city is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, structure or facility necessary or useful in carrying out the powers of the city, and the equipment or reequipment of the same.

(b) To anticipate the collection of revenue. Notes may be issued, when authorized by the council, at any time during the fiscal year in anticipation of the collection of any or all revenue not to exceed seventy-five percent of such estimated revenue for the fiscal year.

(c) [Repealed.]

(d) Temporary debt for capital outlay. The council may issue notes and may issue revenue bonds to capitalize water and sewer and may issue notes to finance the acquisition and improvement of land for municipal parking areas, park lands, open spaces and other municipal purposes when, by an affirmative vote of not less than five members of the council, the council has adopted an ordinance declaring it expedient to do so, and when the creating of the debt thereby provided for is for the purpose of installing, or extending, one or more of such public utilities, or for the acquisition and improvement of parking areas, park lands, open spaces and other municipal purposes which constitute an asset, or assets, at least equal in value to the amount expended thereon, which utility, or utilities, shall materially add to the service rendered by the city to its taxpayers and other citizens. The total indebtedness authorized by this subsection shall not exceed one percent of the total fair market value of the real property within the city. Such authorized temporary indebtedness shall be deemed a part of the total debt limit of the city, as specified by the Constitution of Virginia. The dollar amount of temporary indebtedness authorized by this subsection shall be redetermined after each reassessment.

Indebtedness which was within this authorized limit at the time it was incurred shall not be interpreted as exceeding the limit in the event of a later decrease in the total fair market value of real property within the city.

(e) To provide for emergency expenditures. Notes may be issued to finance an appropriation for the purpose of meeting a public emergency, as provided in subsection (d) of § 2.02 of this charter, when authorized by the ordinance making such appropriation. Notes so issued shall be authenticated by the signature of the director of finance and shall mature not later than twelve months after the date of issue. Bonds may be issued, when authorized as hereinafter provided, for the purpose of funding such notes or other obligations incurred in accordance with such appropriation.

(f) To refund outstanding bonds. Bonds may be issued, when authorized as hereinafter provided, for the purpose of refunding bonds, provided that the director of finance shall certify in writing that such refunding is necessary to prevent default on the interest or principal of the city's or the school board's outstanding bonds or to secure a lower rate of interest. (1950, c. 323; 1952, c. 301; 1954, c. 560; 1968, c. 364; 1973, c. 292; 1976, c. 13)

§ 7.03. Limitation on indebtedness.

In the issuance of bonds and notes, the city shall be subject to the limitations as to amount contained in Article VII, Section 10 of the Constitution of the Commonwealth. (1950, c. 323; 1973, c. 292)

§ 7.04. Notes in anticipation of bonds and revenue.

Whenever an issue of bonds for any capital improvement project has been authorized as hereinafter provided, the director of finance, when authorized by ordinance, shall have power to issue notes of the city in anticipation of such bonds, for the purpose of defraying the whole or any part of the cost of such project. Such notes in anticipation of bonds shall be authenticated by the signature of the director of finance and shall mature not later than twelve months after the date of issue. They shall be paid at maturity from the proceeds of the sale of the bonds in anticipation of which they have been issued. Notes in anticipation of revenue shall be authorized by the council by ordinance. They shall be authenticated by the signature of the director of finance and shall mature not later than twelve months after the date of issue. If not paid at maturity, the amount of such unpaid notes shall be included as an appropriation in the general fund budget for the ensuing fiscal year. (1950, c. 323)

§ 7.05. Form and term of bonds.

Bonds shall be authenticated by the seal of the city and by the signatures of the city manager and director of finance or by the city manager and city treasurer, if the city manager and the director of finance are the same person. All bonds shall be made payable within the probable life of the improvement or undertaking on account of which they are to be issued or, if the bonds are to be issued for several improvements or undertakings, within the average probable life of such improvements or undertakings. In the case of a bond issue for several improvements, or undertakings having different

probable periods of usefulness the council shall determine the average of said periods, taking into consideration the amount of bonds to be issued on account of each purpose, and the period so determined shall be the average period of usefulness. The determination of the council as to the probable life of any such improvement or undertaking shall be conclusive. Except as otherwise provided in this charter, no bonds shall be payable more than thirty years after their date of issuance. (1950, c. 323; 1992, c. 513)

§ 7.06. Issuance of bonds. how authorized.

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be the same as for the passage of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that the affirmative votes of two-thirds of the entire council shall be necessary for its adoption. Upon adoption by the council of a bond ordinance, when required, the city clerk shall forthwith certify a copy of said ordinance to the Circuit Court having jurisdiction or to the Judge thereof, in vacation, who shall thereupon order a special election of the qualified voters of the city to be held by general law in such cases provided. If a majority of those voting therein at such election shall approve the ordinance, it shall take effect immediately, and if not, it shall be void. (1950, c. 323; 1973, c. 292; 1992, c. 513)

§ 7.07. Procedure for sale of bonds and notes.

All bonds issued under this charter shall be sold at public sale upon sealed proposals after at least ten days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, published in the City of New York, New York, and at least ten days' notice published at least once in a newspaper of general circulation in the City of Falls Church. Notes in anticipation of bonds, in anticipation of revenue, or to provide for emergency expenditures, when authorized by the council, may be sold by the director of finance, with the approval of the city manager, at private sale without prior public offering. The terms of the sale of all bonds and notes shall be approved by the council by resolution. (1950, c. 323)

§ 7.08. An ordinance authorizing the issuance of bonds shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or more capital improvement projects, it shall describe each of them sufficiently for purposes of identification, and shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifying them, other than the proposed bond issue. The bond ordinance shall also include the amount of the proposed issue, a statement showing the proposed issue to be within the limitation of indebtedness as provided in § 7.03, the probable life of the purpose or the average probable life of the purposes to be financed, as determined by the council, a declaration that principal of and interest on the proposed issue are to be paid from ad valorem taxes on real estate and tangible personal property and that the full faith and credit of the city are pledged to such payment, and the procedure for the sale of the proposed issue.

All other matters relating to the authorization, issuance or sale of the bonds or notes may be provided by resolution. (1950, c. 323; 1954, c. 440)

§ 7.09. Short period of limitation.

When thirty days shall have elapsed from the date of approval of a bond ordinance by the voters, as provided in this chapter, (a) any recitals or statements of fact contained in such bond ordinance or in the preambles or recitals thereof shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the city and all other parties interested shall forever thereafter be estopped from denying the same; (b) such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the city and to comply with the provisions of this charter and all laws, and (c) the validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such thirty days. (1950, c. 323)

§ 7.10. Payment of bonds and notes.

The power and obligation of the city to pay any and all bonds and notes hereafter issued by it pursuant to this charter, except revenue bonds, as provided in § 7.12, shall be unlimited, and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount. The faith and credit of the city are hereby pledged for the payment of the principal of and the interest on all bonds and notes of the city hereafter issued pursuant to this chapter, except revenue bonds, as provided in § 7.12, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance. (1950, c. 323)

§ 7.11. Sinking fund.

There shall be a sinking fund for the amortization of the outstanding term bonds of the city. It shall consist of the cash and securities in the sinking fund at the effective date of this charter, the sums hereinafter required to be paid into such fund and the interest earned on investments. There shall be paid into the sinking fund annually the sum determined by the director of finance, and by him certified to the city manager for inclusion in the budget, to be necessary on actuarial principles to amortize such term bonds at maturity. The sinking fund shall be invested only in bonds or other direct obligations of the City, the Commonwealth, or the United States. The management of the sinking fund shall be entrusted to the director of finance. (1950, c. 323; 1952, c. 301)

§ 7.12. Revenue bonds.

In addition to the authority to issue bonds otherwise provided in this chapter, and in addition to the authority of Article VII, Section 10 of the Constitution of Virginia, the council may, in the manner provided for the issuance of other bonds and subject to the limitations of this chapter, except that the faith and credit of the city need not be pledged to their payment and except as hereinafter provided,

authorize the issuance of revenue bonds to be secured by mortgage upon the property of the city devoted to the use of a revenue-producing utility, project or enterprise and the interest and principal of which may be paid exclusively from the revenues of such utility, project or enterprise; provided that such issue need not be limited to a term of thirty years. (1950, c. 323; 1973, c. 292)

Chapter 8. Financial Administration.

§ 8.01. There shall be a department of finance which shall include the functions of accounting and control, budgeting, purchasing, the collection of taxes, special assessments and other revenues, and such other functions as may be provided by ordinance or by orders of the director of finance consistent therewith. (1950, c. 323)

§ 8.02. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 8.03. (1950, c. 323; 1958, c. 136; 1987, c. 68; 1992, c. 513; repealed 2004, cc. 497, 569)

§ 8.04. The city treasurer shall collect and receive all moneys due the city from any source whether current or delinquent, except that the council may, by ordinance, assign to some other officer or agency the collection of such moneys. In so doing, he shall have the power to employ any procedure that is now or may hereafter be prescribed by law for the collection of state taxes or local taxes. There shall be a lien, which shall have precedence over any other lien or encumbrance thereon, on all real estate and on each and every interest therein, for the city taxes assessed thereon, from the commencement of the year for which they are assessed, including penalties and interest on such taxes, which may be enforced by the city treasurer on behalf of the city in any manner provided by law. All goods and chattels wheresoever found may be distrained and sold for taxes, interest and penalties assessed and due thereon and for taxes, interest and penalties assessed against the owner thereof, and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes or levies assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes or levies assessed thereon, no matter in whose possession they may be found. He shall have power to enforce the provisions of this charter and the ordinances of the city with regard to licenses and license taxes, to check any or all of records of the commissioner of revenue and to examine and audit the books of all persons, firms and corporations whom he has reasonable cause to believe to be liable to pay a license. He shall have custody of all funds belonging to the city and the school board and deposit all funds coming into his hands to the account of the city or the school board, as the case may be, in such banks or shares or certificate of deposits in any building or savings and loan association lawfully authorized to do business in this Commonwealth whose accounts are insured by the Federal Savings and Loan Insurance Corporation; provided, however, the investment in such shares or certificates of deposit in any one such association shall not exceed the amount as shall be fully insured by the Federal Savings and Loan Insurance Corporation or as fully

collateralized by eligible collateral as defined in § 2.1-360 (e) of the Code of Virginia as amended, and provided that such banks or associations be designated for the purpose by the council and the school board, respectively, subject to the laws of the Commonwealth applicable to the city and school board relative to the deposit of public funds. He shall perform such other duties, including validating of school board warrants or checks, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance. He shall have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this charter or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange. For such services, the city treasurer shall receive such compensation as the council may from time to time prescribe by ordinance. (1950, c. 323; 1958, c. 136; 1973, c. 292; 1981, c. 361; 1987, c. 68)

§ 8.05. The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. (1950, c. 323; 1958, c. 136; 1999, c. 135, 168)

§ 8.06. Real estate delinquent for the nonpayment of taxes shall be sold for said taxes. The procedure for selling real estate for city taxes and for the redemption of real estate sold for city taxes shall be the same as provided in the general law of this State to the same extent as if all the provisions of said general law relating thereto were herein set out at length. (1950, c. 323; 1952, c. 204)

§ 8.07. (1950, c. 323; 1981, c. 361; repealed 2004, cc. 497, 569)

§ 8.08. Annual assessment and equalization of assessments.
The council shall have the power to provide for the annual assessment and equalization of real estate for local taxation as provided in the general law, and the council may provide for an assessor to be supervised by the director of finance, and provided further that application for relief from assessments may be made to the circuit court or corporation court of appropriate jurisdiction.(1950, c. 323; 1973, c. 292; 1976, c. 13; 1987, c. 68)

§ 8.09. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 8.10. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 8.11. (1950, c. 323; 1979, c. 421; repealed 1992, c. 513)

§ 8.12. (1950, c. 323; repealed 2004, cc. 497, 569)

Chapter 9. Personnel. (Repealed)

§ 9.01. (1950, c. 323; 1981, c. 361; 1987, c. 68; repealed 2004, cc. 497, 569)

§ 9.02. (1950, c. 323; 1979, c. 421; repealed 2004, cc. 497, 569)

§§ 9.03 through 9.06. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 9.07. (1950, c. 323; 1987, c. 68; repealed 2004, cc. 497, 569)

§ 9.08. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 9.09. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 9.10. (1950, c. 323; repealed 1952, c. 301)

§ 9.11. (1950, c. 323; 1987, c. 68; repealed 2004, cc. 497, 569)

Chapter 10. Department of Law.

§ 10.01. Department of law.

There shall be a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance. (1950, c. 323)

§ 10.02. Qualifications and appointment.

The head of the department of law shall be the city attorney who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth. The city attorney shall be appointed by the city council and serve at the pleasure of the city council. Compensation and responsibilities of the office, except as provided herein, shall be determined by the city council. (1950, c. 323; 1973, c. 292; 1976, c. 13; 1979, c. 421; 2008, cc. 316, 683)

§ 10.03. City attorney. Powers and duties.

The city attorney shall (a) be the legal advisor of (1) the council, (2) the city manager and (3), of all departments, boards, commissions and agencies of the city, in all matters affecting the interests of the city, and shall, upon request, furnish a written opinion on any question of law involving their respective official powers and duties; (b) at the request of the city manager or any member of the council, prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and render his opinion as to the form and legality thereof; (c) draw or approve as to legal form all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest; (d) have the management and control of all the law business of the city and the departments, boards, commissions and agencies thereof, or in which the city has an interest, and represent the city as counsel in any civil case in which it is interested and in criminal cases in which the presence of the city attorney or prosecuting attorney is required by general law or in such classifications of cases as the council may direct; (e) with the approval of the council, institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city; (f) attend in person or assign one of his assistants to attend all meetings of the council; (g) appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 9 of this charter as to employees in the classified service, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties

imposed upon him in this charter; and (h) have such other powers and duties as may be assigned to him by ordinance. The approval or withholding of approval by the city attorney in the matters provided for in §§ 8.07 (c) and 8.07 (d) shall relate only to the legality of the proposed action. The school board shall have authority to employ legal counsel. (1950, c. 323; 1952, c. 301)

§ 10.04. Restrictions on actions for damages against city.

(a) No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, employee or agent thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney within sixty days after such cause of action shall have accrued, except that when the claimant is an infant or non compos mentis, or the injured person dies within such sixty days, such statement may be filed within 120 days. Neither the city attorney nor any other officer, employee or agent of the city shall have authority to waive the foregoing conditions precedent to any of them. (1950, c. 323)

§ 10.05. (1950, c. 323; 1952, c. 301; repealed 1956, c. 190)

Chapter 11. Public Safety. (Repealed)

§ 11.01. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 11.02. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 11.03. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 11.04. (1950, c. 323; 1973, c. 292; 1979, c. 421; repealed 2004, c. 497, 569)

§ 11.05. (1950, c. 323; repealed 2004, cc. 497, 569)

Chapter 12. Department of Public Works. (Repealed)

§ 12.01. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 12.02. (1950, c. 323; 1973, c. 292; repealed 2004, cc. 497, 569)

§§ 12.03 throug 12.06. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 12.07. (1950, c. 323; 1954, c. 440; 1992, c. 513; repealed 2004, cc. 497, 569)

§ 12.08. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 12.09. (1950, c. 323; repealed 2004, cc. 497, 569)

Chapter 13. Department of Public Utilities.

§§ 13.01 through 13.05. (1950, c. 323; 1952, c. 301; repealed 2004, cc. 497, 569)

§ 13.06. Each utility a separate enterprise.

The water and sanitary sewer utilities shall each be conducted as a separate enterprise, provided that nothing herein shall prevent the transfer of employees from one utility to another or the division of the time of any officer or employee between the two utilities.

(a) The bureau of billing and collection or other agencies or officers of the city designated by the council shall bill for and collect on behalf of each utility not only the charges due from domestic, commercial and industrial users of its services but similar charges against the city and each department, board, commission, office and agency thereof, including the school board and each other utility. The rates to be charged the city and its departments, boards, commissions, offices and agencies, as above provided, for water and sanitary sewers shall be the same as those charged to other customers, except that the charges to be made for the use of water for fire protection shall be in the form of an annual rental to be paid from appropriations by the council for fire protection within the city, for each fire hydrant based on the proportion of the valuation of the water utility properly allocable to fire protection as determined by the valuation hereinafter provided.

(b) The director of finance shall keep separate accounts, in accordance with accepted principles of public utility accounting, for each utility. (1950, c. 323; 1952, c. 301; 1992, c. 513)

§ 13.07. Disposition of utility surplus.

A sum of money equal to taxes not actually accruing but which would have accrued during such year had the utility not been municipally owned, shall be paid annually by the utility into the general fund. A return on equity that is calculated using generally accepted accounting principles for utility enterprises, when authorized by the council by the affirmative votes of a majority of council, may be transferred to the general fund or to the improvement fund of each utility respectively. (1950, c. 323; 1993, c. 969)

§ 13.08. Valuation.

As soon as practicable after the effective date of this charter and at such other times as it shall determine the council shall cause to be made a valuation of each of the two utilities, in accordance with accepted valuation principles, by a competent firm of engineers to be selected by the council on the recommendation of the city manager, showing in the case of the water utility the proportion of its valuation properly allocable to fire protection, provided that the council may accept any such valuation of any or both of the utilities completed within three years before said date or cause to be completed any such valuation then in progress. (1950, c. 323)

§ 13.09. Changes in rates.

The rates to be charged for the respective services of the water and sanitary sewage utilities shall be fixed from time to time by the council on the recommendation of the director of public utilities and the city manager. If for any three consecutive fiscal years the average annual receipts of any utility shall be less than its average annual expense, it shall be the duty of the director of public utilities and the

city manager to recommend and the council to adopt for that utility a schedule of rates which in its judgment will produce receipts equal to expense. (1950, c. 323; 1995, c. 655)

§ 13.10. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 13.11. No sale or lease of utilities except when approved by referendum.

There shall be no sale or lease of the water or sanitary sewerage utilities unless the proposal for such sale or lease shall first be submitted to the qualified voters of the city at a general election and be approved by a majority of all votes cast at such election. (1950, c. 323)

Chapter 14. Department of Public Health. (Repealed)

§ 14.01. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 14.02. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 14.03. (1950, c. 323; 1952, c. 301; repealed 2004, cc. 497, 569)

§ 14.04. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 14.05. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 14.06. (1950, c. 323; repealed 2004, cc. 497, 569)

Chapter 15. Department of Public Welfare. (Repealed)

§§ 15.01 through 15.05. (1950, c. 323; repealed 2004, cc. 497, 569)

Chapter 16. Department of Recreation and Parks.

§§ 16.01 through 16.04. (1950, c. 323; repealed 2004, cc. 497, 569)

§ 16.05. Rules and regulations.

The council shall have power to adopt by ordinance all needful rules and regulations relating to the use of public grounds, parks, playfields, playgrounds and cemeteries, whether within or without the city, and for the preservation of order, safety and decency therein. For the purpose of enforcing such rules and regulations, all such public grounds, parks, playfields, playgrounds and cemeteries shall be under the police jurisdiction of the city. Any member of the police force of the city, or park employee appointed as a special policeman shall have power to make arrests for violations of any such rule or regulation. (1950, c. 323)

§ 16.06. There shall be an advisory board of recreation and parks consisting of no less than five members, which number shall be determined by the city council by ordinance, of whom one shall be a member of the school board, appointed by the school board, and one a member of the city planning commission, appointed by the city planning commission, for terms of two years from the first Tuesday in September 1951 and every two years thereafter, but in no case shall a member so appointed

continue to be a member of the advisory board of recreation and parks after the expiration of his term as a member of the school board or the city planning commission, as the case may be; and of whom the remaining members shall be appointed by the council for terms of three years, provided that the members in office at the effective date of this charter are hereby continued in office for the terms they were appointed, and new appointments shall be made annually from the first Tuesday in September in such a manner that one or more, but less than three, of the appointments expire annually. Vacancies shall be filled by the Authority making the appointment, for the unexpired portion of the term. The advisory board of recreation and parks shall choose annually one of its own number to be chairman for a term of one year and until his successor is chosen and qualified. An employee of the department of recreation and parks shall be assigned by the director of recreation and parks to act as secretary of the board. It shall hold such regular meetings as it may determine. Special meetings may be held at any time on the call of the director of recreation and parks or of the chairman of the advisory board of recreation and parks. The advisory board of recreation and parks shall advise with the director of recreation and parks, and with the city council, and shall perform such related functions as the council may direct. (1950, c. 323; 1956, c. 190; 1966, c. 146; 1968, c. 364; 1981, c. 361)

Chapter 17. Planning, Zoning and Subdivision Control.

§ 17.01. In addition to the powers granted under prevailing State laws and elsewhere in this charter, the council is authorized and empowered to make and adopt planning ordinances and approve a comprehensive master plan for the orderly development of the city to promote health, safety, morals, comfort, prosperity, and general welfare. (1950, c. 323; 1954, c. 440)

§ 17.02. City Planning commission; composition; appointment, qualifications and removal of members.

There shall be a city planning commission which shall consist of seven members appointed by the Council who shall be qualified voters of the city, actually residing within the city limits, who hold no office of profit under the city government, appointed for terms of four years; provided, that the five citizen members in office on June 30, 1966, shall continue for the length of their appointed terms. A sixth citizen member shall be appointed to serve from July 1, 1966, for a term expiring on December 31, 1968. Effective January 1, 1967, and every four years thereafter, four citizen members shall be appointed, and effective January 1, 1969, and every four years thereafter, three citizen members shall be appointed. Vacancies shall be filled for the unexpired portion of the term. A member may be removed by the council for neglect of duty or malfeasance in office, upon written charges and after public hearing. (1950, c. 323; 1954, c. 440; 1960, c. 429; 1966, c. 146; 1996, c. 310)

§ 17.03. City planning commission - Officers; meetings; records; employees; expenditures.

The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council for a term of one year, who shall be eligible for reelection, and appoint a secretary.

The commission shall hold at least one regular meeting each month, and shall adopt rules for the transaction of its business. The commission shall keep a record of its resolutions, transactions, findings and determinations showing the vote of each member on each question or, if absent, or failing to vote, indicating such fact which record shall be filed in the office of the commission and shall be a public record. (1950, c. 323; 1954, c. 440; 2001, cc. 708, 796)

§ 17.04. It shall be the duty of the commission to make and adopt a master plan, consisting of maps, plats, charts and descriptive matter, which shall show the commission's recommendations for the development of the territory covered by the plan. Such plan may include but shall not be limited to the following:

(a) The general location, character and extent of streets, highways, superhighways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, viaducts, subways, bridges, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, terminals, airports and other public places or ways, and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension thereof.

(b) The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof.

(c) The general location, character, extent and design of slum clearance, development, redevelopment, housing and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings.

(d) A general plan for the control and routing of railways, streetcar lines, bus lines and all other vehicular traffic.

(e) The general location, character and extent of areas of land to be used for different purposes, whether public or private, and the development standards to be applied to each.

(f) The general location, character and extent of use and development of land in areas beyond the corporate limits of the city which may be considered for annexation. Such plan and its respective components shall be given review at least every five years by the commission.

In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with existing and future needs, best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development. (1950, c. 323; 1954, c. 440; 1973, c. 292)

§ 17.05. City planning commission - Monuments and other works of art.

It shall be the further duty and function of the commission to make recommendations to the city council to provide for the preservation of historical landmarks, the design and location of statuary and other works of art which are or may become the property of the city and the removal, relocation and alteration of any such work, and to consider and suggest the design of bridges, viaducts, airports, stadia, arenas and swimming pools, street fixtures and other public structures and appurtenances. (1950, c. 323; 2001, cc. 708, 796)

§ 17.06. The commission may adopt the plan as a whole by a single resolution, or may, by successive resolutions, adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the area to be covered by the master plan or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the city. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than four members of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby, shall be certified to the council and upon approval by it to the clerk of the circuit court of the county who shall file the same. Approval by the council shall be by resolution.

Amendment of the master plan may be initiated by a majority vote of the city council to submit a proposed amendment to the planning commission. If the planning commission disapproves the proposed amendment, the council shall have power to overrule such action by the affirmative vote of not less than five members. Failure of the planning commission to act within sixty days from the date of the official submission to it shall be deemed approval; provided, however, that the sixty days limitation may be extended by resolution of the city council for a period not to exceed a total of 120 days. (1950, c. 323; 1954, c. 440; 1960, c. 429)

§ 17.07. Whenever a master plan for the city or one or more parts thereof, geographical, topographical or functional, shall have been adopted and filed as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, school, public building or structure, shall be constructed or authorized in the city or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to the planning commission and until the commission determines that the general location, character and extent are included in the master plan.

Except for local distribution or service operations, no public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof unless and until its general location, character and extent, have been submitted to the commission, and until the commission determines that the master plan includes the general location, character and extent of the proposed utility.

However, such submission and determination shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission.

The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city, as well as the acquisition by the city of any land within or without the city for public purposes, or the sale of any land then held by the city, shall be submitted to the planning commission for its approval. If the commission disapproves of any such proposal, it shall communicate its reasons to the city council which shall have the power to overrule such action by a recorded affirmative vote of not less than five members except, however, that in the matter of acquisition of land, only four votes of the council shall be required to overrule the planning commission's recommendations. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval.

The provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way. (1950, c. 323; 1952, c. 301; 1954, c. 440; 1960, c. 429; 1973, c. 292)

§ 17.08. Same-Capital improvements program.

It shall be the duty of the commission to review annually a program of capital improvement projects for the ensuing five years. At a day to be fixed by resolution of the city council, each department, commission and board, including the school board, shall submit to the city manager a detailed listing of all immediate and long range capital improvement needs falling within the jurisdiction of the submitting department, commission or board, together with its estimates of cost of each of the various projects, and its recommendations as to priority and timing of the projects listed. The city manager shall subsequently submit to the commission a proposed capital improvements program, together with a report on the financial condition of the city, insofar as it may relate to any contemplated capital fund projects. In the preparation of its capital improvement recommendations, the commission shall consult with the city manager, the school board, the heads of departments and interested citizens and organizations, and shall hold such public hearings as it shall deem necessary. It shall submit its recommendations to the city council, at such time as the council shall direct, together with estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year and in the next four years. (1950, c. 323; 1954, c. 440; 1960, c. 429; 1987, c. 68)

§ 17.09. City planning commission - Further planning powers and duties.

The commission shall have power to promote public interest in and understanding of the plan, and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine. The commission shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional or other organizations, and with citizens, with relation to the protection or carrying out of the plan. All public officials shall, upon request, furnish to the commission within a reasonable time, such available information as it may require for its work. The commission, its members, or officers, may enter upon land for which a development plan under its purview has been tendered to make such examinations as are necessary in aid of the commission's review authority and its planning duties and functions. The commission shall make an annual report to the council concerning its activities. (1950, c. 323; 2001, cc. 708, 796)

§ 17.10. In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt in the manner provided in § 17.13, a comprehensive zoning plan designed to lessen congestion in streets; secure safety from fire, panic and other danger; promote health, sanitation and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provision for schools, parks, playgrounds and other public improvements and requirements. The comprehensive zoning plan shall include the division of the city into districts with such boundaries as the council deems necessary to carry out the purposes of this chapter, and shall provide for the regulation and restriction of the use of land, buildings, and structures in the respective districts and may include, but shall not be limited to, the following:

(a) It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses.

(b) It may regulate the height, area, bulk, size, design and appearance of buildings and structures and the appropriateness of their use in the districts.

(c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.

(d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.

(e) It may prescribe the area of lots and the space in buildings that may be occupied by families.

(f) It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles.

(g) It may permit the designed use and development of land in a manner varying in certain respects from the regulations and restrictions prescribed for the district or districts in which such land is situated, provided that it establishes a minimum area of not less than five acres subject to such designed use and provided further that such designed use shall be approved by the city planning commission and the council, and adopted as a part of the master plan of the city.

(h) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event, within a reasonable period of time to be specified in the ordinance.

(i) It may provide for an affordable housing dwelling unit program. The program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing by providing for optional increases in density in order to reduce land costs for such moderately priced housing. Any project that is subject to an affordable housing dwelling unit program adopted pursuant to this section shall not be subject to an additional requirement outside of such program to contribute to a city housing fund.

From and after the adoption of a master plan or any amendment or extension thereof as required by this chapter, or the land use portion thereof, such zoning plan shall be made to conform substantially with the master plan, and any amendments to the zoning plan shall be based upon and in substantial accordance with the master plan. (1950, c. 323; 1954, c. 440; 1956, c. 190; 2008, cc. 316, 683)

§ 17.11. The regulations and restrictions shall be enacted with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of land, buildings and structures and encouraging the most appropriate use thereof throughout the city. Upon the enactment of the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein in accordance with a comprehensive zoning plan; no land, building or structure shall be changed from one district to another district unless the change is in accord with the interest and purposes of this section and will not be contrary to the comprehensive zoning plan and the enumerated factors upon which it is based. Aside from extensions from an existing zone into immediately adjoining or adjacent properties, no change in district boundaries shall be made so as to create an area of such size and shape, in relation to its neighboring areas, as to comprise less than a district as intended by this chapter. (1950, c. 323; 1954, c. 440)

§ 17.12. Duties of the city planning commission with relation to zoning.

It shall be the duty of the city planning commission to prepare and submit to the council a comprehensive zoning plan as referred to in § 17.10 and from time to time prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary. (1950, c. 323)

§ 17.13. Subject to the other provisions of this chapter, the council shall have power by ordinance to adopt the regulations and restrictions hereinbefore described and determine the boundaries of the districts in which they shall apply, provide for their enforcement, and from time to time amend, supplement or repeal the same. The council shall also have authority to provide for the collection of fees to cover at least the costs involved in the consideration of any request for amendment, supplement or repeal of any such regulation, restriction or boundaries, to be paid to the city clerk by the applicant upon filing such request. No ordinance adopting, amending, supplementing or repealing, any such regulation, restriction or boundaries shall be adopted until: (a) the ordinance adopting, amending, supplementing or repealing, any such regulation, restriction or boundaries has been referred to the city planning commission and approved by it, and in case of disapproval by the commission subject to overrule by the council by the affirmative vote of not less than five members of the council; and (b) after a public hearing in relation thereto shall be held by the council at which the parties in interest and other persons shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be given by publication thereof in a newspaper of general circulation in the city. Whenever such ordinance involves the amendment, supplement, or repeal of any district boundaries, fifteen days notice of such public hearing shall also be given by conspicuous notices posted along the boundary lines of any land involved. (1950, c. 323; 1954, c. 440; 1960, c. 429)

§ 17.14. If a protest is filed with the city clerk against such amendment, supplement or repeal, signed by the owners of twenty percent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change, any part of which is within 150 feet of the boundary of such area, the council shall not adopt the ordinance making such amendment, supplement or repeal, except by an affirmative vote of not less than five members of the council. Each signature to such protest shall be witnessed by a person whose affidavit to that effect is attached thereto. (1950, c. 323; 1954, c. 440)

§ 17.15. There shall be a board of zoning appeals which shall consist of five regular members and one alternate. They shall be qualified voters of the city, shall reside within the city limits, shall hold no office of profit under the city government and shall be appointed by the council for terms of four years; provided that the members of the board of zoning appeals in office at the effective date of this charter shall continue to hold office until the first day in January following the expiration of the terms for which they were appointed, and the first alternate member shall be appointed to serve until the said date; and provided, further, that the council shall appoint two regular and one alternate member to serve for two years, and three regular members to serve for four years from said date. Thereafter, their

successors shall be appointed for full terms of four years. Vacancies shall be filled by the council for the unexpired portion of the term. A regular or alternate member may be removed by the council for neglect of duty or malfeasance in office, upon written charges and after public hearing. (1950, c. 323; 1954, c. 440; 1966, c. 146)

§ 17.16. Board of zoning appeals. Organization.

The board shall elect a chairman and a vice-chairman from among its regular members for a term of one year who shall be eligible for reelection. The chairman shall preside at all meetings of the board and, in his absence, the vice-chairman or other member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and such other employees as may be needed for the conduct of the work of the board. The alternate member may take the place of any regular member who is absent or disqualified, in hearing and determining any matter before the board. (1950, c. 323)

§ 17.17. Board of zoning appeals. Procedure.

The meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep minutes of its proceedings showing the vote of each member on each question or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record. (1950, c. 323)

§ 17.18. Appeals to board of zoning appeals.

Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the city affected, by any decision of the administrative officer designated by the council to administer and enforce the ordinance dividing the city districts and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within thirty days of the date of decision, by filing with the said administrative officer and with the Board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the administrative officer from whose decision the appeal is taken certifies to the Board that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application and on notice to the administrative officer and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the issue within a reasonable time. At the hearing, any party may appeal in person, by agent, or by attorney, and shall be given an opportunity to be

heard. The city council may prescribe a fee to be paid whenever an appeal is taken which shall be paid into the city treasury. (1950, c. 323; 1989, c. 345)

§ 17.19. Powers of board of zoning appeals.

The board shall have the following powers and it shall be its duty:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the administrative officer in the administration and enforcement of the provisions of the ordinance.

(b) To grant variations in the regulations when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of the exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the ordinance actually prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, the granting of such variation will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the owner; provided, however, that all variations granted shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.

(c) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures, in any district in which they are prohibited by the ordinance, by any agency of the city, county or state or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

(d) To permit such other exceptions or grant variances from the strict application of the terms of the zoning regulations under the principles, standards, rules, conditions, and safeguards set forth in the zoning ordinance, provided they are determined to be consistent with the general purpose and intent of such ordinance. (1950, c. 323)

§ 17.20. Form and scope of decisions by board of zoning appeals.

In exercising the powers conferred upon it, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The Board may, upon the affirmative vote of three members, reconsider any decision

made and, upon such reconsideration, render a decision by formal resolution. Every decision of the Board shall be based upon a finding of fact based on sworn testimony, which finding of fact shall be reduced to writing and preserved among its records. (1950, c. 323; 1989, c. 345)

§ 17.21. Appeals from board of zoning appeals.

Any person, firm or corporation, jointly or severally aggrieved, or in fact affected by any decision of the board of zoning appeals, or any officer, department, board or agency of the city government charged with the enforcement of any order, requirement or decision of said board, may appeal from such decision by filing a petition in the court of appropriate jurisdiction, verified by affidavit, setting forth the alleged illegality of the action of the board and the grounds thereof. The petition shall be filed within thirty days from the date of the decision of the board. No appeal from the decision of the board shall be allowed in any case involving the same petitioner, principles, property and conditions previously passed upon by such court. (1950, c. 323)

§ 17.22. Procedure on appeal.

Upon filing of a petition, the court may cause a writ of certiorari to issue directed to the board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from, which writ shall be served upon any member of the board. The issuance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, notice to the board and due cause shown, issue a restraining order. The board shall not be required to produce the original record and documents, but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents, the board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, verified by affidavit. (1950, c. 323)

§ 17.23. Powers and duties of the court.

The court shall review the record, documents and other matters produced by the board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. (1950, c. 323)

§ 17.24. Proceedings against violators of zoning ordinance.

Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with § 17.13, the city may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property.(1950, c. 323)

§ 17.25. Penalties for violation of zoning ordinance.

The council may, in such ordinance, provide that fines and jail sentences, either or both, shall be imposed for violations of the ordinance by owners of land, buildings or structures, their agents having possession or control of such property, lessees, tenants, architects, builders, contractors or any other persons, firms or corporations who take part in or assist in any such violations or who maintain any land, building or structure in which such violations exist, which penalties shall not exceed those prescribed in § 2.06 of this charter. (1950, c. 323)

§ 17.26. Land subdivision.

In order to provide for the orderly subdivision of land within the city, there is hereby conferred upon the city the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include, but shall not be limited to, the following: the location, size and layout of lots so as to prevent congestion of population, to provide for light and air, and to prevent the hazard of inundation, the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the master plan; access for fire-fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; reservation or dedication of suitable sites for schools, parks and playgrounds; planting of shade trees and shrubs; naming and designation of streets and other public places; laying out, constructing and improving streets, alleys and sidewalks, the installation of public utilities and other physical improvements therein and the conditions under which the cost thereof shall be borne by the developer; and provisions for the guarantee of payment by the developer for the required improvements; procedure for making variations in such regulations and restrictions; requirements for preparing and recording plats of subdivisions including their size, scale, contents and other matters; and for the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines. (1950, c. 323)

§ 17.27. Hearings on subdivision ordinance.

The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been published once a week for two successive weeks in a newspaper of general circulation in the city. The notice shall specify the time, not less than ten days after final publication, and the place at which persons affected may appear before the council and present their views. (1950, c. 323)

§ 17.28. Adoption of regulations and restrictions applicable only within the city limits.

After hearing, as above provided, the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the city which, when recorded in the office of the clerk of the circuit court of the county, shall be in full force and effect. (1950, c. 323)

§ 17.29. The planning commission shall be the platting commission of the city, and, as such, shall have control of the platting or subdivision of land within the city subject to restrictions as provided in §

17.07. From and after the date on which such regulations and restrictions become effective in the city, the owners of tracts of land to which such regulations and restrictions are applicable, who subdivide them into two or more lots, shall cause plats of such subdivisions, in the form prescribed by the applicable regulations and restrictions, to be made and submitted to the city planning commission. It shall be the duty of such commission to consider such plat in the light of the regulations and restrictions applicable to the same and approve or disapprove the plat in accordance therewith. Before taking any action thereon, the city planning commission shall afford the owner and other interested parties an opportunity to be heard after such reasonable notice as may be provided in such regulations and restrictions. Failure to act on any plat for a period of forty-five days shall be deemed to constitute approval unless such plat involves amendment or extension of or addition to the master plan. Approval shall be attested on that plat by the signature of the chairman or vice-chairman of the city planning commission. (1950, c. 323; 1954, c. 440)

§ 17.30. Recording of plats of subdivisions.

From and after the date on which such regulations and restrictions become effective in the city, no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in the preceding section. No owner of land in the city in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided in the preceding section and has been recorded in the office of the clerk of the court or courts in which a deed conveying such lot would be required to be recorded. (1950, c. 323)

§ 17.31. Penalty for transfer of lots in unapproved subdivisions.

Whoever being the owner or agent of the owner of any land in a subdivision subject to such regulations and restrictions, the plat of which has not been approved and recorded as above provided, shall transfer, sell or offer for sale or agree to sell any lot in such subdivision by reference to or exhibition of an unapproved and unrecorded plat or otherwise, shall forfeit and pay a penalty of $100 for each lot or similar parcel of land transferred or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies herein provided. The city may enjoin such transfer or sale or agreement by proceedings for injunction brought in a court having jurisdiction of the land to which the injunction applies. The city in which any lot transferred, sold or offered for sale in violation of this chapter is situated, may recover the penalty provided therefor in a civil action brought in a court in whose jurisdiction such lot is situated, for the benefit of the city. In the absence of intent to evade the provisions of this section, the penalty may be waived in the case of an attempted transfer by will. (1950, c. 323)

§ 17.32. Transfer of portion for public use.

The recordation and acceptance of the plat shall operate to transfer in fee simple to the city such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose and to create a public right of passage over or use of the same. The owner or owners of the land subdivided may construct, reconstruct, operate and maintain with the consent of the city where the land lies, sewers, gas and water pipes or electric lines along or under the streets, alleys, easements or other land devoted to public use, provided that it shall not obstruct or hinder the passage over the streets, alleys or other property devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate and maintain such works. (1950, c. 323; 1979, c. 421)

§ 17.33. Vacation of plats.

Any plat or part thereof recorded may be vacated, with the consent of the council by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated, which shall be duly executed, acknowledged and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements and other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat or part thereof or any unaccepted or abandoned street, or street recommended by the Planning Commission for vacation, may be vacated according to the procedure provided in § 15.1-364 of the Code of Virginia as amended, for the alteration and vacation of streets and alleys. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated," and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded. (1950, c. 323; 1994, c. 92)

§ 17.34. Use of street for twenty years--Dedication.

Whenever any piece, parcel or strip of land shall have been opened to and used by the public as a street, alley, lane or other public place or part thereof for the period of twenty years, the same shall thereby become a street, alley, lane, public place or part thereof for all purposes, and the city shall have the same authority and jurisdiction over and right and interest therein that it has by law over the streets, alleys, lanes and public places laid out by it and thereafter no action shall be brought to recover such piece, parcel or strip of land so opened to and used by the public as aforesaid. Any street, alley, lane or other public place reserved in the division or subdivision into lots within the corporate limits of the city by a plat or plan of record shall be deemed and held to be dedicated to the public use and the council shall have authority, upon the petition of any person or corporation interested therein, to open such street, alley, lane or other public place or any portion of the same. No agreement between, or release of interest by, persons or corporations owning the lands immediately contiguous to any such street, alley, lane or other public place, whether the same has been opened or used by

the public or not, shall avail or operate to abolish such street, alley, lane or other public place or to divest the interest of the public therein or the authority of the council over the same. (1950, c. 323)

§ 17.35. Present master plan, comprehensive zoning plan and subdivision ordinance.

The master plan, the comprehensive zoning plan, and subdivision ordinance as heretofore adopted, approved and filed, with all amendments, additions and extensions thereto, in force and effect at the effective date of this charter are hereby validated and confirmed as if the same had been prepared, adopted, approved and filed in accordance with the provisions of this chapter. Every amendment or addition thereto or extension thereof and every other master plan, comprehensive zoning ordinance, or subdivision ordinance henceforth adopted shall be in accordance with the provisions of this chapter. Where existing ordinances are at variance with the provisions of this chapter, they shall be deemed to be amended in accordance with the provisions of this chapter. (1950, c. 323)

Chapter 18. Acquisition of Property for Public Purposes.

§ 18.01. Acquisition, ownership and use of property.

The city shall have, for the purpose of carrying out any of its powers and duties, power to acquire by gift, bequest, purchase or lease, and to own and make use of, within and without the city, lands, buildings, other structures and personal property, including any interest, right, easement or estate therein, and in acquiring such property to exercise, within and without the city, the right of eminent domain as hereinafter provided in this chapter. This power shall be in addition to the powers granted to the school board in § 20.02. (1950, c. 323)

§ 18.02. The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein, of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of the incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the State or cannot with reasonable diligence be found in the State, or is unknown.

Such proceedings shall be instituted in the court of appropriate jurisdiction. (1950, c. 323; 1954, c. 514)

Editor's note: Chapter 776 of the 1997 Acts of Assembly amended § 18.02, to become effective if reenacted by the 1998 Session of the General Assembly; it was not reenacted.

§ 18.03. The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law, as modified by said section or may elect to proceed as hereinafter provided. In the latter event the resolution or ordinance directing the

acquisition of any property, as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerks' office of the court having jurisdiction of the subject, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, or other contemplated structures if any, and a description of the property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity or property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the State or cannot with reasonable diligence be found in the State, or if the residence of the owner or tenant be unknown, he may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at the main entrance to the City Hall. The publication shall in all other respects conform to §§ 8-71, 8-72 and 8-76 of the Code of Virginia.

Upon the filing of said petition and the deposit of funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceeding is instituted shall record the orders entered therein in his deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court, the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken

by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making of such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in §§ 25-12 to 25-15, inclusive, of the Code of Virginia or as provided for in § 18.02, and all proceedings thereafter shall be had as provided for in §§ 25-12 through 25-21 and §§ 25-21 and 25-23 through 25-38 of the Code of Virginia insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in the bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award. (1950, c. 323; 1954, c. 440)

§ 18.04. Enhancement in value when considered.

In all cases under the provisions of §§ 18.02 and 18.03, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the city, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage, there shall be no recovery over against the owner for such excess. (1950, c. 323)

§ 18.05. Unclaimed funds in condemnation cases.

Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in § 18.02, such money shall be disposed of pursuant to §§ 8-746 and 8-747 of the Code of Virginia. (1950, c. 323)

Chapter 19. Municipal Judge (1973, c. 292). (Repealed)

§ 19.01. (1950, c. 323; 1952, c. 315; 1954, c. 560; 1960, c. 429; repealed 1976, c. 13)

§§ 19.02 through 19.06. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.07. (1950, c. 323; 1952, c. 315; 1960, c. 429; repealed 1976, c. 13)

§ 19.08. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.09. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.10. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.11. (1950, c. 323; 1952, c. 315; 1973, c. 292; repealed 1976, c. 13)

§ 19.12. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.13. (1950, c. 323; 1952, c. 315; 1960, c. 429; repealed 1976, c. 13)

Chapter 19A. Economic Development.

§ 19A.01. Industrial Development Authority.

The Industrial Development Authority of the City of Falls Church, Virginia, shall be continued in full force and effect, and nothing in this charter shall in any way limit, change, or modify any existing obligations, agreements or contractual arrangements of such authority. (1997, c. 776)

§ 19A.02. Economic Development Authority.

The City of Falls Church Economic Development Authority shall be continued in full force and effect, and nothing in this charter shall in any way limit, change, or modify any existing obligations, agreements or contractual arrangements of such authority. (1997, c. 776)

§ 19A.03. Powers, etc.

The Industrial Development Authority of Falls Church, Virginia, and the Falls Church Economic Development Authority shall have all powers, authority and obligations as are provided by state law and such other duties assigned by the city council not inconsistent therewith. (1997, c. 776)

Chapter 20. Miscellaneous Provisions.

§ 20.01. School district.

The City of Falls Church shall constitute a separate school district. (1950, c. 323)

§ 20.02. School board.

(a) The school board shall consist of seven trustees who shall be qualified voters of the city actually residing within the city limits.

(b) Except as provided in this charter the school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of the Commonwealth, including right of eminent domain within and without the city. None of the provisions of this charter shall be interpreted to refer to or include the school board unless the intention so to do is expressly stated or is clearly apparent from the context.

(c) The power conferred on the city by §§ 2.03 (f) and 2.03 (h) shall be exercised by the school board with respect to property and buildings devoted to public school purposes. The title to property and buildings devoted to public school purposes shall be in the school board.

(d) The school board shall meet annually in January, at which time the board shall fix the time for holding regular meetings for the ensuing year, and may adjourn from day to day, or time to time, before the

time fixed for the next regular meeting, until the business before it is completed. At such annual meeting, the school board shall elect one of its members chairman and on recommendation of the division superintendent, elect or appoint a competent person as clerk of the school board, and shall fix his compensation. The chairman and clerk shall be selected annually, but if a vacancy in either office occurs during any year, the school board may fill such vacancy for the remainder of the unexpired term.

In addition to the authority conferred upon the city by Chapter 7, the school board may borrow from the Literary Fund of Virginia or from such other sources as may be available to it by general law. (1950, c. 323; 1954, c. 514; 1956, c. 190; 1960, c. 429; 1968, c. 364; 1993, c. 969; 1994, c. 92; 2014, cc. 240, 701)

§ 20.03. Transfer of books and papers.

If any person, having been an officer of the city, shall not, without good cause, within ten days after he shall have vacated or been removed from office, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of $500, to be sued for and recovered with costs. All books, records and documents used in any office, by virtue of any provision of this charter or of any ordinance or order of the council or any superior officer of the city, shall be deemed the property of the city and appertain to said office, and the chief officer thereof shall be responsible therefor. (1950, c. 323)

§ 20.04. Enforcement of surety bonds.

In all cases where a bond is required of any officer, such bond shall be with corporate surety and conditioned for the faithful discharge by himself, his deputies, assistants or other subordinates, of the duties imposed on him by this charter and all ordinances passed in pursuance thereof. (1950, c. 323)

§ 20.05. Rules and regulations to be filed.

All departments, boards, commissions, officers and agencies of the city, authorized to make rules and regulations by this or any previous charter of the city or by the general laws of the Commonwealth, shall immediately after the first Tuesday of September 1950, file with the city clerk copies of all such rules and regulations previously issued by them and in force on such day, and shall thereafter file with said city clerk copies of all rules and regulations and amendments thereof subsequently issued by them upon their issuance. It shall be the duty of the city clerk to keep in his office for public inspection a well-indexed file of the rules and regulations so filed. (1950, c. 323)

§ 20.06. Officers must not be interested in contracts.

No officer or employee of the city shall be interested in any contract entered into by the city with any person, firm or corporation, but this prohibition shall not apply to nonsalaried officers or nonsalaried members of boards and commissions in respect of contracts other than those in the making of which they have a part. (1950, c. 323)

§ 20.07. Contractual relationships.

The City of Falls Church may, at the option of the council, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performance of any part of, or all of the functions, or purposes of the city, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. (1950, c. 323)

§ 20.08. Reprinting of charter after amendment.

Within a reasonable time after the conclusion of any session of the general assembly and the effective date of any amendment or amendments to this charter adopted at such session, the amendment or amendments shall be printed in such number of copies as the council shall order. (1950, c. 323)

§ 20.09. Officers to hold over until their successors are appointed and qualified.

Whenever under the provisions of this charter, any officer of the city, judge or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer, judge or member shall continue to hold office until his successor is appointed and qualified. (1950, c. 323)

§ 20.10. Courtroom for court and office space for constitutional officers.

It shall be the duty of the city to provide a suitable courtroom for the court of appropriate jurisdiction and suitable offices for the commissioner of revenue, city treasurer and registrar. (1950, c. 323; 1973, c. 292; 1976, c. 13; 1979, c. 421)

§ 20.11. Posting of bonds unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the city, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the city has not filed or executed the bond that might otherwise be required, and the city shall be bound to the same extent that it would have been bound had the bond been given. (1950, c. 323)

§ 20.12. Code references.

All references in this charter to the Code of Virginia are to the Code of 1950. (1950, c. 323)

§ 20.13. Definitions.

(a) As used in this charter, the term "at the effective date of this charter" shall be interpreted to refer to a period immediately preceding the taking effect thereof.

(b) As used in this charter in reference to voting by the council, the term "elected members of the council" shall include those members, if any, elected by the council.

(c) Wherever in this charter any department, bureau, division, office, agency or officer is empowered or directed to take any action or perform any duty or function, such action may be taken or duty or function performed by the appropriate department, bureau, division, agency or officer to whom the duty or function is transferred by or pursuant to action of the council under §§ 4.02 (a), 4.02 (b) and 4.02 (c), or upon whom it is conferred by § 21.05.

(d) The term "board" or "boards," as used in this charter shall not include the school board unless the school board is specifically named. The term "member of the school board" shall have the same meaning as the term "school trustee," as used in the provisions of the Code of Virginia which refer to the school boards of cities and towns.

(e) As used in this charter, the term "print" shall include any method of reproducing or making multiple copies.

(f) The words he, his, or him, man or men in this charter shall include persons of either sex. (1950, c. 323; 1976, c. 13)

§ 20.14. United States government employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the Government of the United States, from serving as an officer or employee of the city, or as a member, officer, or employee of any board or commission, including the school board. (1950, c. 323)

Chapter 21. Transitional Provisions.

§ 21.01. Present ordinances and rules and regulations continued in effect.

All ordinances of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1950, c. 323)

§ 21.02. Validation and ratification of bonds, taxes, and contracts.

All bonds issued and sold, all contracts and obligations heretofore made by the council and government of the town and city, not inconsistent with the Constitution and the law of the Commonwealth, all taxes assessed and levied when the city was a town, and when the city was in transition from the status of a town to that of a city of the second class from August 16, 1948, to the effective date of this charter, are hereby validated, ratified and confirmed; and all proceedings authorizing the issuance of bonds, notes or other obligations of the City of Falls Church heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this charter, and such bonds, notes or other obligations may be authorized,

sold or issued in accordance with the provisions of law in force prior to the effective date of this charter, or in accordance with the provisions of this charter. (1950, c. 323)

§ 21.03. (1950, c. 323; repealed 1952, c. 301)

§ 21.04. Continuance of internal organization of departments.

Except where this charter otherwise provides, the several bureaus, divisions and other administrative units of the departments of police, fire, public works, public health, public welfare and public utilities shall remain in the department in which they were located at the effective date of this charter until otherwise provided by ordinance, and present incumbents of positions shall continue to serve until the council provides otherwise in accordance with this charter. (1950, c. 323)

§ 21.05. (1950, c. 323; repealed 1954, c. 560)

§ 21.06. Severance clause.

If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1950, c. 323)

Editor's note: Complete amendments listing for the City of Falls Church:

Current charter

Charter, 1950, c. 323.

Amendments to current charter

1952, c. 204 (§ 8.06)

1952, c. 301 (§§ 3.02, 3.05, 4.01, 4.03, 4.09, 4.10, 4.14, 5.01, 7.02, 7.11, 9.10 [repealed], 10.03, 10.05, 13.05, 13.06, 14.03, 17.07, 21.03 [repealed])

1952, c. 315 (§§ 19.01, 19.07, 19.11, 19.13)

1954, c. 440 (§§ 7.08, 12.07, 17.01 through 17.04, 17.06, 17.07, 17.08, 17.10, 17.11, 17.13, 17.14, 17.15, 17.29, 18.03)

1954, c. 514 (§§ 4.14, 4.17 [added], 5.06, 18.02, 20.02)

1954, c. 560 (§§ 6.02, 6.14, 6.19, 7.02, 19.01, 21.05 [repealed])

1954, c. 561 (§ 3.05)

1956, c. 190 (§§ 3.01, 3.03, 3.04, 3.05, 3.06 [added], 4.01, 10.05 [repealed], 16.06, 17.10, 20.02)

1958, c. 136 (§§ 3.02, 3.05, 4.06, 8.03, 8.04, 8.05)

1960, c. 429 (§§ 3.02, 4.01, 4.12, 4.17, 6.02, 6.09, 6.19, 17.02, 17.06, 17.07, 17.08, 17.13, 19.01 through 19.10, 19.12, 19.13, 20.02)

1966, c. 146 (§§ 4.01, 16.06, 17.02, 17.15)

1968, c. 364 (§§ 7.02, 16.06, 20.02)

1973, c. 292 (§§ 1.02, 3.01, 3.06, 4.04, 4.17, 7.02, 7.03, 7.06, 7.12, 8.04, 8.08, 10.02, 11.04, 12.02, 17.04, 17.07, 19.11, 20.10)
1976, c. 13 (§§ 2.05, 3.02, 3.05, 3.06 [repealed], 4.05, 4.10, 7.02, 8.08, 10.02, 19.01 through 19.13 [repealed], 20.10, 20.13)
1979, c. 421 (§§ 2.06, 3.04, 3.05, 4.01, 4.02, 4.16, 5.01, 6.02, 6.03, 8.11, 9.02, 10.02, 11.02, 17.32, 20.10)
1981, c. 361 (§§ 4.04, 8.04, 8.07, 9.01, 16.06)
1987, c. 68 (§§ 4.11, 5.07, 6.03, 6.10, 6.15, 6.21, 7.01, 8.03, 8.04, 8.08, 9.01, 9.07, 9.11, 17.08)
1989, c. 345 (§§ 2.06, 3.02, 17.18, 17.20)
1991, c. 40 (§§ 2.06, 3.02)
1992, c. 513 (§§ 6.16, 6.19, 7.01, 7.05, 7.06, 8.03, 8.11 [repealed], 12.07, 13.06)
1993, c. 969 (§§ 13.07, 20.02)
1994, c. 92 (§§ 17.33, 20.02)
1995, c. 655 (§§ 2.04, 13.09)
1996, c. 310 (§§ 3.04, 3.07 [added], 4.02, 17.02)
1997, c. 776 (§§ 19A.01 through 19A.03 [added])
1999, c. 135, 168 (§§ 3.03, 4.01, 4.08, 5.07, 8.05)
2001, cc. 708, 796 (§§ 17.03, 17.05, 17.09)
2004, cc. 497, 569 (§§ 5.02 [repealed], 5.02.1 [added], 5.04 [repealed], 8.02 and 8.03 [repealed], 8.07 [repealed], 8.09 and 8.10 [repealed], 8.12 [repealed], 9.01 through 9.09 [repealed], 9.11 [repealed], 11.01 through 11.05 [repealed], 12.01 through 12.09 [repealed], 13.01 through 13.05 [repealed], 13.10 [repealed], 14.01 through 14.06 [repealed], 15.01 through 15.05 [repealed], 16.01 through 16.04 [repealed])
2008, cc. 316, 683 (§§ 10.02, 17.10)
2012, cc. 255, 452 (§§ 3.01, 3.02)
2013, c. 399 (§ 6.01)
2014, cc. 240, 701 (§§ 3.04, 4.05, 20.02)
2015, c. 715 (§ 1.02)

Farmville, Town of

County of Prince Edward

History of incorporation

Established, 1798, c. 59.
Incorporation and charter, 1833, c. 191.
Charter, 1847, c. 218; repealed 1852, c. 380.

Charter, 1852, c. 380; repealed 1870, c. 298.
Charter, 1870, c. 298; repealed 1890, c. 196.
Charter, 1890, c. 196; repealed 1912, c. 162.
Charter, 1912, c. 162; repealed 1956, c. 315.
Charter, 1956, c. 315; repealed 2023, cc. 58, 59.

Current charter
Charter, 2023, cc. 58, 59.

Chapter 1. Incorporation, Boundaries, and Powers Generally.

§ 1. Incorporation.

The inhabitants of the territory comprised within the present corporate limits of the Town of Farmville, Virginia, as the same now are or may hereafter be established by law, are hereby declared to be a body politic and corporate under the name of Town of Farmville, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal that it may alter, renew, or amend at its pleasure. (2023, cc. 58, 59)

§ 2. Corporate boundaries.

The boundaries of the town shall remain as now established unless changed in accordance with applicable law. (2023, cc. 58, 59)

§ 3. Powers.

The powers set forth in Title 15.2 (§ 15.2-100 et seq.) of the Code of Virginia as in force on the date that this act takes effect, and all acts amendatory thereof, and all other powers that are now or may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a town government the exercise of which is not expressly prohibited by said Constitution and laws and which, in the opinion of the town council are necessary and desirable to promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants, are fully and completely conferred upon the Town of Farmville as though such powers specifically were enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

In addition to the powers granted by other sections of this Charter, the town shall have the power to raise annually by taxes and assessments, as permitted by general law, in the town, such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the town, in such manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general grant of power the town shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in

the town, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, local general retail sales and use taxes as provided by law, and capitation taxes; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation, or calling without such a license, and require taxes to be paid on such licenses in respect to all businesses, professions, vocations, and callings that cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets and other public places of the town, require taxes to be paid on such licenses, and prohibit the use of streets, alleys, and other public places in the town without such license, said town to have the power to require as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all personal property taxes then due and payable to the town by the license applicant.

In addition to the other powers conferred by law, the Town of Farmville shall have the power to impose, levy, and collect, in such manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, gas, electricity, telephone, and any other public utility service within the town or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. (2023, cc. 58, 59)

Chapter 2. Administration and Government.

Article 1. Mayor and Town Council.

§ 4. Powers enumerated.

All powers of the Town of Farmville as a body politic and corporate shall be vested in the town council. The council shall be the policy-determining body of the town and shall be vested with all of the rights and powers conferred by state law on councils in towns, not inconsistent with this Charter. In addition to the foregoing, the council shall have the following powers:

(1) To have full power to inquire into the official conduct of any office or officer under its control and to investigate the accounts, receipts, disbursements, and expenses of such town employees; for these purposes it may subpoena witnesses, administer oaths, and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

(2) To fix a schedule of compensation for all town officers and employees. The council may define certain classes of town employees whose salaries shall be set by the town manager.

(3) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the town as the council may designate.

The town manager, the clerk of the council, and the town attorney shall serve at the pleasure and will of the town council. Where the selection and tenure in office of officers and employees are otherwise specified in this Charter, the Constitution of Virginia, or state statute, those provisions shall govern. (2023, cc. 58, 59)

§ 5. Election, term, and filling of vacancies.

The council and the mayor shall be elected in the manner provided by law as follows:

The terms of the three members of the council who were elected in May 2020, shall expire on December 31, 2024. At the regular municipal election to be held on the first Tuesday in November 2024 and every four years thereafter three councilmen shall be elected for a term of four years each. The term of the mayor and the four members of the council who were elected at the regular municipal election in November 2022 shall expire on December 31, 2026. Terms of office shall begin on the first day of January next following their election. Each council member and the mayor elected as hereinabove provided shall serve for the term stated or until their successor has been elected and qualified.

The council shall have five members elected from wards and two members elected at large. The three members elected in November 2024 and thereafter shall be one from ward D, one from ward E, and one at large. The four members elected in November 2026 and thereafter shall be one from ward A, one from ward B, one from ward C, and one at large. The mayor shall be elected at large. Any vacancy in the office of any council member elected from a ward must be filled by a qualified voter actually residing in the ward in which the vacancy shall have occurred. Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct. (2023, cc. 58, 59)

§ 6. Oath of office.

The mayor and other municipal officers of the town, before entering upon the duties of their respective offices, shall be sworn in according to the laws of the Commonwealth by any one authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

The failure of any person elected or appointed to an office under this Charter to qualify within thirty days after the commencement of the term for which he was elected or appointed, or if elected or appointed to fill a vacancy, for thirty days after such election or appointment, shall vacate his office. (2023, cc. 58, 59)

§ 7. Duties of mayor generally.

The mayor shall preside over the meetings of the council, shall have the same right to speak therein as other members of the council. The mayor shall not have a vote as other members of the council

unless there is a tie but shall have power to veto. The mayor's veto can be overridden by a two-thirds vote of the elected members of the council. The mayor shall have authority to appoint such committees of the council as deemed necessary and expedient in the proper administration of the town government.

The mayor shall be recognized as the head of town government for all ceremonial purposes, the purpose of military law, and the service of civil process. The mayor shall authenticate, by the mayor's signature, such instruments as the council, this Charter, or the laws of the Commonwealth may require. (2023, cc. 58, 59)

§ 8. Selection and duties of vice mayor.

At the first meeting of each new and succeeding council elected hereunder, the council shall elect from its membership one of its members to serve as vice mayor. The vice mayor shall preside over meetings of the council in the absence of the mayor and may vote on all matters. The vice mayor shall not have a veto power. (2023, cc. 58, 59)

Article 2. Council Procedures.

§ 9. Meetings generally.

The council shall, by ordinance, fix the time and place of its meetings. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings. All appropriations of money shall be by roll call vote and the vote shall be recorded in the minutes of the council. (2023, cc. 58, 59)

§ 10. Quorum.

The mayor and four council members, or in the absence of the mayor, five council members, shall constitute a quorum for the transaction of business. (2023, cc. 58, 59)

§ 11. Special meetings.

The mayor or any three members of the council may call special meetings of the council after a written notice to each member of the council, with the purpose of the meeting stated therein, served personally on each member of the council and the mayor, or left at his usual place of business or residence if he be not found with due diligence, or such meeting may be held at any time, without any service of notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting unless all members of the council are present. (2023, cc. 58, 59)

§ 12. Clerk of the council.

The council shall appoint a clerk of the council to serve at the pleasure of the council. The clerk shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purpose. The clerk shall be the custodian of the corporate seal of the town and shall be the officer author-

ized to use and authenticate it. The clerk shall receive such compensation as may be determined by the council. (2023, cc. 58, 59)

Article 3. Enactments.

§ 13. Ordinances and resolutions.

Except as otherwise provided in this Charter, state law, or the Constitution of Virginia, an affirmative vote of a majority of the members of the council present shall be necessary to adopt any ordinance or resolution. An ordinance or resolution may be presented and enacted at the same meeting. (2023, cc. 58, 59)

Article 4. Town Manager.

§ 14. Appointment of town manager; term of office.

There shall be a town manager who shall be responsible to the council for the proper administration of the town government. He shall be appointed for an indefinite period and shall hold office at the pleasure of the council. At the time of his appointment he need not be a resident of the town or the Commonwealth, but during his tenure of office he shall reside within the town unless such requirement is waived by the council. (2023, cc. 58, 59)

§ 15. Duties of town manager.

The town manager shall have the following duties:

(1) To see that all laws and ordinances of the town are enforced.

(2) To exercise supervision and control over all administrative departments and divisions, unless otherwise provided by resolution or ordinance of the council.

(3) To attend all regular meetings of the council with the right to take part in the discussion but having no vote.

(4) To recommend to the council for adoption such measures as he may deem necessary or desirable.

(5) To execute all contracts on behalf of the town.

(6) To prepare and submit to the council the annual budget.

(7) To keep the council advised as to the present and future needs of the town and as to all operations of its government.

(8) To perform all such duties as may be prescribed by this Charter or be required of him by the council. (2023, cc. 58, 59)

§ 16. Absence or disability.

During the absence or disability of the town manager or in case of a vacancy, the council shall designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. (2023, cc. 58, 59)

§ 17. Council-town manager relationship.
Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. (2023, cc. 58, 59)

§ 18. Council members and mayor not to succeed to office of town manager.
No council member, or the mayor, shall be appointed as town manager during the term for which he has been elected nor within one year after the expiration of his term. (2023, cc. 58, 59)

Article 5. Financial Administration.

§ 19. Fiscal year.
The fiscal year of the town shall be from July 1 through June 30 inclusive. (2023, cc. 58, 59)

§ 20. Submission and adoption of budget; hearings and tax levy.
No later than the first day of May annually the town manager shall prepare and submit to the council a budget presenting the financial plan for conducting the affairs of the town for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as the council, by ordinance or resolution, may require.

Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with general laws of the Commonwealth.

The tax levy for each fiscal year shall be made and a budget for the fiscal year shall be adopted prior to the first day of the fiscal year for which they were made or adopted. (2023, cc. 58, 59)

§ 21. Borrowing powers.
The council may, in the name of and for the use of the town, incur indebtedness by issuing its bonds or notes for the purposes, in the manner and to the extent provided for in this Charter and by the general laws of Virginia. (2023, cc. 58, 59)

§ 22. Purpose for which bonds or notes may be issued; manner of issuance.
Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided may be issued for any purpose for which towns are authorized to issue bonds by the Constitution or general laws of the Commonwealth.

Notes in anticipation of collection of revenue may be issued when authorized by the council at any time during the fiscal year. Bonds and notes of the town may be issued in any manner provided by general law. (2023, cc. 58, 59)

§ 23. Audits generally.

At the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records, and financial transactions of the town by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify, and one copy thereof shall be available for public inspection in the office of the clerk of the council at any time during regular business hours. Upon the death, resignation, or termination of employment of any town officer or employee, council may order an audit of the accounts, books, records, and financial transactions of that office. (2023, cc. 58, 59)

Article 6. Town Attorney.

§ 24. Town attorney appointment; qualifications.

There shall be a town attorney appointed by the council, and he shall hold office at the pleasure of the council and shall receive such compensation as council may determine. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. The town attorney shall be the chief legal adviser of the council, the town manager, and all departments, boards, commissions, and agencies of the town in all matters affecting the interest of the town. He shall represent the town in all civil proceedings, except in cases where other counsel is appointed. It shall be his duty to perform all services as may be required by the laws of the Commonwealth, this Charter, or by ordinance. (2023, cc. 58, 59)

Chapter 3. General Provisions.

§ 25. Contractual relationships.

The town may enter into contractual relationships with the Commonwealth; the Commonwealth's departments, bureaus, boards, and agencies; neighboring political subdivisions; or private agencies for the performance of all or any part of the functions or purposes of the town, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relationships are not specifically prohibited by the Constitution and general laws of the Commonwealth. (2023, cc. 58, 59)

§ 26. Applicability of state law; conflicts with jurisdiction of State Corporation Commission.

If there is omitted from this Charter any provision essential to the valid sale or granting, renewing, extending, or amending of any franchise, privilege, lease, or right of any kind to use any public property in the town, the provisions of the general law with reference to this subject shall supply such

omissions, provided that nothing contained in this Charter shall affect any franchise heretofore granted or any contract heretofore made with a public utility corporation, nor shall anything contained in this Charter be construed to conflict with the jurisdiction of the State Corporation Commission. (2023, cc. 58, 59)

§ 27. Severability; short title.

If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said Charter, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

This act may for all purposes be referred to or cited as the Town of Farmville Charter of 2023 and shall be effective on July 1, 2023. (2023, cc. 58, 59)

Fincastle, Town of

County of Botetourt

History of incorporation

Incorporated by an 1821 Act of Assembly.
Trustees appointed, 1789, c. 63.
Name changed to Monroe, 1794, c. 40.
Charter, 1821, c. 113.
Addition to Charter, 1828, c. 132.
Charter, 1858, c. 290.
Charter, 1872, c. 274; repealed 1974, c. 35.

Current charter

Charter, 1974, c. 35.

Amendments to current charter

1993, c. 323 (§ 3.1)
2009, c. 527 (§ 3.1)
2010, c. 156 (§§ 3.1, 3.6, 4.8 [added])

Chapter I. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Fincastle as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Fincastle, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be con-

tracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1974, c. 35)

§ 1.2. Boundaries.

The territory embraced within the town of Fincastle is that territory in the county of Botetourt, Virginia, more particularly described in that certain plat recorded in Plat Book 7, page 93, in the clerk's office of the Circuit Court of Botetourt County, Virginia, which plat is incorporated herein by reference. (1974, c. 35)

Chapter II. Powers.

§ 2.1. General grant of powers.

The town of Fincastle shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as full and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1974, c. 35)

§ 2.2. Adoption of certain sections of the Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on July 2, 1972, and as hereafter amended are hereby conferred on and vested in the town of Fincastle. (1974, c. 35)

Chapter III. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The town of Fincastle shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified. Beginning in November 2010, an election for mayor and councilmen shall be held at the time of the November general election. Following the November 2010 general election, the candidate for mayor and three candidates for town council receiving the highest votes will serve four-year terms and the candidates receiving the next three highest votes will serve two-year terms, from January 1, next following the date of their election and until their successors have been duly elected and qualified. Beginning with the November 2012 general election, the council members shall be elected for four-year terms, from January 1, next following the date of their election and until their successors have been duly elected and qualified. (1974, c. 35; 1993, c. 323; 2009, c. 527; 2010, c. 156)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1974, c. 35)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1974, c. 35)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (1974, c. 35)

§ 3.5. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1974, c. 35)

§ 3.6. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town, unless the town has in its employ a town manager, as set forth in § 4.8 of this charter. If and when a town manager is appointed, all executive powers as well as the supervisory powers of the mayor as to Town employees shall devolve upon him. Unless otherwise noted, the town mayor shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak and vote therein as members of the town council. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with this office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. He, or the person acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1974, c. 35; 2010, c. 156)

§ 3.7. Vice-mayor.

The town council shall elect from its members by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and dis-

charge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council. (1974, c. 35)

§ 3.8. Meetings of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. The council shall keep a journal of its official proceedings and its meetings. Five members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by five members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (1974, c. 35)

§ 3.9. Rules of order and procedure.

The town council shall establish its own rules of order and procedure and may take appropriate action against its own members and other persons for violation thereof. (1974, c. 35)

§ 3.10. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. (1974, c. 35)

Chapter IV. Appointed Officers.

§ 4.1. Appointments.

The town council may appoint a town clerk, a chief of police, a town attorney and a town treasurer and may appoint such other officers of the town as they deem necessary. Each and every officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the council may prescribe. (1974, c. 35)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as they may deem necessary. (1974, c. 35)

§ 4.3. Term of office.

Officers and deputy and assistant officers appointed by the town council shall serve at and during the pleasure of the town council. (1974, c. 35)

§ 4.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1974, c. 35)

§ 4.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1974, c. 35)

§ 4.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office subject to the limitations of Article VII, Section 6 of the Virginia Constitution. (1974, c. 35)

§ 4.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1974, c. 35)

§ 4.8. Town manager.

The town council may appoint a town manager on the basis of executive and administrative qualifications, who shall serve at the pleasure of the council. The town manager shall be the executive officer of the town, and shall be responsible to the town council for the proper administration of the town government. The salaries and compensation paid to the town manager shall be fixed by the council.

It shall be the duty of the town manager to:

(a) Appoint such employees as the council shall determine are necessary for the proper administration of the affairs of the town and, when deemed necessary, suspend or remove any town employees, except as otherwise provided by the laws of the Commonwealth or this charter;

(b) Direct and supervise employees of the town and the administration of all departments, offices, and agencies of the town, except as otherwise provided by the laws of the Commonwealth or this charter;

(c) Attend all meetings of the town council, with the right to speak but not to vote;

(d) See that all laws, provisions of this charter, and acts of the council subject to enforcement by the manager are faithfully executed;

(e) Prepare and submit to the town council the annual budget and capital program of the town and be responsible for their administration and execution after its adoption;

(f) Make reports as the council may require upon the affairs of the town and keep the council fully advised of the town's financial condition and its future financial needs;

(g) Ensure that adequate and accurate financial and personnel records are maintained with respect to the financial transactions and employees of the town, respectively; and

(h) Perform such other duties as may be prescribed by this charter, or required of him in accordance therewith by the town council, or which may be required of the chief executive officer of a town by the general laws of the Commonwealth of Virginia. (2010, c. 156)

Chapter V. Miscellaneous.

§ 5.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1974, c. 35)

§ 5.2. Actions against town for damages, etc.

(a) No action shall be maintained against the town for any injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless notice shall be given by the claimant in accordance with § 8-653, as amended, of the Code of Virginia and as may be amended from time to time.

(b) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1974, c. 35)

§ 5.3. United States government employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission; unless disqualified otherwise by the Constitution and laws of the Commonwealth of Virginia. (1974, c. 35)

§ 5.4. Acceptance of federal aid, contributions, etc.

The town of Fincastle shall have the power to receive and accept from any federal agency grants of any kind for or in aid of public works, the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. (1974, c. 35)

§ 5.5. Power of town as to poles and wires for electric, etc., service.

The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such

electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed, to be placed in suitable conduits, underground, in the discretion of the council; provided, that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1974, c. 35)

§ 5.6. Eminent domain.

The powers of eminent domain set forth in Title 15.1; Title 25, Chapter 1.1; and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, are hereby conferred upon the town of Fincastle; provided, however, that the provision of § 25-233 or any other applicable section of the Code of Virginia shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act.

(a) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, of 1950, as amended and acts amendatory thereof and supplemental thereto, may be issued by the town council signed by the mayor and countersigned by the town clerk. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner under the aforesaid laws and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for acquisition of lands, easements or related interests in property necessary for streets, water, sewer or utility pipes or related facilities, whether within or without the town.

(b) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive funds theretofore paid pursuant to such certificate as shall, upon due notice and hearing appear just. The court shall have jurisdiction to require refunding bonds for good cause shown by the town or any other person or party in interest prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1974, c. 35)

§ 5.7. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1974, c. 35)

§ 5.8. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1974, c. 35)

§ 5.9. Present officers to continue.

The present elected officers of the town shall be and remain in office until June 30, 1974, or until their successors have been duly elected and qualified. (1974, c. 35)

§ 5.10. Ordinances in force.

All ordinances now in force in the town of Fincastle, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1974, c. 35)

§ 5.11. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1974, c. 35)

§ 5.12. Supersedes old charter.

This charter supersedes and renders null and void all charters and amendments thereto and enabling acts or orders granted by circuit courts pursuant to general law, except insofar as orders of such courts established boundaries of the town of Fincastle. (1974, c. 35)

Floyd, Town of

County of Floyd

History of incorporation

Originally the Town of Jacksonville.
Jacksonville established, 1832, c. 200.
Jacksonville incorporated, 3 Mar 1858; repealed 1867, c. 207.
Jacksonville incorporation and charter, 1892, c. 309; repealed 1926, c. 435.
Name changed to Floyd, 1896, c. 120.
Charter, 1926, c. 435; repealed 1973, c. 370.

Current charter

Charter, 1973, c. 370.

Amendments to current charter

1974, c. 10 (§ 3.1)
2003, cc. 658, 668 (§ 3.1)
2010, c. 140 (§ 1.2)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Floyd as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a

body politic and corporate, to be known and designated as the town of Floyd and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1973, c. 370)

§ 1.2. Boundaries.

The territory embraced within the town of Floyd is that territory in the county of Floyd, Virginia, as set forth by plat recorded in the clerk's office of the Circuit Court of Floyd County, Virginia, in Instrument # 090002330 which is incorporated herein by reference. (1973, c. 370; 2010, c. 140)

Chapter 2. Powers.

§ 2.1. The town of Floyd shall have all powers that may be conferred upon or delegated to towns under the constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-873 through 15.1-907 of the Code of Virginia as amended. (1973, c. 370)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office.

(a) The Town of Floyd shall be governed by a town council composed of four councilmen and a mayor, all of whom shall be qualified voters of the town.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected or until their successors are duly elected and qualified.

An election for mayor and councilmen shall be held on the first Tuesday in May, 1974, and those elected shall take office on the first day of July, 1974. The mayor and the two councilmen receiving the highest number of votes shall take office for a term of four years. The two councilmen receiving the next highest number of votes shall take office for a term of two years. Thereafter, there shall be an election on the first Tuesday in May of each even numbered year and those elected shall take office on the first day of the succeeding July for a term of four years.

However, pursuant to § 24.2-222.1 of the Code of Virginia, beginning in 2003, the election date of the mayor and council shall be the general election date in November of odd-numbered years. The election for two council members, last elected in May 2000 and having taken office on July 1, 2000, shall be held on the general election date in November 2003 to take office for terms of four years beginning on January 1, 2004. The election for the office of mayor and for two council members, last elected in May 2002 and having taken office on July 1, 2002, shall be held on the general election date in November 2005 to take office for terms of four years beginning on January 1, 2006.

(c) The mayor shall preside over meetings of the town council and shall be the chief official of the town for ceremonial purposes. He shall have the same powers and duties as other members of the council with a vote but no veto power. (1973, c. 370; 1974, c. 10; 2003, cc. 658, 668)

§ 3.2. Vacancies.

Vacancies on the council and in the office of mayor shall be filled for the unexpired term by a majority vote of the members of council. (1973, c. 370)

§ 3.3. Qualifications of members.

Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. (1973, c. 370)

§ 3.4. Powers of council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of Virginia and shall have the power in their discretion to appoint a clerk, treasurer, town attorney or town sergeant who shall have such duties and shall serve for such terms and at such compensation as the council may determine, except that the town sergeant's term of office shall be as provided by law. (1973, c. 370)

Chapter 4. Miscellaneous.

§ 4.1. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia as amended are hereby conferred upon the town of Floyd. (1973, c. 370)

§ 4.2. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1973, c. 370)

§ 4.3. Ordinances continuing.

All ordinances now in force in the town of Floyd, not inconsistent with this charter, shall remain in force until altered, amended, or repealed by the council. (1973, c. 370)

§ 4.4. Legislative procedure.

Except in dealing with parliamentary procedure the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1973, c. 370)

Franklin, City of

History of incorporation

Incorporated as a town by an 1875-76 Act of Assembly.

City of Second Class by Court Order dated December 22, 1961.
Charter, 1876, c. 123; repealed 1962, c. 155.

Current charter
Charter, 1962, c. 155.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Franklin, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Franklin, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure. (1962, c. 155)

§ 1.02. Boundaries.

The boundaries of the city shall be the boundaries of the Town of Franklin, its predecessor, as described in Chapter 123 of the Acts of the General Assembly of 1875-1876, approved March 15, 1876, as modified and enlarged by the decree of the Circuit Court of Southampton County entered on May 25, 1906, in the annexation proceedings styled Town of Franklin v. County of Southampton, Virginia, which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Common Law Order Book 8 at pages 359, et seq., and as further modified and enlarged by the decree of the Circuit Court of Southampton County entered on March 5, 1925, in the annexation proceedings styled Town of Franklin v. County of Southampton which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Common Law Order Book 12 at pages 129, et seq., and as further modified and contracted by the decree of the Circuit Court of Southampton County entered on May 27, 1932, in the proceedings styled Town of Franklin v. County of Southampton, which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Common Law Order Book 13 at pages 443, et seq., and as further modified and enlarged by the decree of the Circuit Court of Southampton County entered on May 26, 1949, in the annexation proceedings styled Town of Franklin v. County of Southampton, which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Common Law Order Book 16 at pages 194, et seq., and as further modified and enlarged by the decree of the Circuit Court of Southampton County entered on November 13, 1959, in the annexation proceedings styled Town of Franklin v. County of Southampton, which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Common Law Order Book 19 at pages 264, et seq., and as further modified and enlarged by the decree of the Circuit Court of Southampton County, entered on December 20, 1985, in the Voluntary Settlement Proceeding styled in the matter of the petition by the City of

Franklin, Virginia, and the County of Southampton, Virginia, for an Order affirming and validating a voluntary settlement and establishing the rights of the local governments, pursuant to Chapter 26.1:1 of Title 15.1 of the Code of Virginia which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County in Chancery Order Book 27 at page 14 et seq. (1962, c. 155; 1995, c. 591)

§ 1.03. Form of government.

The municipal government provided by this charter shall be known as the "city manager plan," and shall be the same as adopted by decree of the Circuit Court of Southampton County, Virginia, on March 28, 1922, and set forth in Common Law Order Book 11, page 302, in the office of the Clerk of said court, and as subsequently amended by Chapter 6 of the Acts of Assembly of 1954, approved February 13, 1954. (1962, c. 155)

Chapter 2. Powers.

§ 2.01. General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by the said Constitution and laws and which in the opinion of the Council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1962, c. 155)

§ 2.02. Powers enumerated by the general statutes of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia, (1950), as now exist and as hereafter amended, are hereby conferred on and vested in the City of Franklin. (1962, c. 155; 1982, c. 95)

§ 2.03. Additional powers.

In addition to the powers granted by other sections of this charter the city shall have power, unless prohibited by general law:

(a) To raise annually by taxes and assessments in said city on all subjects the taxation of which by cities is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purpose of said city, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this State and of the United States; provided, however, that said tax for general city purposes shall not exceed the sum of four dollars and fifty cents on the hundred dollars of assessed value of real and personal property subject to taxation by the city. In addition to the tax for general city purposes the council may levy a tax for the operation and maintenance of its schools.

(b) To levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge.

(c) To establish, impose, and to require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions which cannot in the opinion of the council be reached by the ad valorem system; to require of owners of motor vehicles, trailers and semitrailers, residing in or having a place of business in the city in which business the said motor vehicle is used, if said motor vehicle, trailers and semitrailers are operated on the streets of the city, licenses for the privilege of operating such vehicles in the city, such licenses to be issued and the fees therefor fixed by the council.

(d) Within and without the city to collect and dispose of garbage and other refuse and to construct, maintain and operate incinerators, dumps or other facilities for such purposes.

(e) To acquire, construct, own, maintain and operate, within and without the city, water works, sewerage disposal works, gas plants and electric plants, with the pipe and transmission lines incident thereto, to be managed and controlled as provided by an ordinance for the purpose of supplying water, gas and electricity and disposing of sewerage within and without the city, and to charge and collect compensation therefor, and to provide penalties for the unauthorized use thereof. The said city shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits. (1962, c. 155)

Chapter 3. City Council.

§ 3.01. On and after July 1, 1988, the council shall consist of seven members. Six members of council shall be elected by ward, with one member elected from each of six wards by the voters residing in each such district. Any qualified voter of the city seeking election from a ward shall be a resident of that district. One member of council shall be elected at large by the qualified voters of the city and shall serve as the mayor. The members of the council in office at the effective date of this charter amendment are hereby continued in office for the terms for which they were elected, except that as to the three councilmen whose terms of office expire on June 30, 1990, their terms of office shall expire, upon the enactment of this charter amendment, on June 30, 1988.

On the first Tuesday in May of 1988, there shall be a general city election, at which there shall be elected three councilmen, one from each of three wards in the city, whose terms shall begin July 1, 1988, and expire June 30, 1990. On the first Tuesday in May 1990, and every four years thereafter, there shall be elected three councilmen, one from each of the three said wards, to serve terms of four years from July 1 following their election.

At the general election on the first Tuesday in May of 1988, there shall be elected three councilmen, one from each of the other three wards in the city, whose terms shall begin July 1, 1988, and expire June 30, 1992. On the first Tuesday in May 1992, and every four years thereafter, there shall be elected three councilmen, one from each of the three said wards, to serve terms of four years from July 1 following their election.

On the first Tuesday in May 1988, and on the first Tuesday in May in every second year thereafter, there shall be a general city election at which the mayor shall be elected at large by the qualified voters of the city for a term of two years from July 1 following his election.

Following the enactment of this charter amendment, the council by ordinance shall divide the city into six wards and shall determine, for the city election to be held on the first Tuesday in May of 1988, which three wards shall be used to elect members of council having terms expiring on June 30, 1990, and which three wards shall be used to elect members having terms expiring on June 30, 1992. (1962, c. 155; 1974, c. 17; 1987, c. 64)

§ 3.02. Vacancies in office of councilman and office of mayor.

Vacancies in the office of councilman and in the office of mayor, from whatever cause arising, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council, or, if the council shall fail to act within sixty days of the occurrence of the vacancy, by appointment of the circuit court of Southampton County, or the judge thereof in vacation. The remaining members of the council may choose one of their number to fill a vacancy in the office of mayor. A vacancy in the office of a councilman elected by ward shall be filled only with a qualified voter residing in said ward. (1962, c. 155; 1987, c. 64)

§ 3.03. Compensation of councilmen.

The council may provide and fix salaries for the mayor, vice-mayor, and other council members in such sums not to exceed the limits established by general law.

No member of the council shall during the term for which he was elected or appointed or for one year thereafter be appointed to any office of profit under the government of the city. (1962, c. 155; 1987, c. 64)

§ 3.04. Rules of procedure.

The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, or any two members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such

meeting except by unanimous consent of all the members of the council. A majority of the members of the council shall constitute a quorum for the transaction of business. (1962, c. 155)

§ 3.05. Voting.

No ordinance, resolution or motion shall be adopted by the council except at a meeting open to the public and by the affirmative votes of at least four members, provided this does not apply to motions to adjourn, to fix a time and place to which adjourned, and other motions of a purely procedural nature. All voting may be by ayes and noes, except on request by any one member therefor, the voting shall be by roll call and the ayes and noes shall be recorded in the journal. (1962, c. 155; 1987, c. 64)

§ 3.06. Powers and duties of mayor and vice-mayor.

The mayor and vice-mayor in office at the effective date of this charter amendment are hereby continued in office for the terms for which they were elected and until their successors have been elected and qualified. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He shall have no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law, and the service of civil process. At the first meeting of the council after July 1, 1988, and at each first meeting immediately following the taking of office of councilmen after a councilmanic election, the council shall choose by majority vote of all the members thereof one of their number to be vice-mayor for the ensuing term of two years. The vice-mayor, in the absence or disability of the mayor, shall perform the duties of mayor. (1962, c. 155; 1974, c. 17; 1987, c. 64)

§ 3.07. Clerk to the council.

The council shall appoint a clerk to the council to serve at the pleasure of the council. He shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. He shall receive such compensation as clerk to the council as may be determined by council. (1962, c. 155)

§ 3.08. Powers of city council.

All powers of the City of Franklin as a body politic and corporate shall be vested in the council except as otherwise provided in this charter. The council shall be the policy determining body of the city and shall be vested with all the rights and powers conferred on councils in cities, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

(a) To have full power to inquire into the official conduct of any office or officer under its control, and to investigate the accounts, receipts, disbursements, and expenses of any city employee; for these purposes it may subpoena witnesses, administer oaths and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

(b) To provide for the performance of all the governmental functions of the city; and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city, or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by ordinance or resolution of the council. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer, or combine any city functions, activities, or departments.

(c) After the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records, and financial transactions of the city by the Auditor of Public Accounts of the Commonwealth or by an independent certified public accountant or accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection in the office of the clerk to the council during regular business hours.

Either the council or the city manager with the consent of the council may at any time order an examination or audit of the accounts of any officer or department of the city government. Upon the death, resignation, removal, or expiration of the term of any officer of the city, the council may cause an audit and investigation of the accounts of such officer to be made. In case of the death, resignation, or removal of the director of finance, the council may cause an audit to be made of his accounts. If as a result of any such audit, an officer be found indebted to the city, the council shall proceed forthwith to collect such indebtedness.

(d) The council shall fix a schedule of compensation for all city officers and employees. The council may by ordinance define certain classes of city employees whose salaries shall be set by the city manager, except that this provision shall not apply to the constitutional officers, the heads of city departments, and judges.

(e) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may designate.

(f) Commissioners of the Franklin Redevelopment and Housing Authority shall be not less than five nor more than nine in number and shall hold their offices at the pleasure of the council for terms not to exceed four years; however, the council may at any time, and from time to time, adopt an ordinance adding one or more council members as commissioners of the Franklin Redevelopment and Housing Authority or terminating the terms of any or all of the commissioners and designating one or more council members as commissioners of the Franklin Redevelopment and Housing Authority; however, the number of council members serving on the Authority shall not comprise a majority.

The remaining members of the Board shall be appointed by council from the citizenry of the city. The Board shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by general law. Notwithstanding any other provision of law to the contrary, a city council member shall receive no compensation for serving as commissioner of such authority; nor shall a council member continue to serve as a commissioner after ceasing to be a member of council. (1962, c. 155; 2000, cc. 948, 975)

§ 3.09. Limitations on power and disqualifications.

(a) Any member of the council who is indicted for a felony shall be suspended from office until the indictment is withdrawn or quashed or he is tried and acquitted, and any member of the council who shall have been convicted of a felony while in office shall thereby forfeit his office.

(b) Except for the purpose of inquiry, the council and its members shall so long as the city manager form of government obtains deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall have authority to give orders to any of the subordinates of the city manager, either publicly or privately. (1962, c. 155)

§ 3.10. Employees may not serve as council members.

No employee of the city may simultaneously serve as an employee of the city and as a member of the city council. An employee of the city who is elected to city council shall have resigned from or otherwise terminated his/her employment with the city before taking the oath of office as a member of the city council. Nothing herein shall be construed as prohibiting employees of the city or school board from candidacy for any elected office. (1997, c. 196)

Chapter 4. The City Manager.

§ 4.01. Appointment, tenure, compensation, and residence.

The council shall appoint a city manager, who need not be a resident of the city at the time of his appointment, and fix his compensation. He shall be the chief administrative and executive officer of the city and shall devote his full time to the work of the city. No member of the council shall, during the time for which he has been elected or appointed, or for one year thereafter, be chosen city manager, nor shall the managerial powers be given to a person who at the same time is filling an elective office.

The city manager shall not be appointed for a definite tenure, but shall be removable at the pleasure of the council. The council may suspend him from office, provided that the period of suspension shall be limited to thirty days. The action of the council in suspending or removing the city manager shall not be subject to review.

In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office. (1962, c. 155)

§ 4.02. Powers and duties.

The city manager shall be responsible to the council for the proper administration of all the affairs of the city which the council has authority to control, except the legal and judicial departments. As the administrative and executive head of the city government, he shall be responsible to the council for supervising the collection of all revenues, guarding adequately all expenditures, securing proper accounting for all funds, looking after the physical property of the city, exercising general supervision over all city departments, institutions, and agencies, and coordinating the various activities of the city and unifying the management of its affairs. To accomplish these purposes he shall have the following specific powers and duties.

(a) The city manager shall appoint all employees in the service of the city, except as otherwise provided in this charter. All appointments shall be on the basis of ability, training and experience of the appointees which fit them for the work they are to perform. All appointments shall be without definite term, unless for temporary service not to exceed sixty days. Any employee of the city appointed by the city manager may be laid off, suspended, or removed from employment by the manager.

(b) The city manager may be appointed by the council to act as the director or head of one or more of all departments of the city, provided he is otherwise eligible to head such department or departments.

(c) With the approval of the council the city manager shall, subject to the limitations of § 3.08 (d), fix the compensation of all employees whom he or a subordinate may appoint or employ.

(d) The city manager shall enforce all resolutions, ordinances and orders of the council and see that all laws of the State, required to be enforced through the council or other city officers subject to the control of the council are faithfully executed.

(e) He shall attend all meetings of the council and have the right to take part in all discussions, to present his views on all matters coming before the council, and to recommend such action as he may deem expedient.

(f) He shall submit to the council each year a proposed annual budget, with his recommendations and execute the budget as finally adopted.

(g) He shall make regular monthly reports to the council in regard to matters of administration and keep the council fully advised as to the financial condition of the city.

(h) He shall examine regularly the books and papers of every officer and department of the city and report to the council the condition in which he finds them.

(i) The city manager shall perform such other duties as may be imposed upon him by the council. (1962, c. 155)

Chapter 5. Financial Administration.

§ 5.01. Department of finance.

There may be a department of finance which shall be under the supervision of a director of finance, who may be the city manager or a person appointed by the city manager with the approval of the council, and which shall include the city treasurer and the city commissioner of the revenue and their respective offices. (1962, c. 155)

§ 5.02. General duties of director.

The director of finance shall be the administrative head of the department of finance and as such shall have charge of the financial affairs of the city, including such powers and duties as may be assigned to the director of finance, or department of finance, by ordinance or resolution of the council not inconsistent with this charter or with the Constitution and general laws of this Commonwealth. (1962, c. 155)

§ 5.03. Expenditures and accounting.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance or legally enacted supplement thereto, or subsequent resolution enacted by the council. Accounts shall be kept for each item of appropriation made by the council. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, and the unencumbered balance in the appropriation account sufficient to meet the obligation entailed by contract, agreement, or order. (1962, c. 155)

§ 5.04. Real estate reassessments.

(a) The council of the City of Franklin shall have the power, in lieu of the means and methods prescribed by law, to provide by ordinance for the annual, biennial or triennial assessment and reassessment and equalization of assessments of real estate for local taxation and to that end shall appoint as city assessor or assessors, one or more persons to assess or reassess for taxation the real estate within the City of Franklin, and to prescribe the duties and term of office of said assessor or assessors.

(b) Such assessor or assessors shall make such assessment and reassessments on the same basis as real estate is required to be assessed under the provisions of the Code of Virginia and as of the first day of January of each year in which such assessment and reassessment and equalization of assessments is made, shall have the same authority as the assessors appointed under the provisions of the Code, and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of the said Code.

(c) The term of such assessor or assessors shall be fixed by the council, and any vacancy or vacancies, however occurring, shall be filled by the council. The council shall likewise fix the compensation of any such assessor or assessors, provide such clerical or other assistance as may be necessary,

and provide for the payment of such salaries and other expenses as may be properly incident to the work involved. And all such salaries, expenses and other costs incurred in connection with such assessment or reassessment shall be paid out of the treasury of the city.

(d) The Circuit Court of Southampton County or the judge thereof in vacation shall annually appoint for said City of Franklin, a board of review of real estate assessments to be composed of three members, who shall be freeholders of the City of Franklin. The terms of such members shall commence on their appointment and shall expire on the thirtieth day of November of the year in which they are appointed, unless such terms are extended. The said court or the judge thereof in vacation may extend the terms of the members of the said board of review and shall fill any vacancy therein for the unexpired term. The members of the said board shall receive per diem compensation for the time actually engaged in the duties of the board to be fixed by the city council, and to be paid out of the treasury of the city, and the city council may limit the per diem compensation to such number of days, as, in its judgment, is sufficient for the completion of the work of the board.

(e) Such board of review shall have and may exercise the powers to revise, correct, and amend any assessment of real estate made by said assessor in the year in which they serve, and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, however, the board of review may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceedings before the board.

(f) Any person or the city, if aggrieved by any assessment made by said board of review, may apply for relief in the manner provided by general law.

(g) This section shall not apply to the assessment of any real estate assessable under the law by the State Corporation Commission.

(h) All acts and parts of acts relating to the assessment of real estate in cities not in conflict with the provisions of this section shall apply to the assessments made pursuant to this section. (1962, c. 155)

§ 5.05. Disposition of moneys.

All moneys received or collected for the use of the city from any source shall be paid over, held, and disbursed as the council may order or resolve, and in such depository or depositories as may be prescribed by the council, either by ordinance or resolution. Such depository or depositories may be required to furnish such security, and under such conditions, as the council may prescribe, not inconsistent with general laws of the Commonwealth. (1962, c. 155)

§ 5.06. Treasurer and commissioner of revenue; election; vacancies.

At the general election to be held on the first Tuesday following the first Monday in November in the year 1965, and on the said date every four years thereafter, there shall be elected by the qualified voters of the city a commissioner of revenue and a city treasurer. In case of a vacancy in the office of

commissioner of revenue or city treasurer, the council, by a majority vote, shall select a qualified person, who must be an elector of the city, to fill the office in which such vacancy occurs for the unexpired term. The treasurer and commissioner of revenue shall have such powers and perform such duties and receive such compensation as are provided by the Constitution of the Commonwealth, and, except as are otherwise provided in this charter, as are provided by the provision of general law for cities. (1962, c. 155)

§ 5.07. Duties of commissioner of revenue.

The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of licenses taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the director of finance. He shall perform such other duties as may be required of him by the council. (1962, c. 155)

§ 5.08. Duties of treasurer.

The city treasurer shall collect and receive, all money due the city by the State and all taxes and levies due the State and collected within the city, and disburse same as provided by the general laws of the Commonwealth relating to city treasurers, and may be authorized by the council also to collect and receive all money, taxes and levies due the city and disburse the same according to this charter and the ordinances enacted by the city. (1962, c. 155)

§ 5.09. Claims.

The director of finance shall audit all claims against the city for goods or services. It shall also be his duty to ascertain that such claims are in accordance with the purchase orders or contracts of employment from which the same arise, to present such claims for approval to the council, or such person as the council may designate; to keep a record of the revenues and expenditures of the city in a manner which will permit reporting of those revenues and expenditures in such form as the council may prescribe; and at the end of each month to prepare and submit to the council and to the city manager statements showing the progress and status of the affairs of the city in such form as the council may prescribe. (1962, c. 155)

§ 5.10. Director and purchasing agent.

The director of finance shall act as purchasing agent for the city and all the departments, offices, boards, commissions, and other agencies thereof, unless the city manager with the approval of the council shall designate some other officer or employee of the city for such purpose. The director of finance or the person designated as purchasing agent shall have such powers and duties relative to city purchasing activities as shall be prescribed by the council, including, if the council so prescribes, the custody and distribution of city supplies, materials, and equipment, the establishment and

enforcement of specifications, and the solicitation and acceptance of competitive bids for city purchases. (1962, c. 155)

§ 5.11. Other duties of director.

The director of finance shall perform such other duties as may be imposed upon him by the city manager. (1962, c. 155)

§ 5.12. Fiscal year.

The fiscal year of the city shall begin on the first day of July annually and end on the thirtieth day of June of the succeeding year, provided, however, that the council may by ordinance designate a different fiscal year. (1962, c. 155)

§ 5.13. Submission and adoption of budget.

Annually, not later than one month prior to the first day of the fiscal year, the city manager shall prepare and submit to the council a budget presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. Such budget shall be set up in the manner provided by law, and shall include such information as the council by ordinance or resolution may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with general laws of the Commonwealth. (1962, c. 155)

§ 5.14. Borrowing powers.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner, and to the extent provided for in the following paragraphs of this chapter. (1962, c. 155)

§ 5.15. Purpose for which bonds or notes may be issued.

Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution or general laws of this State.

Notes in anticipation of collection of revenue may be issued, when authorized by the council, at any time during the fiscal year, provided that said notes shall mature not later than twelve months after date of issue, and the amount thereof shall not exceed the revenues anticipated. (1962, c. 155)

§ 5.16. Manner of issuing bonds and notes.

Bonds and notes of the city may be issued in any manner provided by general law. (1962, c. 155)

Chapter 6. Department of Law.

§ 6.01. Department of law.

There shall be a department of law which shall consist of the city attorney, who shall be head of the department, and such assistant attorneys and other employees as may be provided by ordinance. (1962, c. 155)

§ 6.02. City attorney.

The head of the department of law shall be appointed by the council. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. The city attorney shall be the chief legal advisor of the council, the city manager and of all departments, boards, commissions, and agencies of the city, including the school board, in all matters affecting the interests of the city. He shall represent the city in all civil proceedings. It shall be his duty to perform all services incident to his position as may be required by the laws of the Commonwealth, this charter, or by ordinance. He shall have general management and control of the department. (1962, c. 155)

Chapter 7. Department of Public Safety.

§ 7.01. Fire and police functions.

The department of public safety shall consist of the division of fire and the division of police and such other functions and activities as may be assigned to it by the city council. The department of public safety shall be under the supervision of a director of public safety who may be the city manager or a person appointed by the city manager with the approval of the council.

The division of police shall consist of such police officers as may be appointed by the city manager and shall be under the supervision of a chief of police to be appointed by the city manager with the approval of the council. The chief of police and police officers shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth.

The division of fire shall consist of such fire officers as may be appointed by the city manager and shall be under the supervision of a fire chief to be appointed by the city manager with the approval of the council. The fire chief and fire officers shall have all the powers and duties of fire officers as provided by this charter, ordinances and general laws of the Commonwealth. (1962, c. 155)

Chapter 8. Department of Public Works.

§ 8.01. Department of public works.

There may be a department of public works which shall consist of the Director of Public Works who may be the city manager or a person appointed by the city manager with the approval of the council and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1962, c. 155)

§ 8.02. Functions.

The department of public works shall be responsible for the construction and maintenance of all public buildings, streets, roads, bridges, drains, sewers, garbage and refuse collection and disposal, and all other public works and constructions; the care of public buildings; the custody of such equipment

and supplies as the city manager may require; and such other powers and duties as may be assigned to the department by the city manager. (1962, c. 155)

Chapter 9. Department of Public Utilities.

§ 9.01. Department of public utilities.

There may be a department of public utilities which shall consist of the director of public utilities, who may be the city manager or a person appointed by the city manager with the approval of the council, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1962, c. 155)

§ 9.02. Functions.

The department of public utilities shall be responsible for: the operation of the electric department and such other powers and duties as may be assigned to the department by the city manager. (1962, c. 155)

Chapter 10. Department of Health.

§ 10.01. Department of public health.

There may be a department of public health which shall consist of the director of public health, to be appointed by the city manager with the approval of the council and such other officers and employees organized into such bureaus, divisions, and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1962, c. 155)

§ 10.02. Functions.

The department of public health shall be responsible for the exercise of all health functions imposed on municipalities by general law and such other functions as may be assigned to the department. (1962, c. 155)

§ 10.03. Director of public health.

The head of the department of public health shall be the director of public health. He shall have general management and control of the several bureaus, divisions, and other units of the department. He shall have all the powers and duties with respect to the preservation of the public health which now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth, as well as the powers and duties conferred or imposed on him by this charter and the ordinances of the city. (1962, c. 155)

§ 10.04. Board of health.

The council may select two or more qualified citizens of the city, who together with the director of public health shall constitute the board of health. The board of health shall advise and cooperate with the department of health and shall have power to adopt necessary rules and regulations, not in conflict

with law, concerning the department. The provisions of general law relating to the establishment of local boards of health shall not apply to the City of Franklin. (1962, c. 155)

§ 10.05. Contractual services.

The council may, in its discretion, effectuate the powers, duties, and functions assigned to the department of public health in this chapter through contractual agreements with the State Department of Health, neighboring cities and counties. (1962, c. 155)

Chapter 11. Department of Public Welfare.

§ 11.01. There may be a department of public welfare which shall be under the supervision of a director of public welfare, who may be the city manager or a person appointed by the city manager with the approval of the council. The director of public welfare shall constitute the local board of public welfare of the city. The director of public welfare shall appoint the superintendent of public welfare and such other employees of the department as may be necessary. The superintendent of public welfare of an adjacent county or counties may be appointed superintendent of public welfare of the city. The department of public welfare shall be responsible for carrying out the duties and functions imposed on local boards and superintendents of public welfare by general law and such other duties as may be assigned by council. (1962, c. 155)

Chapter 12. Schools.

§ 12.01. School district.

The City of Franklin shall constitute a separate school district. (1962, c. 155)

§ 12.02. Number and qualifications of board.

The school board shall consist of seven members who shall be qualified voters of the city and not members of the city council. One member shall be selected from each of the six wards in the city and one member shall be selected from the city at large. (1962, c. 155; 1982, c. 95; 1997, c. 275)

§ 12.03. Appointment and terms of members.

At its first regular meeting in June, 1983, and every year thereafter, at its first regular June meeting, the council shall appoint one or more members for a term of three years, whose term or terms shall begin July 1, following his, her or their appointment. Vacancies shall be filled by the council for any unexpired term. A member whose term has expired shall continue to serve until his or her successor has been appointed.

Members shall be appointed on a 2-2-3 year rotation, as follows: Wards 2 and 5 shall be appointed in the same rotation; Wards 1 and 3 shall be appointed in the same rotation; and Wards 4, 6, and the member appointed at large shall be appointed in the same rotation. To accomplish this rotation, begin-

ning with the terms starting July 1, 2011, council will appoint members in Ward 3 to a three-year term ending June 30, 2014, and thereafter to three-year terms unless filling an unexpired term.

Beginning with terms starting July 1, 2012, council will appoint members in Ward 1 to a two-year term ending June 30, 2014, and thereafter to three-year terms unless filling an unexpired term; council will appoint members in Ward 2 to a one-year term ending June 30, 2013, and thereafter to three-year terms unless filling an unexpired term; council will appoint members in Wards 4 and 6 and the at-large member to three-year terms ending June 30, 2015, and thereafter to three-year terms unless filling an unexpired term.

Beginning with the terms starting July 1, 2013, council will appoint members in Ward 5 to a three-year term ending June 30, 2016, and thereafter to three-year terms unless filling an unexpired term.

In the event that an appointment of a member in the future results in a rotation other than the 2-2-3 rotation with Wards 1 and 3 being appointed together, Wards 2 and 5 being appointed together, and Wards 4, 6, and the at-large member being appointed together, then the council shall be authorized to make an appointment for less than a three-year term the next time it is appropriate to reestablish the 2-2-3 rotation. (1962, c. 155; 1974, c. 17; 1982, c. 95; 1997, c. 275; 2011, c. 576)

§ 12.04. Compensation.

The compensation to be paid to each member shall be fixed by a majority vote of the council, provided that the annual compensation to be paid to any member shall not exceed the sum of $4,000 for his or her services as such, and the annual compensation to be paid to the chairman of the school board shall not exceed the sum of $5,000 for his or her services as such. (1962, c. 155; 1982, c. 95; 1986, c. 20; 2004, cc. 32, 168)

§12.05. Powers.

The establishment, maintenance and operation of a system of free public schools within the City of Franklin shall be under the control of the school board, appointed by the city council in accordance with the provisions of this charter, the Constitution of Virginia, the laws of the Commonwealth, the regulations of the State Board of Education; and said board shall have all the rights, privileges, powers, and duties granted or empowered by the said provisions, Constitution, laws, and regulations, including but not limited to the right to enter into contractual relationships with neighboring political subdivisions relating to the education of the school population of such neighboring political subdivisions and relating to the education of the school population of the city; and nothing in this charter shall negate any rights, privileges, powers, or duties granted or empowered to the school board by said provisions, Constitution, laws, and regulations; and neither shall the school board have any such rights, privileges, powers, and duties not provided by said provisions, Constitution, laws and regulations. (1962, c. 155)

Chapter 13. Administration of Justice.

§ 13.01. Courts.

The courts for the city shall be those provided for in the Constitution and general laws of the Commonwealth of Virginia. (1962, c. 155; 1982, c. 95)

§§ 13.02 through 13.09. (1962, c. 155; repealed 1982, c. 95)

Chapter 14. Constitutional Officers.

§ 14.01. Constitutional officers and election thereof.

In addition to the municipal officers provided for by the preceding provisions of this charter there shall also be a sheriff, an attorney for the Commonwealth and a clerk of said circuit court at Southampton County elected conjointly for the city and the County of Southampton by the qualified voters of said city and county. The city treasurer, the city commissioner of the revenue and the sheriff, attorney for the Commonwealth and clerk of said circuit court of Southampton County at the effective date of this charter are hereby continued in office for the terms for which they were appointed or elected and until their successors have been appointed or elected and qualified. Subsequent elections for any of the five above-mentioned offices shall be held at the times, in the manner, and for the terms provided by general law. (1962, c. 155)

§ 14.02. Powers and duties of sheriff, attorney for Commonwealth and clerk of circuit court.

The sheriff, attorney for the Commonwealth and clerk of said circuit court of Southampton County shall exercise and have the same rights and privileges, perform the same duties, have the same jurisdiction and receive the same fees therefor in the city as they, respectively, exercise and have and receive in the County of Southampton, and shall receive such compensation as is prescribed by the general law. (1962, c. 155)

Chapter 15. City Sergeant.

§ 15.01. Appointment and duties.

The council may appoint a city sergeant, who may be a member of the police force. He shall be paid such salary as the council may fix and all fees collected by him shall belong to the city. The council may appoint such deputy city sergeants as may be necessary. The sergeant and any deputy city sergeants shall have the authority and powers and jurisdiction which is granted to sergeants of other cities of the class of Franklin by the general laws of the Commonwealth of Virginia and the ordinances of the City of Franklin and they shall perform such duties as may be prescribed by the State laws and the ordinances of the City of Franklin. The city sergeant shall be conservator of the peace and in criminal matters or offenses the city sergeant and deputy city sergeants shall have jurisdiction for one mile beyond the city limits of Franklin in enforcing the criminal laws of the Commonwealth of Virginia. Any vacancies in the office of city sergeant and deputy city sergeants shall be filled by the council. (1962, c. 155)

Chapter 16. General Provisions.

§ 16.01. Contractual relationships.

The City of Franklin may, at the option of the council, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivision, and private agencies for the performance of any part of or all of the functions, or purposes of the city, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. The school board may, at its option, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performance of any part of or all of the functions, or purposes of the school board, on such terms and for such periods as the school board may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. (1962, c. 155)

§ 16.02. Residence of employees.

Except as otherwise provided in this charter, the council shall have the power to provide by ordinance from time to time that the regular, permanent officers and employees of the city, or any of them, shall reside within the city during their continuance in such office or employment. (1962, c. 155)

§ 16.03. Present ordinances and rules and regulations continued in effect.

All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed. (1962, c. 155)

§ 16.04. Continuance of officials and officers.

Except where this charter may otherwise provide, all officials and officers of the city holding office immediately prior to the effective date of this charter, whether such office be elective or appointive, may continue in such office until the expiration of their respective current term of office or until their successors shall have been elected or appointed and qualified or until such office may be lawfully terminated. (1962, c. 155)

§ 16.05. Continuance of internal organization of the city.

Except where this charter may otherwise provide, the several departments, commissions, boards and other administrative units of the city functioning at the effective date of this charter are hereby continued until otherwise provided by ordinance. (1962, c. 155)

§ 16.06. Continuance of contracts.

All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public works begun prior to the taking effect of this charter may be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws. (1962, c. 155)

§ 16.07. Partial invalidity.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said charter, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1962, c. 155)

Editor's note: Complete amendments listing for the City of Franklin:

Current charter

Charter, 1962, c. 155.

Amendments to current charter

1974, c. 17 (§§ 3.01, 3.06, 12.03)
1982, c. 95 (§§ 2.02, 12.02, 12.03, 12.04, 13.01, 13.02 through 13.09 [repealed])
1986, c. 20 (§ 12.04)
1987, c. 64 (§§ 3.01, 3.02, 3.03, 3.05, 3.06)
1995, c. 591 (§ 1.02)
1997, c. 196 (§ 3.10 [added])
1997, c. 275 (§§ 12.02, 12.03)
2000, cc. 948, 975 (§ 3.08)
2004, cc. 32, 168 (§ 12.04)
2011, c. 576 (§ 12.03)

Fredericksburg, City of

History of incorporation

Established in 1728 in County of Spotsylvania.
Named for Frederick Louis, Prince of Wales, eldest son of George II.
Incorporated as a town in 1781; became a city in 1879.
Town charter, 1781, c. I.
City Charter, 1879, c. 263; repealed 1932, c. 398.
Charter, 1932, c. 398; repealed 1942, c. 481.
Charter, 1942, c. 481; repealed 1990, c. 654, except §§ 4 and 4.1 (boundaries).

Current charter

Charter, 1990, c. 654.

Amendments to current charter
1998, cc. 517, 527 (Ch. II, § 10)
1999, cc. 182, 476 (Ch. II, § 17)
2008, c. 346 (Ch. I, § 1)
2009, c. 500 (Ch. II, §§ 7, 16)

Editor's note: The following §§ 4 and 4.1 are retained from the Charter of 1942.

§ 4. The corporate limits and boundaries of the city of Fredericksburg, Virginia, shall be as now established, the said limits being described as follows:

"Beginning as a point formed by the intersection of the former northern corporate boundary of the City of Fredericksburg, extended north fifty-six degrees and thirty-four minutes east, eighty-nine feet from the former north corner of the corporate boundary of the city, and the present low water line on the southwestern bank of the Rappahannock River; thence following the meanders of the said southwest bank upstream the following five courses and distances north twenty-six degrees four minutes and twenty seconds west, seven hundred and eleven and nine-tenths feet; thence north thirty-nine degrees twenty-eight minutes and forty-five seconds west, four hundred and twenty-six and two-tenths feet; thence north fifty degrees thirty-five minutes and forty seconds west, three hundred and eleven and nine-tenths feet; thence north seventy-three degrees forty-six minutes and five seconds west, four hundred and eleven and four-tenths feet; thence south eighty-two degrees forty-seven minutes and fifty-five seconds west, two hundred and sixty-nine and nine-tenths feet; thence leaving the river south thirty-nine degrees and thirty seconds west, seventeen hundred and seventy-one and six-tenths feet, by and with the southeast boundary of Amaret Street, to a point in said boundary formed by its intersection with the southeast boundary of U. S. alternate Highway No. one; thence along the southeast boundary of U. S. alternate Highway No. one south twenty-seven degrees, forty-eight minutes and thirty seconds west, four hundred and sixty-six and two-tenths feet, to a point formed by the intersection of the southeast boundary of U. S. alternate Highway No. one and the southeast boundary of Fall Hill Avenue; thence running with the southwest boundary of Fall Hill Avenue the following two courses and distances; south sixty degrees eleven minutes and fifty seconds east, five hundred and ninety-three and five-tenths feet; thence south forty-six degrees and forty-four minutes east, seven hundred and seventy-six and one-tenth feet, to a cross cut in a stone at the point formed by the intersection of the said southwest side of Fall Hill Avenue and the southeast boundary of the 'Snowden' property; thence along the said 'Snowden' boundary, south fifty degrees thirteen minutes and thirty-five seconds west, thirty-one hundred and sixty-two and three-tenths feet to a point in the 'Snowden' boundary formed by its intersection with a line forty feet southeast of and parallel to the center line of U. S. alternate Highway Number one; thence southerly with said parallel line, on the arc of a circle having a radius of twenty-eight hundred and sixty-five feet, a distance of three hundred and nine feet; thence continuing with a line forty feet from and parallel to

the center line of U. S. alternate Highway Number one south sixteen degrees, nine minutes and fifty seconds west, eleven hundred and ninety-one and four-tenths feet, to a point formed by the intersection of said parallel line and the northeast boundary of Avenue "E" as laid out by the Fredericksburg Development Company; thence with said east boundary of Avenue "E" south twenty-nine degrees and ten seconds, twenty-six hundred and twenty-three feet, to its intersection with the northwest boundary of State Highway Route three, generally known as the Plank Road; thence with said boundary of Route three south fifty-three degrees forty-two minutes and thirty-five seconds west, four hundred and fifty-six and seven-tenths feet, to its intersection with the southwest boundary of High Street; thence with said southwest boundary of High Street south thirty degrees fifty-nine minutes and fifteen seconds east, two hundred and fifty-three and five-tenths feet, to its intersection with the southeast boundary of Hanover Street, thence with said southeast boundary of Hanover Street north seventy-one degrees thirty-five minutes and twenty seconds east, fifteen hundred and sixty-six and nine-tenths feet, to a tack in a stake at the southwest corner of Hanover Street and Avenue "C"; thence leaving Hanover Street south twenty-eight degrees two minutes and forty seconds east, ten hundred and seventy and one-tenth feet; to an iron pipe one foot north of the northwest corner of the U. S. National Cemetery; thence parallel with the north boundary of said cemetery north eighty-four degrees four minutes and twenty-five seconds east, eight hundred and eight and seven-tenths feet, to the east boundary of Sunken Road; thence with said east boundary of Sunken Road south fourteen degrees thirty-nine minutes and ten seconds east, three hundred and thirty-six and three-tenths feet, to its intersection with the east boundary of U. S. Highway Route Number one; thence with said east boundary of Route one south seven degrees fifty-eight minutes and twenty seconds west, four hundred and seventy-seven and six-tenths feet, thence leaving U. S. Route one and with the southwest boundary of the city lot, south thirty-five degrees and twenty-five minutes and twenty-five seconds east, one hundred and fifteen and eight-tenths feet, to the northwest boundary of the Virginia Central Railway Company's right of way; thence with said northwest boundary of right of way the four following courses and distances; north fifty-five degrees forty-one minutes and thirty-five seconds east, forty feet; thence north fifty-one degrees thirty minutes and fifty-five seconds east, one hundred feet; thence north forty-eight degrees twenty-six minutes and fifty-five seconds east, one hundred feet; thence north forty-seven degrees thirty minutes and fifty-five seconds east, three hundred and seventy-seven feet to its intersection with the former southwest corporate boundary of the city; thence with the former corporate boundaries of the city the following two courses and distances; south twenty-six degrees and twenty-eight minutes east, twenty-three hundred and six and four-tenths feet, thence north sixty-three degrees thirty-six minutes and fifty seconds east, three hundred and seventy-five feet; thence leaving the former corporate boundary and running with the east right of way boundary of the Richmond, Fredericksburg and Potomac Railway south fifty-four degrees and fourteen minutes east, fourteen hundred and sixty-six and seven-tenths feet, to its intersection with the southeast boundary of Howison Street as laid out by

the Fredericksburg Development Company; thence with the said southeast boundary of Howison Street north fifty-six degrees five minutes and fifty seconds east, seventeen hundred and seventy-two and two-tenths feet, to its intersection with the east boundary of U. S. Highway Route seventeen, or Dixon Street extended; thence with said east boundary of Dixon Street, by the arc of a four degree curve, five hundred and twenty-six and one-tenth feet in length and whose long chord is north fourteen degrees forty-five minutes and fifty seconds west, five hundred and twenty-three and one-tenth feet; thence continuing with said east boundary of Dixon Street, north three degrees fifty-three minutes and forty seconds west, four hundred and eighty feet; thence north five degrees thirty-nine minutes and twenty seconds west, one hundred and eighty-two and six-tenths feet, to an intersection of said east boundary of Dixon Street and the former southeast corporate boundary of the city, thence with said corporate boundary north sixty-three degrees thirty-six minutes and fifty seconds east, seventeen hundred and thirty-seven and six-tenths feet, to the low water line of the Rappahannock River; thence northwestwardly, up-stream, by and with the meanders of said low water line of the Rappahannock River, to the beginning." (1942, c. 481)

§ 4.1. The corporate limits and boundaries of the City of Fredericksburg are extended beyond the corporate limits and boundaries set forth in § 4 by adding the following:

1. The territory described in Chapter 624 of the Acts of Assembly of 1952, being the territory annexed effective December 31, 1950.

2. The territory described in the Order of Annexation, recorded in Book 182, page 537 and following, Circuit Court Clerk's Office of the City of Fredericksburg, effective December 31, 1983. (1984, c. 164)

Chapter I. The City, Its Boundaries and General Powers.

§ 1. Body politic and corporate; name, etc.; general powers.

The inhabitants of the City of Fredericksburg, Virginia, within the boundaries as now established or hereafter established in the manner provided by law, shall continue to be a body corporate and politic by name, the City of Fredericksburg, and under that name shall have perpetual succession; may use a corporate seal; contract and be contracted with; may sue and be sued; may acquire from any source real and personal property within or without its boundaries for any municipal purpose set forth in this charter, and if not set forth in this charter for any purpose permitted by the laws of the Commonwealth of Virginia, in fee simple or lesser interest or estate, by purchase, grant, gift, donation, devise, bequest, lease, or condemnation, and may sell, lease, mortgage, pledge, hold, manage, regulate the use and management of, control, and dispose of such property as its interests may require and, except as prohibited by the Constitution of Virginia or restricted by this charter, the City of Fredericksburg shall have all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

The City of Fredericksburg may lease as lessee all or a portion of the lands, buildings, and improvements utilized for courthouses, including suitable space and facilities to accommodate the various courts and officials thereof, clerk's office and record room, and appurtenant facilities such as parking facilities. (1990, c. 654; 2008, c. 346)

§ 2. Powers as to public service and utilities.

The city shall have the power to furnish all local public service, to purchase, hire, construct, maintain, and operate or lease public utilities and to acquire by condemnation or otherwise, within or without the city limits, land and property necessary for such purpose. The city shall have full and complete powers to operate any public utility it now owns or may hereafter acquire, so as to enjoy for its citizens fully and completely all benefits to be derived therefrom. (1990, c. 654)

§ 3. Power of eminent domain.

The powers of eminent domain set forth in Title 33.1, Title 15.1, and Chapter 1.1 (§ 25-46.1 et seq) of Title 25 of the Code of Virginia and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the City of Fredericksburg. Certificates issued pursuant to such sections may be issued by the City Council, signed by the city manager and countersigned by the city treasurer. Such certificates shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner pursuant to his authority and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its power of eminent domain for any lawful purpose. (1990, c. 654)

§ 4. Sections of the Code of Virginia incorporated by reference; powers not exclusive; constitutional powers; manner of exercise of powers.

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein, implied hereby or appropriate to the exercise hereof, it is intended that the City of Fredericksburg shall have, and may exercise, all powers which, under the Constitution of Virginia, it would be competent for this charter specifically to enumerate. All powers of the city, whether express or implied, shall be exercised in the manner prescribed by this charter, or if not prescribed herein, then in the manner provided by ordinances of the Council.

The city shall have and may exercise all the powers granted to cities and set forth in Title 15.1 of the Code of Virginia, specifically including but not limited to §§ 15.1-837 through 15.1-907, as in force on the effective date of this charter and as hereafter amended. In addition thereto, the city shall have and may exercise all other powers which it now has or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of the city government, the exercise of which is not expressly prohibited by the Constitution and the laws of the Commonwealth and which in the opinion of the Council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, order, comfort, convenience, morals, trade, commerce, and industry of the city or its inhabitants. No enumeration of particular powers in

this charter shall be held exclusive or a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of powers. (1990, c. 654)

§ 5. Corporate limits and boundaries.

The boundaries of the City of Fredericksburg shall be as defined in Chapter 481 of the Acts of Assembly of 1942, and as defined in Chapter 624 of the Acts of Assembly of 1952, and as enlarged by court orders or decrees recorded in Book 182, page 537 and following in the office of the clerk of the circuit court of the City of Fredericksburg. (1990, c. 654)

Chapter II. Government and Administration.

§ 6. Authority of Mayor, Council, manager, departments, boards and other officers.

The government and administration of the city shall be vested in the Mayor; one body to be called the Council of the City of Fredericksburg; one administrative officer, appointed by the Council, to be styled the city manager; and in such other departments, boards, and other officers are hereinafter provided for, or as are permitted or required by law. (1990, c. 654)

§ 7. Number and term of Councilmen; election of Councilmen and Mayor; Mayor's status; vacancies in Council; qualification of Councilmen.

Effective October 1, 1988, the Council shall consist of seven members, including the Mayor, each of whom shall hold office until his successor has qualified, unless sooner removed by death, resignation or other cause. The Mayor and two members of Council shall be elected at large. The other four members shall each be elected from one of four wards. The Mayor shall preside over meetings of the Council and shall have the same powers and duties as other members of the Council, with a vote, but no veto.

The Mayor and the two members of Council elected at large on the Tuesday after the first Monday in September, 1988, for an initial term beginning on October 1, 1988, and expiring on July 1, 1992, shall hold office until their successors have qualified. The Mayor and the two members of the Council elected at large shall thereafter be elected every four years on the first Tuesday in May, beginning with the first Tuesday in May, 1992, and shall hold office for a term of four years from July 1 succeeding their election and until their successors have qualified.

The four members of the Council elected by wards on the Tuesday after the first Monday in September, 1988, for an initial term beginning on October 1, 1988, and expiring on July 1, 1990, shall hold office until their successors have qualified. The four members of the Council elected by wards shall thereafter be elected every four years on the first Tuesday in May, beginning with the first Tuesday in May, 1990, and shall hold office for a term of four years from July 1 succeeding their election and until their successors have qualified.

Vacancies in the Council shall be filled within 45 days by a recorded majority vote of the remaining members of the Council; provided, however, that when more than two years remain in the unexpired term and the vacancy occurs at least 120 days prior to the next Council member election, the City Council shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election for the next regularly scheduled May Council member election. Whenever a vacancy will be filled by special election, Council may, within 45 days of the office becoming vacant, appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. The person so appointed shall hold office until the qualified voters fill the vacancy by special election as provided herein and the person so elected has qualified. Those elected to fill such vacancies shall hold office for the unexpired term of the Council members whose places they fill, unless sooner removed by death, resignation, or other cause. Members of the Council, including the Mayor, shall be qualified electors of the city and shall hold no other public office while serving as such, except that of notary public. (1990, c. 654; 2009, c. 500)

§ 8. Reserved. (1990, c. 654)

§ 9. Interference with manager and subordinates by Council and Councilmen.

Neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the city manager or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers or employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the city manager and neither the Council nor any member thereof shall give orders to, or interfere with, any of the subordinates of the city manager, either publicly or privately. (1990, c. 654)

§ 10. Councilmen or Mayor not to hold other city office.

No person elected to the Council nor the Mayor, whether he qualifies or not, shall, during the term for which he was elected or twelve months after the expiration of that time, be elected by the Council or appointed by the city manager to any position of profit or remuneration of the city. (1990, c. 654; 1998, cc. 517, 527)

§ 11. Vice Mayor of city.

The Council shall elect one of its members, other than the Mayor, as Vice Mayor of the city, to act in the place of the Mayor in his absence or incapacity. The Vice Mayor shall be elected for a term of two years, the beginning date of such term to be prescribed by ordinance and any vacancy in the office of Vice Mayor shall be filled by a recorded majority vote of the Council for the unexpired term. (1990, c. 654)

§ 12. Council meetings; limitation on business to be transacted at special meetings.

The Council shall meet at such times as may be prescribed by ordinance or resolution, provided, however, that it shall hold at least one meeting each month. No business shall be transacted at a special meeting except that for which it shall have been called, unless all members of the Council attend such special meeting or give their written consent thereto. (1990, c. 654)

§ 13. Calling special meetings of Council.

The Mayor or any three members of the Council may call special meetings of the Council at any time upon written notice to each member served personally or left at his usual place of business or residence, but special meetings may be held at any time without notice, provided all members of the Council attend such meetings or waive notice thereof. (1990, c. 654)

§ 14. Quorum of Council; consideration and rescinding of votes at special meetings; recordation of votes.

A majority of the members of the Council shall constitute a quorum for the transaction of business. No vote shall be considered or rescinded at any special meeting unless at such special meeting there be present as large a number of members as were present when such vote was taken. No ordinance or resolution appropriating money, appropriating money imposing taxes, or authorizing the borrowing of money shall be passed except by record affirmative vote of a majority of all members elected to the Council. (1990, c. 654)

§ 15. Clerk of Council; rules; appointment of officers and committees; compelling attendance; punishing members; expulsion of members; record book.

The Council shall appoint a clerk to serve at the will of the Council and shall have authority to appoint such officers and committees as they may deem proper for the regulation of their proceedings, and to adopt rules of procedure, which shall be for the convenience of the Council only; to compel the attendance of absent members; to punish its members for disorderly behavior; and by a vote of not less than five members of the Council, to expel a member for malfeasance or misfeasance in office. The Council shall keep a record book in which the clerk shall note the proceedings of the Council and shall record said proceedings at large in the record book and keep the same properly indexed. (1990, c. 654)

§ 16. Adoption of ordinances and resolutions.

All ordinances and all resolutions appropriating funds in excess of $100,000 shall be adopted by the Council on two readings. No such ordinance or resolution shall be adopted on second reading on the same day as its introduction unless five members elected to Council have voted to suspend the rules and to place the matter on second reading. (1990, c. 654; 2009, c. 500)

§ 17. School board.

The school board of the city shall consist of six members, of whom four shall be elected by districts and two at large. The terms of the members and other provisions for school board elections shall be as prescribed by general law of the Commonwealth. (1990, c. 654; 1999, cc. 182, 476)

§ 18. Auditor and city attorney.

The Council may appoint an auditor and a city attorney, or may by ordinance fix the method of their appointment, both of whom shall hold office for such terms as may be fixed by the Council. (1990, c. 654)

§ 19. Election, qualification, term, and compensation of Mayor.

There shall be elected by the qualified voters of the city on the Tuesday after the first Monday in September, 1988, and thereafter as provided in § 7 of this charter, a Mayor, who shall be a qualified voter of said city and who shall be the chief executive officer of the city. He shall receive an annual compensation fixed by the Council in accordance with state law. (1990, c. 654)

§ 20. Vacancy in office of Mayor; disability of Mayor.

Should the person elected Mayor omit or fail from any cause to qualify on or before the date his term of office begins or, if after the election, he shall die, resign, or be removed from office for any cause, then, and in all such events, the Vice Mayor shall serve out the unexpired term.

Whenever, from any cause, the Mayor shall be unable to perform the duties of office, these duties shall be discharged by the Vice Mayor, who shall, in such cases, exercise all of the powers of the Mayor except the power of voting at Council meetings on behalf of the Mayor. (1990, c. 654)

§ 21. Duties and powers of Mayor.

The Mayor of the city shall have, possess, and exercise the same rights and powers given him by general law or by special act, and by ordinances enacted by the Council, except insofar as the same are amended or modified by the provisions of this charter; but the Mayor shall have no power to remove any city officer or employee of the city, and the Mayor shall not have the power of veto. (1990, c. 654)

Chapter III. Powers of the Council Generally.

§ 22. Enumeration.

The Council shall have all the general powers vested in it by the Constitution and laws of the Commonwealth, and it shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the Commonwealth itself may exercise under the Constitution and shall further have power:

1. To levy, assess and collect taxes, and to borrow money within the limits provided by the Constitution of Virginia and by the statute laws of the Commonwealth;

2. To establish a market in and for the city, provide for the appointment of proper officers therefor, prescribe the time and place for holding market, provide suitable grounds and buildings therefor,

and enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrading;

3. To establish, maintain, and operate waterworks and sewer systems and other public utility works, within and without the city; and to contract and agree with the owners of any land for the use of and purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of such works, the pipes, wires, and other appurtenances connected therewith and the fixtures or appurtenances thereof; and to protect from injury, by ordinance, prescribing penalties, the works, pipes, wires, appurtenances, fixtures and land, or anything connected therewith, whether within or without the limits of the city;

4. To establish or change the grade or open, extend, construct, widen or narrow, lay out, graduate, curb, pave, gutter, and otherwise improve, maintain, repair, clean, and close streets including, but not limited to, limited access or express highways, roads, sidewalks, and public alleys in the city, and have them kept in good order and properly lighted; in order to properly light the streets of the city, the Council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary, either on the outer side of the sidewalks, or in the center of the streets; and over any street or alley in the city, which may be ceded or conveyed to the city by proper deed, they shall have like power and authority as over other streets and alleys; they may build bridges in and culverts under such streets, viaducts, subways, and underpasses, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in the city, plant and maintain and may permit shade trees to be planted along the streets; but no person, firm, company, or corporation shall occupy with its works or any appurtenances thereof, the streets, sidewalks, or alleys of the city, without the consent of the Council, duly entered upon its records. In the meantime, no order shall be made, and no injunction shall be awarded by any court or judge, to stay proceedings of the City Council in the prosecution of its work, unless it is manifest that it, its officers or servants, are transcending the authority given by law, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages;

5. To determine and designate the route and grade of any railroad to be laid out in the city;

6. To make provision for and regulate the weighing, measuring, or testing of all products and articles offered for sale and barter in the city;

7. To secure the inhabitants from contagious infection, or other dangerous disease, by quarantine or otherwise; to establish, erect, and regulate hospitals; to provide for and enforce the removal of patients to such hospitals; to appoint and organize a board of health for the city, with the authority necessary for the prompt and efficient performance of its duties;

8. If any ground in the city, or within one mile of its corporate limits, shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof, shall permit upon any

such land or upon any building or structure thereon any offensive, unwholesome, unsanitary, or unhealthy substances to remain or accumulate thereon or therein, the Council may cause such ground to be filled, raised, or drained or may cause such substance to be covered or to be removed, and may require the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures within the city, which constitute a menace to the health and safety of the occupants or the public, and may collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them, except in cases where such nuisance is caused by the action of the city authorities, or their agents, in which case the city shall pay the expense of abating the same, by distress and sale in the same manner in which taxes levied upon real estate for the benefit of the city are authorized to be collected, or by another legal proceeding, provided that reasonable notice shall be first given to the owners or their agents. In case of nonresident owners who have no agent in the city, such notice shall be given by publication once a week for not less than four consecutive weeks in any newspaper published in the city;

9. To regulate and direct the location and construction of all buildings for the storage of gunpowder, explosives, and combustible substances; to regulate the sale and use of explosives, firecrackers, fireworks, gasoline, kerosene, oil, or other combustible material; to regulate the exhibition of fireworks and the discharge of firearms; and to restrain the making of bonfires within the city;

10. To prevent the throwing of stones or engaging in any employment or sport on the streets, sidewalks, or public alleys dangerous or annoying to persons;

11. Where, by provision of this charter, the Council has authority to pass ordinances on any subject, it may prescribe any penalty imposed not exceeding the penalty imposed under state law for a similar offense; and may provide that the offender on failing to pay the penalty imposed shall be imprisoned in the jail of the city for a term not exceeding the term permitted by state law for failure to pay such penalty;

12. The Council may prevent any unlawful obstruction of or encroachment over, under, or in any street, highway, road, alley, bridge, viaduct, subway, underpass, or other public way or place in the city; may provide penalties for maintaining any such unlawful obstruction or encroachment; may remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching to remove the same; pending such removal, may charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, highway, road, alley, bridge, viaduct, subway, underpass, or other public way or place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching, and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; may authorize encroachments upon the public ways and places subject to the terms and conditions as the Council

may prescribe, but the owner or owners, occupant or occupants shall be liable for negligence on account of such encroachment; and may institute and prosecute a suit or action in ejectment or other appropriate proceeding to recover possession of any such public way or place or any other property of the city unlawfully occupied or encroached upon. No encroachment upon such public way or place, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the city;

13. Whenever any street, alley or lane in the city shall have been opened and used as such by the public for a period of five years, the same shall thereby become a street, alley, or land for public purposes, and the Council shall have the same authority and jurisdiction over and right and interest therein as it has by law over the streets, alleys, and lanes laid out by them. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of the city, by plan or plat of record, shall be deemed and held to be dedicated to public use unless it appears by the record that the street or alley so reserved is designated for private use. Upon a petition of a majority of the persons interested, the Council shall have the power to open the same for the use of the public. The Council shall have the right to elect, by resolution entered of record, whether it will or will not accept the dedication of any street or alley and shall also have the right to supervise all platting and planning and any and all other activities for the beautification of the city;

14. The Council shall grant and pay to all city officers such salaries or compensation as the Council may from time to time deem just and proper, or shall be fixed by this charter; provided the Council may permit the city manager to fix the salaries or compensation of any officer which he may see fit;

15. Whenever, by an act of assembly or ordinance of the Council, the necessity of collecting, maintaining and handling a sinking fund for the retirement of city obligations may arise, the Mayor, the city manager and the treasurer of the city shall be, and the same are hereby constituted, a board of sinking fund commissioners, who are authorized to invest such sinking fund in bonds of the Commonwealth of Virginia, those of the United States Government, and those of the City of Fredericksburg, and to collect, care for and reinvest the interest or income accruing from the same as may be directed by the Council by resolution or ordinance. No fees or commission shall be paid to any officer for the handling and control of the sinking funds;

16. If any person, having been an officer of the city, shall not within ten days after he shall have vacated or been removed from office, and upon notification or request of the clerk of the Council, or within such time thereafter as the Council shall allow, deliver over to his successor in office all property, books and papers belonging to the city, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of $100, to be sued for and recovered, with costs. All books, records and documents used in such office by virtue of any provision of this charter, or of any ordinance or order of the City Council, or any superior officer of the city, shall be

deemed the property of the city and appertaining to the office and the chief officer thereof shall be responsible therefor; and

17. The Council shall have the authority to provide for the construction of public buildings by means of design-build and construction management contracts, provided such contracts are competitively awarded in accordance with state law. (1990, c. 654)

Chapter IV. City Manager.

§ 23. Appointment; qualification; term; suspension and removal; absence or disability.

The Council shall appoint a city manager, who shall be the chief administrative officer of the city. The manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the city or Commonwealth. The appointment of the city manager shall be for a term as may be fixed by the Council. Before the city manager may be removed, he shall, if he so demands, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the question of his removal, but pending and during such hearing the Council may suspend him from office. The action of the Council in suspending or removing the manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the Council. In case of the absence or disability of the manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability. (1990, c. 654)

§ 24. Appointment of officers; budget; appropriation ordinance; tax; fiscal year; when licenses and taxes payable.

A. The city manager shall be responsible to the Council for the proper administration of all affairs of the city placed in his charge, and to that end, except as otherwise provided herein, he shall have the power to appoint all officers and employees in the administrative services of the city; but the manager may authorize the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. Appointments made by, or under the authority of, the city manager shall be on the basis of executive and administrative ability, and of training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term, unless for temporary service not to exceed six months.

B. At least sixty days before the end of each fiscal year, the city manager shall prepare and submit to the Council an annual budget for the ensuing fiscal year, based upon detailed estimates, according to classification as nearly uniform as possible. Before the end of each fiscal year, or as soon thereafter as may be practicable, the Council shall pass an annual appropriation ordinance, which shall be based on the budget submitted by the city manager, and shall levy such tax for the ensuing fiscal year as in its judgment shall be sufficient to meet all just demands against the city on any account. The Council may determine when the fiscal year of the city shall begin and end and may change the same

from time to time. The Council may also determine when city licenses and taxes shall be payable. (1990, c. 654)

§ 25. Removal of officers and employees.

Officers and employees appointed by the city manager or under his authorization may be removed by him or by the officer by whom appointed, at any time. The decision of the manager or other officer, in any case, shall be final and there shall be no appeal therefrom to any other officer, body or court whatsoever. (1990, c. 654)

§ 26. Duties generally.

It shall be the duty of the city manager to protect property; to supervise the administration of the affairs of the city; to make such recommendations to the Council concerning the affairs of the city as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the city; to prepare and submit to the Council such reports as may be required by that body; to make and execute all contracts on behalf of the city, except as may be otherwise provided by this charter, or by ordinance passed in pursuance hereof; and to perform all such other duties as may be prescribed by this charter or required of him by the Council. (1990, c. 654)

§ 27. Rights at Council meetings.

The city manager shall be entitled to a seat in the Council, but shall have no vote therein. The manager shall have the right to take part in the discussion in all matters which come before the Council. (1990, c. 654)

Chapter V. Police and Fire Departments.

§ 28. In general.

There shall be a police department and a fire department which may be incorporated into one department by the Council, in which event it shall be known as the department of public safety, with a director thereof. The Council shall provide by ordinances for the appointment of the director of the department of public safety, the term or time for which appointed, and his pay. (1990, c. 654)

Chapter VI. Elective Officers.

§ 29. Elective officers designated; election, duties and compensation of elective officers.

The clerk of the circuit court, the attorney for the Commonwealth, the treasurer, the commissioner of the revenue, the city sheriff and such other elective officers as may by required by the Constitution and statute laws of the Commonwealth, shall be elected in the manner prescribed by law and shall perform such duties and receive such compensation as prescribed by law. (1990, c. 654)

Chapter VII. Finance and Taxation.

§ 30. Contracting debts; issuance of notes and bonds; continuation of present notes and bonds.

The Council may, in the name and for the use of the city, contract debts and cause to be issued therefor notes or bonds in the manner prescribed by law and subject to all the restrictions imposed upon cities by the Constitution and statute laws of the Commonwealth. Nothing contained in this charter shall in any manner affect any notes or bonds of the city now outstanding. (1990, c. 654)

§ 31. Levy and assessment of taxes.

The Council may annually levy and collect, in such manner as it may deem appropriate, taxes and assessments in the city on property, persons and all other subjects of taxation, the taxation of which by cities is not forbidden by general law, including consumer or subscriber taxes upon public utility services of all kinds used within the city and a tax upon admissions to performances within the city for which a charge is made, all to such extent as the Council shall deem necessary to pay the debts, to defray the expenses, and to accomplish the purposes and perform the functions of the city, in such manner as the Council may deem necessary or expedient. (1990, c. 654)

§ 32. License tax.

The Council may levy a tax or a license on any person, firm or corporation conducting any business or profession whatsoever in this city except when prohibited by general law, whether a license may be required therefor by the Commonwealth or not, and may exceed the state license, if any be required. (1990, c. 654)

§ 33. Licenses for motor vehicles and trailers.

The Council may require of owners of motor vehicles, trailers and semi-trailers, residing in the city, licenses for the privilege of operating such vehicles in the city, such license to be issued and the fees therefor fixed by the Council. (1990, c. 654)

§ 34. Sale of goods and chattels for taxes.

All goods and chattels wheresoever found may be distrained and sold for taxes assessed and due thereon and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes against the grantor in such deed, in the manner prescribed by law. (1990, c. 654)

§ 35. Lien on real estate; sale and redemption of real estate for tax delinquencies; purchase of delinquent real estate for benefit of the city.

There shall be a lien on real estate and on each and every interest therein for the city taxes as assessed thereon from the commencement of the year for which they are assessed. The Council may require real estate in the city, delinquent for nonpayment of city taxes, to be sold for said taxes in the manner, and with interest and penalty thereon, at such rates all as is provided by law. Such real estate may be sold in the manner provided by law, and the city may be a purchaser at any sale held under any provision of law for the enforcement of tax liens. (1990, c. 654)

§ 36. Reserved. (1990, c. 654)

Chapter VIII. Miscellaneous.

§ 37. Disposition and disbursement of city moneys; depositories; sureties.

A. All moneys received or collected for use of the city from any source shall be paid over, held and disbursed as the Council may order or resolve, and in such depository or depositories as may be prescribed by the Council, either by ordinance or resolution.

B. Where a depository is so designated the deposit may be conditioned upon security to be furnished by it and approved by the Council either in the form of a surety bond or the deposit of securities, as directed, and where security is furnished and approved the Council may relieve the surety on the bond of the depositing official from liability growing out of the loss of such deposit by reason or acts or failure of the depository, provided nothing herein shall be construed to release said surety from liability for loss resulting from any dereliction of duty on the part of the official.

C. The Council may establish and maintain a centralized system of bookkeeping, accounting and controls which shall comprehend and include the fiscal transactions of all officers and departments of the city including the city school board and the city public welfare board. (1990, c. 654)

§ 38. Actions against city where city jointly liable.

A. In any action against the city to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, or other public works engaged in by the city, where any person or corporation is liable with the city for such negligence, every such person or corporation shall be joined as defendant with the city, where service of process may be had in Virginia in any action brought to recover damages for such negligence, and where there is judgment or verdict against the city, as well as the other defendants, it shall be ascertained by the court or jury, which of the defendants is primarily liable for the damages assessed.

B. If it be ascertained by the judgment of the court that some person or corporation other than the city is primarily liable, there shall be a stay of execution against the city until execution against such person or persons or other corporation or corporations shall have been returned without realizing the full amount of such judgment.

C. This section shall not apply to any action maintained against the city and Stafford County to recover damages for negligence in the construction, maintenance, or operations of the Regional Landfill operated by the city and Stafford County. (1990, c. 654)

§ 39. Actions against city for negligence.

No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof, unless a written statement by the claimant, his agent or attorney or representative of

the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received, shall have been filed with the city attorney, or with the Mayor, or the city manager, within six months after such cause of action shall have accrued; except if the complainant is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted, he was physically or mentally unable to give such notice within the six-month period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from the injury so as to be able to give such notice. (1990, c. 654)

§ 40. Planning and zoning ordinances.

The Council shall have full and complete powers to pass any ordinances not expressly prohibited by state law for planning, zoning, site plans, subdivisions, and preservation of historic and archeological resources, as completely as if all such purposes were fully set forth specifically herein. (1990, c. 654)

§ 41. Continuance in office.

Unless otherwise specifically provided, the persons holding any of the offices provided for in this charter, which offices have existed under the charter heretofore in force, shall continue to hold the same under their previous election or appointment until the term of such office as herein provided shall expire, dating the commencement of such term from the time fixed in the former charter. (1990, c. 654)

§ 42. Bonding of officials and employees.

The Council may require bond with surety from the city manager, treasurer, auditor, and such other officials and employees as may from time to time be prescribed by the Council, in such penalty as may be provided by ordinance. (1990, c. 654)

§ 43. Severability.

Should any portion of this act be declared unconstitutional, illegal or invalid, such decision shall not invalidate any other portion, section or provision hereof, and all parts of this charter not expressly held to be invalid shall remain in full force and effect. (1990, c. 654)

§ 44. Effective date; repeal of conflicting acts.

All ordinances, rules, regulations and orders legally made by the City of Fredericksburg in force on the effective date of this charter, insofar as they or any portion are not inconsistent with this charter, shall remain in full force and effect. (1990, c. 654)

Fries, Town of

County of Grayson

History of incorporation

Formerly the Village of Washington Mills.
Incorporated 1901, c. 42; repealed 1962, c. 330.

Charter amending 1901 Act, 1902, c. 445; repealed 1962, c. 330.

Current charter
Charter, 1962, c. 330.

Amendments to current charter
1966, c. 124 (§§ 2, 5, 5-a [added], 9, 10)
1980, c. 69 (§§ 3, 4, 5, 5-a [repealed])
1984, c. 49 (§ 9 [repealed])

§ 1. The boundaries of the Town of Fries, Virginia, shall be and remain as now established by a decree of the Circuit Court of Grayson County, Virginia, entered on the 25th day of March, 1940, and recorded in the Clerk's Office of the Circuit Court of Grayson County, in Common Law Order Book 12, at Pages 288 and 289. (1962, c. 330)

§ 2. The powers set forth in §§ 15.1-837 through 15.1-914 of the Code of Virginia are hereby specifically conferred upon the town of Fries. (1962, c. 330; 1966, c. 124)

§ 3. The municipal authorities of the Town shall consist of a mayor, seven councilmen, who shall compose the council of the town, a treasurer, a clerk, a chief of police, and such number of policemen as may from time to time, be determined by the council of the town, or as is herein otherwise provided, and such other offices as may, from time to time, be created, and officers as may be provided for by the council aforesaid.

All officers of the town shall be appointed by a majority vote of council, to serve at the pleasure of the council. More than one town office may be held by the same person.

The office of town sergeant shall not be established. (1962, c. 330; 1980, c. 69)

§ 4. The seven councilmen, as provided for in § 3, shall be elected for a term of two years, and each shall serve until his successor shall have qualified. They shall be elected on the first Tuesday in May of every even-numbered year and shall enter upon their duties on the first day of July next succeeding their election, qualifying by taking and subscribing to the usual oath, as prescribed by the general law, before a person duly authorized to administer oaths. (1962, c. 330; 1980, c. 69)

§ 5. There shall annually, at such time in the month of July as the council may designate, be selected by ballot by the council of the town, a mayor, who shall, on or before the first day of September of each year, qualify in the manner prescribed by law, and he shall hold his office for a term of one year from the first day of September next succeeding his appointment, and until his successor shall have been duly elected and qualified.

The mayor shall be the presiding officer of the council, but he shall not, except as hereinafter provided, vote upon any question raised before it, except in a case of a tie. He shall be entitled to such compensation as may, from time to time, be determined by the council. He shall be executive head of

the town government, and shall have the power, and it shall be his duty to see to the enforcement of all ordinances which are not specifically confined to some other officer.

If any person appointed as mayor shall fail to qualify, or a vacancy in such office occur from any other cause, then the members of council shall, by a majority vote, fill such vacancy for the unexpired term. (1962, c. 330; 1966, c. 124; 1980, c. 69)

§ 5-a. (1966, c. 124; repealed 1980, c. 69)

§ 6. If any person elected as councilman shall fail to qualify, or a vacancy in said council occur from any other cause, then the remaining members shall, by a majority vote, fill such vacancy for the unexpired term. Any person qualified to vote in the town shall be eligible to the office of mayor or councilman. (1962, c. 330)

§ 7. All ordinances and resolutions heretofore made and adopted by the town, not in conflict with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the town. (1962, c. 330)

§ 8. Ordinances: Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or resolution and all ordinances, except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. The enacting clause of all ordinances passed by the council shall be: "Be it ordained by the council of the Town of Fries." No ordinance, unless it be an emergency measure shall be passed until it has been read at two regular meetings not less than seven days apart, unless the requirement of such reading has been dispensed with by the affirmative vote of four of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section only, but the new ordinance shall contain the entire ordinance or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of its members. All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by the affirmative vote of two-thirds of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of town property or making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its services by any public utility, shall be so passed as an emergency measure. Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the clerk of the council. Every

member, when present, when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the clerk or from the volume of ordinances printed by authority of the council. The council may at any time have a codification or revision of all ordinances in force at the time, which codification can be passed by the council as a single ordinance and without prior publication, which codification shall be known and cited officially as the Town Ordinance. All ordinances before passage shall be posted at least ten days before hearing thereon, at the front door of the town office and three or more public places in the town, giving the time and place for the hearing of said proposed ordinance, and no other publication shall be required. (1962, c. 330)

§ 9. (1962, c. 330; 1966, c. 124; repealed 1984, c. 49)

§ 10. (a) The schools of the said district shall be under the supervision of a board of trustees, to consist of not less than three nor more than five residents of said district and the superintendent of the public schools of the county of Grayson. It shall be the duty of the council of said town to provide for the support of the public schools in said school district upon estimates that may be furnished by said school board, and for this purpose it may levy a pro rata tax on all the real and personal property therein, not exceeding five mills on every dollar thereof. All school funds raised by taxation or otherwise within the limits of said school district shall be used exclusively for the establishment and conduct of the schools therein. The school taxes shall be collected and disbursed by the treasurer of said town, as county and district school taxes are collected and disbursed, and the said school district shall be exempt from any district school tax, except that herein provided for.

It shall be the duty of the council of the said town of Fries to purchase real estate, if necessary, and to erect thereon suitable school buildings, and for this purpose the said council shall have power to borrow money, not exceeding six thousand dollars; and for the payment of same, it shall have power to execute and issue bonds of said town, to be called public school building bonds, either coupons or registered, and in such denominations as said council may determine, and bearing a rate of interest not exceeding six per centum per annum, payable semi-annually, which bonds shall be payable on or before the expiration of twenty years, from their date. To provide for the payment of the interest and principal of said bonds when due, and a sinking fund, an annual tax may be assessed and levied by said council upon all the lands and subjects within the said school districts liable to county and corporation levies; the said tax to be collected as other municipal taxes of said town are collected.

(b) The title to said property shall be vested in the said school board of the town of Fries school district, and the said buildings and other improvements, when completed, shall be turned over by said council to said school board.

(c) The said school board, as soon after their appointment and organization as practicable, shall cause a census to be taken of the school population of the said district, under forms to be furnished by the superintendent of public instruction, and shall report the same to the county superintendent of schools and thereafter all State school funds to which said district shall be entitled shall be apportioned accordingly. (1962, c. 330; 1966, c. 124)

Front Royal, Town of

County of Warren

Current charter

Charter, 1937, c. 44.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

Chapter I.

§ 1. The inhabitants of the Town of Front Royal, Warren County, Virginia, as its limits now are, or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic by name the Town of Front Royal, and under that name shall have perpetual succession; may use a corporate seal of such kind as it may adopt; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of Virginia or restricted by this charter, the Town of Front Royal shall have and may exercise all municipal powers, functions, rights, privileges and immunities which are now, or may be hereafter, conferred upon or delegated to incorporated towns under the Constitution and laws of Virginia, as fully and completely as if herein enumerated in detail, and no enumeration of particular powers in this charter shall be held exclusive. (1937, c. 44)

§ 2. The corporate limits of the Town of Front Royal, Virginia, as heretofore established, are hereby reestablished, as follows:

The boundaries of municipal corporations remain as now established unless changed as provided in Title 15.2 of the Code of Virginia. (1937, c. 44; 2018, cc. 328, 329)

§ 3. Except as may be otherwise provided in this charter, all powers of the town and the administration and government of the said town shall be vested in the council of the Town of Front Royal and in such boards and officers as are hereafter mentioned, or may be by law otherwise provided. (1937, c. 44)

§ 4. The municipal officers of said town shall, beginning with the effective date of this act and thereafter, consist of a mayor, four councilmen, a town manager, a town treasurer, and a town clerk, who

shall also serve as the clerk of town council, and such other officers as may be designated by ordinance duly enacted from time to time. The town treasurer may additionally, by ordinance duly enacted, serve as the town's finance director. Beginning July 1, 1994, and thereafter, the number of councilmen shall be six. The mayor and councilmen shall be elected by the qualified voters of said town. The town manager, town treasurer and town clerk shall be appointed by the council as is hereinafter provided. (1937, c. 44; 1993, c. 479; 2018, cc. 328, 329)

§ 5. The power and authority of the councilmen shall, in addition to those mentioned and authorized by this act, be such as are mentioned and prescribed by law. (1937, c. 44)

§ 6. A. The mayor and town council shall be elected on the Tuesday following the first Monday in November in even-numbered years in the manner provided by Virginia general election laws, except insofar as they are otherwise herein provided by this charter. The mayor and members of town council in office at the effective date of this charter amendment shall have their terms extended and shall continue in office until December 31 of the year in which their respective terms were to expire.

B. The terms of office for all town council members shall begin on the first day of January next following their election, and each shall serve for a term of four (4) years or until his or her successor shall have been elected and qualified. The term of office for the mayor shall begin on the first day of January next following his or her election, and the mayor shall serve for a term of two (2) years. The town council members and mayor may succeed themselves as often as the voters may choose.

C. Candidates for town council and mayor shall be nominated only by petition in the manner prescribed by general law. Candidates for town council and mayor shall not be nominated or identified on the ballot by political party affiliation or in any other manner that would disqualify them for candidacy under any law of the United States or the Commonwealth of Virginia.

D. The council may fill any vacancy that occurs in the membership of the council for the unexpired term, provided that such vacancy is taken within 45 days of the office becoming vacant; if a majority of the remaining members of the council cannot agree, or do not act, the judges of the circuit court having jurisdiction shall make the appointment. The person so appointed shall hold office only until the qualified voters of the town fill the vacancy by special election pursuant to § 24.2-682 of the Code of Virginia of 1950, as amended, or its successor enactment(s), and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office. If the majority of the seats on the council are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227 of the Code of Virginia of 1950, as amended, or its successor enactment(s).

E. Each member of council shall receive a salary in an amount established by council, payable as the council may direct, provided that no increase in salary of a council member shall take effect during the

incumbent council member's term in office, but this restriction shall not apply when the council members are elected for staggered terms.

F. The mayor shall receive a salary in an amount established by council, payable as the council may direct, but no increase in the mayor's salary shall take effect during the incumbent mayor's term in office. (1937, c. 44; 1940, c. 401; 1954, c. 405; 1975, c. 348; 1987, c. 235; 1993, c. 479; 2018, cc. 328, 329)

§ 7. All municipal officers of the town, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the State by anyone authorized to administer oaths under the laws of the State. If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office fail to give such bond as may be required of him by the council, a vacancy in said office shall then exist. (1937, c. 44)

Chapter II. The Mayor and Vice-Mayor.

§ 8. The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his office. He shall be recognized as the official head of the town for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In time of public danger or emergency, he may take command of the police, maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall be entitled to vote and his vote in case of a tie only shall have the same weight and effect as the vote of a councilman.

The mayor shall have no power to suspend, remove or discharge any officer, agent or employee of the town nor shall he have any power or authority to appoint or employ any officer, agent or employee of the town nor to fix the term of office or employment, or the compensation, or to increase or decrease the power and authority of any officer, agent or employee of the town, but the mayor shall have such powers with respect to the chief of police, the policemen and employees of the police force when and if the mayor is given the control and supervision of the chief of police, the policemen and employees of the police force as provided in § 40 (a) hereof. (1937, c. 44)

§ 9. The council shall, at its first meeting in January following the regular municipal election, choose one of its members as vice-mayor. The vice-major shall perform the duties of the mayor during his absence or disability. In the event of the death, removal or resignation of the mayor, the council shall choose one of the councilmen or some other qualified voter of the Town of Front Royal who shall serve as mayor until the next succeeding municipal election, at which time a successor shall be

elected by the qualified voters of the Town of Front Royal to fill the office of mayor for the remainder of the unexpired term.

Should a member of the council be chosen to serve as mayor until the next municipal election such councilman shall be deemed to have surrendered his office as councilman forthwith upon his qualification as mayor and his office of councilman shall thereupon be vacant. The vacancy thereby created in the council shall be filled by the council as provided in § 6 hereof.

The member of the council who shall be chosen vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town. (1937, c. 44; 2018, cc. 328, 329)

Chapter III. The Council.

§ 10. The council of the town shall be composed of four members. Effective July 1, 1994, the council of the town shall be composed of six members. They shall be elected by the popular vote of the qualified voters of the town, as provided in § 6 hereof. (1937, c. 44; 1993, c. 479)

§ 11. The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor, or any three members of the council. No business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public, except when the public welfare shall require closed meetings.

If any member of the said council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired term shall be filled according to the provisions of this act. (1937, c. 44; 1993, c. 479; 2018, cc. 328, 329)

§ 11-a. The council, of the Town of Front Royal may appoint a civil and police justice for said town, whose term of office shall be two years from the date of his appointment, and whose powers, duties, authority and jurisdiction shall be as hereinafter provided for. Any such appointee shall serve for the said term of two years, and thereafter until his successor shall be appointed and qualified. The mayor, or any other qualified voter of the town, whom the council, or governing body, may deem qualified, may be appointed as such civil and police justice. In the event of the mayor being appointed as such civil and police justice, he shall discharge the duties pertaining to the office of civil and police justice, in his capacity as civil and police justice, and not as mayor, and he shall receive the salary provided for him by the council for his services as mayor, and also such salary, if any, as may be provided for him by the council for his services as civil and police justice.

Said civil and police justice is hereby vested with all the power, authority, and jurisdiction, and charged with all the duties within, and for, the Town of Front Royal, which are, or may hereafter be, imposed upon trial justices and juvenile and domestic relations courts by the laws of the State of Virginia, so far as the same may be applicable and not in conflict with the provisions of this section; and any amendments of the laws governing or relating to trial justices and juvenile and domestic relations courts, or either, of this State shall be considered as amendments, also, of this section, if the same are applicable hereto.

Fees and costs shall be assessed by the civil and police justice and shall be collected as provided by the laws of the State of Virginia, relating to trial justices and juvenile and domestic relations courts. All fees and costs collected by the said civil and police justice and all fines collected for violations of ordinances of the town shall be paid into the town treasury for the use and benefit of the town.

Removals may be had, and appeals from the decisions of the civil and police justice may be taken, to the circuit court of Warren County in the same manner, upon the same terms, and shall be tried in the same way as removals, or as appeals from the decision of trial justices or juvenile and domestic relations courts, as the case may be, are provided to be taken and tried by the laws of the State of Virginia, relating to trial justices and juvenile and domestic relations courts.

The council may also appoint for the civil and police justice such clerk or clerks as may in its discretion be necessary, provide for just compensation therefor, and provide necessary records.

The council shall provide a salary to compensate such civil and police justice in such amount and payable at such times as it shall deem proper, and may provide also for a vacation period, either with or without pay, and for such duration as in its judgment may be proper.

Like provisions may be made for a substitute civil and police justice, and when such substitute acts, he shall receive the compensation which would have been paid his principal if he had acted, and which compensation shall be deducted from the salary or allowance made to the principal.

Nothing contained herein shall prevent the Town of Front Royal from combining with the County of Warren for the use of one trial justice and one substitute trial justice for such combined town and county, in such manner as may be provided by the laws of the State of Virginia relating to trial justices, and if the Town of Front Royal and County of Warren shall at any time combine for the use of one trial justice and one substitute trial justice for the said town and the said county, the laws of the State of Virginia relating to trial justices, so far as applicable, shall control and not this section; but the combination of the said town with the said county for the use of one trial justice and one substitute trial justice shall not prevent the council if at any time thereafter it shall desire so to do, from withdrawing the Town of Front Royal from such combination, by a vote of the council, and appointing a civil and police justice and substitute civil and police justice for the Town of Front Royal under the provisions of this section, notwithstanding anything in the trial justice laws of Virginia to the contrary; and likewise

nothing herein contained shall prevent the town, after withdrawing from such combination, from again adopting the combination with the county. (1940, c. 401)

§ 12. The council shall appoint a clerk to serve at the will of the council, and shall have authority to adopt such rules and appoint such officers and committees as they may deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members; and enforce orderly conduct at meetings.

The council may appoint one of the members of the council, other than the member appointed town treasurer, as town clerk, if in the judgment of a majority of the members of the council it is proper so to do, and the member appointed town clerk shall have all of the duties and powers of town clerk as herein provided and he shall continue to have all of the powers, duties, authority, jurisdiction, responsibilities and obligations of a councilman.

The council shall keep a minute book, or its electronic equivalent, in which the clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed. (1937, c. 44; 2018, cc. 328, 329)

§ 13. A majority of the members of the council shall constitute a quorum for the transaction of business. No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least four members, one of whom may be the mayor in case of a tie vote as provided in section eight hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and three of them concur.

No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least four members, one of whom may be the mayor in case of a tie vote as provided in section eight hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and four of them concur. (1937, c. 44; 1993, c. 479; 2018, cc. 328, 329)

Chapter IV. Town Manager.

§ 14. The council shall appoint a town manager who shall be the chief administrative officer of the town. The town manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the town or the State, but during his term of office he shall reside within the town. No member of the council shall, during the time for which elected, be chosen as town manager. The town manager shall be appointed for a term acceptable to the town council and the town manager. He shall be removable by the town council for cause. Before the town manager may be removed, he shall, if he so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of

the council prior to the final vote on the question of his removal, but pending and during such hearing the council may suspend him from office. The action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the town manager the council may designate some qualified person to perform the duties of the office during such absence or disability. (1937, c. 44)

§ 15. It shall be the duty of the town manager to supervise the administration of the affairs of the town; to make such recommendations to the council concerning the affairs of the town as may seem to him desirable; to keep the council advised of the financial condition and future needs of the town; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this charter or required of him by order or resolution of the council, not inconsistent with this charter.

The council shall have power to appoint either the mayor or town manager as chief conservator of the peace within the town and to see that the ordinances of the town and the laws of the State are enforced. (1937, c. 44)

§ 16. Except as otherwise provided in this charter, the town manager, subject to the consent of the town council, may appoint or employ and he may remove or discharge such officers, employees and assistants as may be necessary to carry on the work in those departments of the town committed to him by ordinance, in all of their respective details, in an economical and satisfactory manner. The salaries and terms of office or employment of such officers, employees and assistants shall be fixed by the town manager subject to the approval of the town council. His action in all respects shall be subject to review by the council and he shall be accountable to the town council only. (1937, c. 44)

Chapter V. Powers of Council.

§ 17. The council of the town shall have general power over all officers and employees of the town as provided in this charter. (1937, c. 44)

§ 18. The council of the town shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town and of all property, real and personal, belonging to said town and may make such ordinances and by-laws relating to the same as they shall deem proper. The council shall in addition to other powers given by law, have power to make such ordinances, orders, by-laws and regulations as they may deem proper and necessary to carry out the following powers, which are hereby vested in them:

First. To establish a market, or markets, in and for said town, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and

buildings therefor, and enforce such regulations as shall be necessary and proper to prevent illegal or unsanitary conditions or activity therein.

Second. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, jails and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town and the performance of its duties and functions.

Third. To establish, maintain, and operate waterworks and sewer systems within and without the town; to purchase water therefor; to contract and agree with the owners of any land, springs or water supplies for the use of or purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supplies, sewer systems, pipes, fixtures, and land or anything connected therewith whether within or without the limits of the town. When the town furnishes water, gas, electric, sewer, or other utility services to users thereof located outside the town's corporate limits, notwithstanding any provision of law to the contrary, the town may collect such compensation and service fees therefor as may be contracted for between the town and such user, and the town shall not thereby be obligated to provide such utility services to any other users outside its corporate boundaries. Any compensation and service fees received by the town for the furnishing of such utility services to users outside the town's corporate limits may, in the discretion of the town council, be paid into the town's general fund.

Fourth. To open, extend, widen, or narrow, lay out, graduate, curb, and pave and otherwise improve streets, sidewalks and public alleys in said town, and have them kept in good order and properly lighted; in order to properly light the streets of said town, the council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in said town, and may cause to be planted or permit shade trees or other plants to be planted along said streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, side-walks, or alleys of the town, without the consent of the council, duly entered upon its records; provided that so long as the said town shall, at its own expense, maintain and keep its streets in good order and repair, it shall be exempt from all labor and tax for county road purposes.

Fifth. To prevent the cumbering or blockage of, or encroachment upon, streets, sidewalks, alleys, lanes, or bridges in the town in any manner whatever.

Sixth. To determine and designate the route and grade of any public utility laid out in said town.

Seventh. To make provisions for and regulate weights, measures and standards.

Eighth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals or other medical or health-related facilities; to provide for and enforce the removal of patients to said hospitals or other medical or health-related facilities; to appoint and organize a board of health for said town, with the necessary authority for the prompt and efficient performance of its duties.

Ninth. To require and compel the abatement and removal of all nuisances within the said town, at the expense of the person or persons causing the same or the owner or owners of the ground whereon the same shall be; to regulate the exercise of any dangerous, offensive or unhealthy activity, enterprise, business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the streets of the town, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the town.

Tenth. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the town authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to said owners or their agents. In case of nonresident owners who have no agent in said town, such notice shall be given by publication at least once a week for not less than four consecutive weeks in any newspaper having general circulation in the said town.

Eleventh. To regulate and direct the location and construction of all buildings for the storage of gunpowder, explosives and combustible substances; to regulate the sale and use of gunpowder, explosives, firecrackers, fireworks, kerosene oil, gasoline, or other combustible material; to regulate or prohibit the exhibition of fireworks, the discharge of firearms, the use of lights or candles in buildings and structures within the town, and to restrain the making of bonfires or other outdoor fires within the town.

Twelfth. To prevent hogs, cows, horses, dogs, and other animals from running at large in the said town, and to subject the same to such confiscation, regulations, licenses, fees, and taxes as they may deem proper, and to prevent the keeping of hogs within the limits of the town.

Thirteenth. To regulate the riding and driving of horses and other animals and the operation of motor and other vehicles, but not in conflict with State law; to prevent the throwing of stones or other

objects, or engaging in any employment or sport on the streets, sidewalks or public alleys, dangerous or annoying to persons; and to prohibit and punish the abuse or cruel treatment of horses and other animals in said town.

Fourteenth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses, and to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said town.

Fifteenth. To prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town.

Sixteenth. To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

Seventeenth. To own, operate and maintain electric light and/or gas works, either within or without the corporate limits of the said town for the generating of electricity and/or the manufacture of gas for illuminating, power and other purposes, and to supply the same, whether said gas and/or electricity be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract with owners of land and water power for the use thereof, or may have the same condemned, and to purchase such electricity and/or gas from the owners thereof, and to furnish the same to its customers and consumers, both within and without the corporate limits of the said city at such price and on such terms as it may prescribe.

Eighteenth. To establish, impose and enforce water, gas, electricity, and sewerage rates and rates and charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the town; and to assess, or cause to be assessed, water, gas, electricity and sewerage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of said services to any person, firm or corporation.

Nineteenth. Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises for public utilities under terms and conditions to be fixed by the council.

Twentieth. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation.

Twenty-first. Subject to the provisions of the Constitution of Virginia and of this charter to contract debts, borrow money and make and issue bonds and other evidences of indebtedness.

Twenty-second. To expend the moneys of the town for all lawful purposes.

Twenty-third. To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

Twenty-fourth. To provide by ordinance for a system of meat and milk inspection and to appoint meat and milk inspectors, agents or officers to carry the same into effect, within or without the corporate limits of the town; to license, regulate, control and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

Twenty-fifth. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and by-laws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the town or its inhabitants, not in conflict with the Constitution of the State, or the Constitution of the United States.

Twenty-sixth. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the said town, and to this end it shall have full authority to employ from time to time such employees, agents, and consultants as it deems necessary to properly maintain, conduct and operate the same; and it shall have full authority to incur indebtedness, unless otherwise prohibited by law, whenever the said council may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the said town, or such as may hereafter be acquired by it; and the council is hereby authorized and empowered to supply electric current to persons, firms, associations and corporations not further distant than fifteen miles from the corporate limits of the town, and to charge therefor for which purpose the said council is specifically authorized and empowered to construct, purchase, lease or otherwise acquire necessary transmission lines, and to purchase, lease or otherwise acquire such rights of ways as may be necessary for such purposes.

The said council shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of said town to connect with such sewerage pipes or connections as may hereafter be installed or constructed by the said town, upon such reasonable terms as may be prescribed by said council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

The said council, however, shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the Town of Front Royal, which election shall be conducted as now provided by general law governing special elections. The Circuit Court of Warren County shall order such special election upon the petition of two hundred qualified voters of the Town of Front Royal, or upon a resolution passed by a majority of the council of said town. For a period of not less than four weeks prior to said special election, the substantial terms of any proposed sale shall be published over the signature of the clerk of

the said town, once a week for four successive weeks in some newspaper of general circulation within the County of Warren, or by publication for not less than once per week for four successive weeks in some other manner permitted by the general laws of the Commonwealth of Virginia for the publication of proposed ordinances of the town. The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

Twenty-seventh. The council shall have all powers and authority to remedy, remove, repair, and secure any blighted or derelict building or structure that are granted in the Code of Virginia to any other locality. (1937, c. 44; 2002, c. 705; 2018, cc. 328, 329)

§ 18.1. Town Council, through its employees and agents at its official visitors' center, shall have the power to sell and vend to the general public items and articles of merchandise obtained from local vendors and merchants and other items that help promote the Town, tourism therein, and access to and awareness of the identities, locations and wares of vendors and merchants within the Town and near vicinity. (2001, c. 245)

§ 19. The council is empowered to acquire, by purchase, gift, devise or condemnation or otherwise, lands to be used as a place for the burial of the dead. The said council shall have the power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the State for the use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, any portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease, and to prescribe what class or conditions of persons shall be admitted to interment in the cemetery. The cemetery, when established and enclosed, with the property included in it, shall be exempt from all State, county, and municipal taxation. (1937, c. 44)

§ 20. The council shall set aside, or cause to be set aside, a sufficient portion of the revenues of the town, during each fiscal year to meet the sinking fund requirements for that year of the respective town ordinances, both those now in effect and such as may be passed in the future, authorizing the issuance of bonds by the town. Unless otherwise provided in the ordinances passed prior to the effective date of this charter authorizing the issuance of bonds, all sinking funds of the town shall be administered by the board of sinking fund commissioners created by section twenty-five of this charter, who shall collect, maintain, and handle the same in the manner provided by section twenty-five hereof. None of the sinking funds of the town shall be appropriated or used for any purpose other than the retirement of the bonded indebtedness of the town. (1937, c. 44)

§ 21. Where the council has authority to pass ordinances on any subject, it may prescribe (i) any penalty not exceeding twelve months in jail or (ii) a fine not exceeding $2,500, either or both, except that for a person convicted for a third or subsequent offense involving the same property committed within ten years of an offense under the Uniform Statewide Building Code's Property Maintenance Code, the

fine shall not exceed $5,000, for a violation thereof, provided that such penalty shall not exceed the penalty prescribed by general law for a like offense. (1937, c. 44; 1985, c. 53; 2002, c. 705)

§ 22. The town council shall not take or use any private property for streets or other public purposes except by gift or by dedication as hereinafter is provided, without making the owner thereof just compensation for the same; but in cases where the council cannot by agreement obtain title to the ground for such purposes, the council may exercise the power of eminent domain, as provided by law. (1937, c. 44)

§ 23. In every case where a street in said town has been, or shall be, encroached upon by any fence, building or otherwise, the council may require the owner to remove the same, and if such removal be not made within the time prescribed by the council, they may impose such penalty as they may deem proper for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs by the same process that they are hereinafter empowered to collect taxes.

Except, in any case where there is a bona fide dispute as to the true boundary line or the location of the true street line (and if passage over such street is not seriously impeded) the same shall first be established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the town or the property owner for that purpose before the said town shall take any steps to remove the said obstruction or encroachment, or to impose any penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the said town. (1937, c. 44)

§ 24. Dedication of any street, alley or lane in said town may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said town, by a plan or plat of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The council shall have the right to elect, by resolution entered on its minutes whether it will, or will not accept the dedication of any street or alley. (1937, c. 44)

§ 25. Whenever by act of the Assembly or by ordinance of the council, the necessity of collecting, maintaining and handling a sinking fund for the retirement of town obligations may arise, the mayor, two members of the council, and the town treasurer, shall be, and the same are hereby, constituted a board of sinking fund commissioners, who are authorized to invest such sinking fund in bonds of the United States government, those of the Town of Front Royal, and such other municipal or county bonds issued by the cities or counties in Virginia as shall met the approval of the council, and to collect, care for, and reinvest the interest or income accruing from the same as may be directed by the town council by resolution or ordinance. Subject to the provisions of this charter and of the general law of the State, any action which the board of sinking fund commissioners shall take shall be

controlled by the affirmative vote of at least two members thereof. No fees nor commission shall be paid to any officer for the handling and control of the sinking fund.

The board of sinking fund commissioners shall have complete charge of all insurance funds, pension and relief funds, and all other funds, which may be created under authority of the council. The sinking fund commissioners shall each give bond payable to the Town of Front Royal in such amount as the council shall prescribe and with sufficient security to be approved by the council, for the faithful discharge of their duties as sinking fund commissioners before entering upon their duties. (1937, c. 44; 1975, c. 348)

§ 26. The council may appoint a duly licensed attorney as town attorney, whose compensation shall be fixed by the council and who shall serve during the pleasure of the council, and in addition to those herein provided for, such officers and clerks as they may deem necessary, and define their powers, prescribe their duties and fix their compensation. The council may take from any officer, whether elected or appointed by them, a bond, with surety, to be approved by the council, in such penalty as it may deem proper payable to the town, with condition for the faithful discharge by the said officer of the duties of his office. (1937, c. 44)

§ 27. The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have the custody of the seal of the said town. He shall keep all papers that by the provisions of this act, or the direction of the council, are required to be filed with or kept by him. Immediately after the close of each session of the town council, he shall make and present to the mayor and town manager a transcript of every ordinance, resolution or order concerning any public improvement, or for the payment of money, and every ordinance, resolution, order and act of legislative character passed by the town council at such session. He shall, in like manner, give notice to all persons presenting communications or petitions to the town council of the final action of the council on such communications or petitions. He shall publish such reports and ordinances as the town council may direct, and shall in general perform such other acts and duties as the council may from time to time require of him. (1937, c. 44)

§ 28. In addition to all the other powers mentioned in this charter, the town shall have power to raise annually, semiannually, or such other periods permitted by general law, by taxes and assessments in said town on all subjects the taxation of which by incorporated towns is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purposes of said town, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this State and of the United States. (1937, c. 44; 2018, cc. 328, 329)

§ 29. The town council is hereby vested with power to impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the

Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments. (1937, c. 44)

§ 30. The town council may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may exceed the State license, if any be required, except when prohibited by general law. (1937, c. 44)

§ 31. Any payment of delinquent taxes made by the tenant, unless under an expressed contract contained in his lease, shall be a credit against the person to whom he owes the rent. (1937, c. 44)

§ 32. The Council may require of owners of motor vehicles, trailers and semi-trailers licenses for the privilege of keeping and operating such vehicles in the town and may levy and assess taxes and charge license fees upon such vehicles. (1937, c. 44; 1968, c. 507)

§ 33. All goods and chattels wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust nor mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes. (1937, c. 44)

§ 34. No tax shall be levied or corporate debt in excess of one hundred dollars be contracted unless by a resolution passed by a recorded vote of a majority of the council, provided however that all expenditures provided for in the budget passed by the town council shall be excepted from this provision of this act. (1937, c. 44)

§ 35. There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed. The council may require real estate in the town delinquent for the non-payment of town taxes to be sold for said taxes, with interest thereon at the rate of six per centum per annum, and such per centum as the council may prescribe for charges. Such real estate may be sold and may be redeemed in the manner provided for by law; provided that at any such sale, where no person bids the amount chargeable on any such real estate, it shall be lawful for the treasurer to purchase the same for the benefit of the town upon the same terms and conditions prescribed by general law, for the purchase of delinquent real estate by the treasurer for the benefit of a city or town, respectively. (1937, c. 44)

§ 36. The town council may create and maintain a fire department for the town and it shall be the duty of the employees of this department to stand ready at all times to answer alarms of fire and make every effort to extinguish fires and protect lives and property. It shall also be the duty of the employees of the fire department to make periodic inspections of the buildings and premises in the town for fire hazards, and to have corrected any situation tending to create a fire hazard, when ordered so to do by the council or the town manager. The employees of the fire department shall have special police powers when responding to alarms of fire and when making inspection for fire hazards. The town

council may provide and maintain all necessary fire fighting apparatus, equipment, and alarm systems, and make such ordinances as it may deem proper and necessary to extinguish and prevent fire, to regulate the operation of the fire department, and may require citizens to render assistance to the fire department in case of need. (1937, c. 44)

§ 37. For the purpose of guarding against the calamities of fire, and based upon the advice of a fire marshal or building official or other person with expertise in the prevention of fires or explosion, the town council may, from time to time, designate such portions and parts of the town as it deems proper within which buildings or other structures deemed by town council as unreasonably dangerous from or susceptible to fire or explosion, may or may not be erected. It may prohibit the erection of buildings, structures, or additions of inflammable material in any portion of the town without its permission, and may provide for the removal of such buildings or structures or additions which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; or if any building in process of erection or already built appears clearly to be unsafe the council may cause such building to be taken down, after reasonable notice to the owner; and the council may, by proper ordinance, divide the town into zones; specify the kind and character of buildings which may be erected in the different zones; provide for the disposition of garbage and waste; provide precautionary measures against danger from fires; provide for the removal of buildings or structures of any kind, erected in violation of ordinances, at the expense of the builder or owner; and may do all other things lawful to be done, looking to the health and safety of the inhabitants of the town. (1937, c. 44; 2018, cc. 328, 329)

§ 38. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative bodies, or directing administrative action and emergency measures shall take effect at the time indicated in such ordinances. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the council shall take effect at the time indicated in such ordinances, but in event no effective date shall be set forth in any such ordinance, resolution or by-law passed by the council, the same shall become effective thirty days from the date of its passage.

An emergency measure is an ordinance or resolution to provide for immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least three members of the council shall be required to pass any ordinance or resolution as an emergency measure. Effective July 1, 1994, the affirmative vote of at least four members of the Council shall be required to pass any ordinance or resolution as an emergency measure. In case there shall be a tie among the members of the council, the vote of the mayor, in event of such tie, shall be controlling. (1937, c. 44; 1993, c. 479)

§ 39. All ordinances hereafter passed by the council for the violation of which any penalty is imposed, shall be published once, at least, in one of the newspapers of general circulation in said town, to be designated by the council, or shall be published in any other manner permitted by general law for the publication of proposed ordinances. A record or entry made by the clerk of said council, or a copy of said record or entry, duly certified to by him, shall be prima facie evidence of the publication of any such ordinance; and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, from a copy thereof, certified by the clerk of said council, provided, however, that whenever the council of the Town of Front Royal shall codify, in whole or in part, and print at one time, or from time to time, in book or pamphlet form, the general ordinances of the Town of Front Royal, or any part thereof, it shall be unnecessary to publish any new or changed ordinances therein contained, or such codification, or codifications, in a newspaper or otherwise, provided that notice of such publication and the availability of such book or pamphlet at the town hall is published in a newspaper as hereinabove required. (1937, c. 44; 1964, c. 105; 2018, cc. 328, 329)

§ 40. (a) The council may exercise full police powers and it may establish and maintain a police force for the Town of Front Royal with such number of policemen and employees as the council may deem necessary and with the head of such force to be known as the chief of police. The chief of police and the policemen and employees of the police force shall be under the control and supervision of the town manager or the mayor as the council may deem expedient. The compensation and terms of office or employment of the chief of police and such policemen and employees of the police force as the council shall deem proper shall be fixed and determined by the council.

(b) Each member of the police force and the chief of police are hereby made and constituted a conservator of the peace and endowed with all the powers of a constable in criminal cases and all other powers which under the laws of the State of Virginia and the ordinances and resolutions of the town may be necessary to enable him to discharge the duties of his office. (1937, c. 44)

§ 41. (a) The council may, in the name of and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(b) Pending the issuance and sale of any bonds, notes or other obligations by this act authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the pro-

ceeds of the said bonds, notes or other obligations or from the town taxes and revenues, as the case may be.

(c) The credit of the town shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation.

(d) Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; provided, however, if there shall be omitted from this act any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of said town, the provisions of general law with reference to similar bonds shall supply said omission.

(e) Any bonds issued by the town under this act shall be signed by the mayor and attested by the clerk under the seal of the town, and shall be made payable in the office of the town treasurer or such other place in or out of the State as the council may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds shall be advertised by the mayor and sold by the town treasurer, or by the town manager as may be provided in such ordinance, under supervision of the mayor, town manager and clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the town treasurer. (1937, c. 44)

Chapter VI. Town Officers.

§ 42. The town council may combine offices when not expressly prohibited, except that the assessing and collecting officers shall not be the same person. (1937, c. 44)

§ 43. The town council shall grant and pay to all town officers and employees such salaries or compensation, if any, as the said council may from time to time deem just and proper, or which shall be fixed by this act, except as such salaries or compensation may be fixed by general law. (1937, c. 44)

§ 44. If any person, having been an officer of such town, shall not within ten days after he shall have vacated, or removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the town the sum of five hundred dollars, and may be sued therefor in the name of the town and recovered with costs; and all, records and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the town council, or any superior officer of the said town, shall be deemed the property of the said town and appertaining to said office, and the chief officer thereof shall be responsible therefor. (1937, c. 44; 2018, cc. 328, 329)

§ 45. All officers hereafter elected under this act, shall be elected at the times and for the terms, as hereinbefore provided, and shall enter upon the discharge of their duties, in accordance with the provisions of the general laws of this State concerning town officers. (1937, c. 44)

§ 46. The Town of Front Royal and the officers thereof, elected or appointed in accordance with the provisions of this act, shall be clothed with all the powers, and be subject to all the provisions of law not in express conflict with the provisions of this act. (1937, c. 44)

§ 47. No member of the council of the Town of Front Royal shall be appointed or elected to any office under the jurisdiction of the council while he is a member of the council, or for one year thereafter, except that the council may appoint one of the members of the council as town treasurer with all or any part of the duties, powers, obligations and responsibilities of the town treasurer provided by this act. (1937, c. 44)

§ 48. The mayor, the town councilmen, the town manager, the chief of police and the members of the police force of the town shall have jurisdiction, power and authority in criminal and police matters for one mile from the corporate limits of the said town. (1937, c. 44)

Chapter VII. Town Treasurer.

§ 49. The town treasurer shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in a penalty of such amount as may be fixed by the council from time to time, payable to the Town of Front Royal, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses and levies except charges for services furnished by the public utilities of the town. The council shall have authority to place in the hands of a town collector to be appointed by it the collection of any taxes, licenses and other levies at any time before they become delinquent, if in the discretion of the council it shall be proper so to do. (1937, c. 44)

§ 50. The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as the ordinances of the town may prescribe; to keep such moneys safely and account therefor, and to pay all drafts or orders made on him in conformity with the ordinances of the town. (1937, c. 44)

§ 51. The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks shall give bond in such sum or sums as the council shall fix. He shall keep books showing accurately the state of his accounts and the money of the town shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly or indirectly the town's money, checks or warrants in his custody and keeping for his own use

and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office. (1937, c. 44)

§ 52. The books and accounts of the town treasurer and all papers relating to the accounts and transactions of the town, shall be at all times subject to the inspection of the mayor, the town council, and such other persons as the council may appoint, to examine the same, and all such books and accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment, or delivered up as the council may at any time require. (1937, c. 44)

§ 53. The town treasurer shall, on the first day of each month, render an account to the council showing the state of the treasury on the day previous and the balance of money on hand. He shall also, if required so to do by the council, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts and statements as the town council may direct. (1937, c. 44)

§ 54. The town treasurer shall annually submit to the town council, within fifteen days after the close of the fiscal year, a full and detailed account of all receipts and disbursements made during the fiscal year just closed. (1937, c. 44)

§ 55. All taxes, levies or other sums of money of whatever nature received by the town treasurer belonging to the Town of Front Royal, shall be credited by the treasurer on his books to the Town of Front Royal and shall be paid out by him only on a warrant of the clerk of the council, countersigned by the mayor. (1937, c. 44)

§ 56. The treasurer shall keep a separate account of each fund and appropriation and the debits and credits belonging thereto; provided, however, that the council shall have the right to require all town funds to be deposited to the credit of the town and may prescribe by resolution or ordinance such other method of disbursement as it shall from time to time deem proper. (1937, c. 44)

§ 57. All moneys received on all special assessments shall be held by the treasurer as a special fund, to be applied to the payment of the matter for which the assessment was made and said moneys shall be used for no other purpose. (1937, c. 44)

§ 58. The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the State. (1937, c. 44)

§ 59. The town treasurer shall receive for his services such compensation, if any, as the council may deem proper. (1937, c. 44)

§ 60. The council may at any time in its discretion combine the duties of town treasurer, or any part of such duties, with those of the duties of town manager, or with the town's finance director, and if and when the council places the duties of the town treasurer, or any part of such duties, upon the town

manager or with the finance director, the town manager, or the finance director, as the case may be, shall have all of the power, authority, duties, obligations and responsibilities which are set forth in this act for the town treasurer to the extent of the combination of the duties of town treasurer with the duties of town manager by the town council. (1937, c. 44; 2018, cc. 328, 329)

Chapter VIII. Town Planning.

§ 61. The council may adopt a town plan, showing the streets, highways, and parks heretofore laid out, adopted, and established, and such town plan shall be final with respect to the location, length, and width of such streets and highways, and the location and dimensions of such parks. Such town plan is hereby declared to be established for the promotion of the health, safety, and general welfare. Upon the adoption of the town plan, or any amendment thereto, a certificate to that effect, together with a plat, shall be filed immediately with the clerk of every county affected by such town plan or amendment. (1937, c. 44)

§ 62. The council is hereby authorized to appoint a town planning commission, fix the number and terms of members, remove any member for cause, fill any vacancies, which may occur, and provide for the powers and duties of such commission, not in conflict with the provisions of this act. (1937, c. 44)

§ 63. The council may at any time, after a public hearing, amend the town plan, including, but not limited to, widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the town plan, the council shall refer the proposed amendment to the town planning commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of thirty days has elapsed after the date of reference to the commission. Any amendment of the town plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of any street and highway, and the location and dimensions of any park. Any widening, relocating, closing or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the town plan, and shall be subject in all respects to the provisions of this chapter. (1937, c. 44; 2018, cc. 328, 329)

§ 64. No plat showing a new street or highway within the town, shall be filed or recorded in the office of the clerk of the town or of any county until such plat has been approved by the council. Before giving any approval, the council shall refer every such plat to the town planning commission for a report, and shall not act on any plat so referred until a report has been received from the commission, unless a period of forty-five days has elapsed after the date of reference to the commission. Before reporting to the council on any plat, the commission shall hold a public hearing thereon. If any plat is

disapproved by the commission, it shall report the reasons for such disapproval to the council. The council shall not approve any plat unless the streets and highways provided in such plats are of sufficient width, of proper grades, and suitably located to meet the probable traffic needs; to afford adequate light, air, and access of fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets and highways. The council may, in appropriate cases, require that a plat, before being approved, shall provide adequate open spaces for parks, playgrounds or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use. After a plat has been approved by the council, the streets, highways, parks and other open spaces shall be a part of the town plan. The council, after a pubic hearing, may adopt general regulations in regard to the filing of plats. (1937, c. 44)

§ 64. (a) Before approving such plat, and thereby accepting the dedication of the streets, alleys, parks and public places thereon, the council shall require that the streets and alleys thereon shall be properly laid out and located with reference to the topography of the land so platted and the adjoining lands, both as to connections and widths, which widths of such streets and alleys shall be plainly marked in figures or written on such plat, and which streets and alleys shall be laid out in harmony with the general plan of the town.

(b) Before approving such plat, and thereby accepting the dedication of the streets and alleys thereon, the council shall require the owner thereof to execute and deliver to the Town of Front Royal a release and waiver of any claim or claims for damages which such owner, his heirs, successors or assigns may have or acquire against the Town of Front Royal by reason of establishing proper grade lines on and along such streets and alleys and by reason of doing necessary grading or filling for the purpose of placing such streets and alleys upon the proper grade and releasing the Town of Front Royal from building any retaining wall or walls along the streets and alleys and property lines; and the council may require such release and waiver to be written and executed on said plat and recorded therewith or by an instrument of writing to be executed and recorded in the clerk's office of the circuit court of Warren County

The council may, in its discretion, require the owner of such platted lands to submit profiles of such streets and alleys, showing the contour thereof, together with proper grade lines laid thereon, and if and when the council is satisfied that the proper grade lines are laid on such profiles, the profiles shall be approved by the council and recorded by the owner or at his expense in the record of the profiles of the streets and alleys of the town, and the council may, in its discretion, require such release and waiver to be made with reference thereto.

(c) Before approving any such plat of any subdivision of lots or lands the town council may, at its discretion, require the owner of such lot or lands to grade the streets and alleys therein, according to grade lines approved and established by the council. (1937, c. 44; 2018, cc. 328, 329)

§ 65. For the purpose of preserving the integrity of the plan, no permit shall hereafter be issued for the construction of any building within the street lines of any mapped street or highway, as laid down in the town plan, within the town. (1937, c. 44; 2018, cc. 328, 329)

§ 66. If such town plan is adopted, no public sewer, water pipe, or other public utility shall be laid and no grading or paving shall be done by the town in any street or highway in the town, unless such street or highway has been placed upon the town plan by the council. No permit shall be issued for any building in the town unless such building is located adjacent to a street or highway which has been placed upon the town plan by the council. Provided, however, where the literal enforcement of the provisions of this section would result in practical difficulty or unnecessary hardship, or where the nature or use of the proposed building does not require its location to be adjacent to a street or highway, the board of appeals, by a majority vote of all its members, may issue a permit for a building, upon such condition as the board may deem necessary to preserve the integrity of the town plan and to insure the proper location of future streets and highways in the town and the surrounding area. Any decisions of the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board. (1937, c. 44)

Chapter IX. Zoning.

§ 67. For the purpose stated in chapter one hundred and ninety-seven of the Acts of Assembly, approved March 18, 1926, the town council is hereby empowered to pass zoning ordinances in conformity with the said act, as amended, subject, however, to the following modifications thereto:

(a) The council shall not adopt any zoning ordinance or map until it shall have appointed a town planning commission, as provided for in chapter eight hereof and shall have received from said commission its recommendations as to a zoning ordinance and map, and shall have held a public hearing thereon.

(b) Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from time to time by the council, either upon its own motion or upon petition, under such conditions as the council may prescribe, after a public hearing and adequate notice to all owners and parties affected. No change shall be made by the council in any zoning ordinance or map until such change has been referred to the town planning commission for a report thereon, and no action shall be taken by the council until a report has been received from the commission, unless a period of thirty days has elapsed after the date of reference to the commission. (1937, c. 44; 2018, cc. 328, 329)

Chapter X. General Provisions.

§ 68. The mayor, town clerk, town treasurer, and town manager shall have power to administer oaths, and to take and sign affidavits in the discharge of their respective official duties. (1937, c. 44)

§ 69. The council, mayor, and any officer, board or commission authorized by the council, shall have power to make investigations as to town affairs and for that purpose to subpoena witnesses, administer oaths and compel the production of books and papers.

Any person refusing or failing to attend or to testify or to produce such books and papers may, by summons issued by such officer or board or the town council, be summoned before the mayor of said town by the board, official or council making such investigation and upon his failure to give satisfactory explanation of such failure or refusal, may be fined by the mayor not exceeding one hundred dollars or imprisoned not exceeding thirty days, and such person shall have the right to appeal to the circuit court of Warren County. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1937, c. 44)

§ 70. The plan of government provided by this charter may be changed to any other plan provided for the government of incorporated towns in the manner provided by general law therefor; and if and when the Town of Front Royal shall become a city of the second class in the manner provided by general law, the plan of government provided by this charter shall continue so far as applicable, but such plan of government may be changed to any other plan provided for the government of cities of the second class at any time in the manner provided by general law. (1937, c. 44)

§ 70-a. In the event the Town of Front Royal is established as a city, it is hereby authorized to enter into contract with the County School Board of Warren County, Virginia, for furnishing public school facilities for the city, in which event, with the approval of the State Board of Education, the county and city shall be constituted as one school system for the establishment, operation, maintenance and management of the public schools within the county and city; and provided further that representation on the County School Board of Warren County for the City of Front Royal shall consist of one representative from each magisterial district (or ward) of the city of Front Royal to be appointed as provided in section six hundred fifty-three-a one and six hundred fifty-three-a two, Acts 1942, chapter four hundred twenty-two. (1944, c. 209)

§ 71. Nothing in this act shall authorize any ordinance in conflict with any provisions of the Virginia Alcoholic Beverage Control Act. (1937, c. 44)

§ 72. The town shall not levy any tax which is prohibited by the Constitution of Virginia or by general law. (1937, c. 44)

§ 73. If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof which is so held invalid. (1937, c. 44)

§ 74. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed. (1937, c. 44)

§ 75. It being desirable to put into operation certain provisions of this charter without delay, an emergency is declared to exist and this act shall be in force and effect from and after the date of its passage. (1937, c. 44)

Editor's note: Complete amendments listing for the Town of Front Royal:

Current charter
Charter, 1937, c. 44.

Amendments to current charter
1940, c. 401 (§§ 6, 11-a [added])
1944, c. 209 (§ 70-a [added])
1954, c. 405 (§ 6)
1964, c. 105 (§ 39)
1968, c. 507 (§ 32)
1975, c. 348 (§§ 6, 25)
1985, c. 53 (§ 21)
1987, c. 235 (§ 6)
1993, c. 479 (§§ 4, 6, 10, 11, 13, 38)
2001, c. 245 (§ 18.1 [added])
2002, c. 705 (§§ 18, 21)
2018, cc. 328, 329 (§§ 2, 4, 6, 9, 11, 12, 13, 18, 28, 37, 39, 44, 60, 63, 64 (a), 65, 67)

Galax, City of

History of incorporation
Incorporated as a town by a 1906 Act of Assembly.
Changed from a town to a city on November 30, 1953, by court order.
Incorporated as a town, 1906, c. 86.
Charter, 1922, c. 101; repealed 1954, c. 562.

Current charter
Charter, 1954, c. 562.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

Chapter 1. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the present limits of the City of Galax, as hereinafter described, or as the same may be hereinafter altered and established by law, shall continue to be a body politic and corporate, to be known and designated as the City of Galax, and as such shall have and may exercise all powers which are now, or hereinafter may be conferred upon, or delegated to the city under the Constitution and laws of the Commonwealth of Virginia, as fully and as completely as though said powers were specifically enumerated herein and no enumeration of particular powers by this charter shall be held to be exclusive; and the City of Galax as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The administration and government of the said city shall be vested in the Council of the City of Galax as hereinafter constituted, and in such other boards and officers as are hereinafter mentioned, or may be by law or the Council otherwise provided. And it shall consist of one ward until such time as it may be subdivided into additional wards in the manner prescribed by law.

All legal contracts and obligations of the Town of Galax heretofore made, not inconsistent with this charter and the general laws and constitution of the State, shall be and are hereby declared valid and legal obligations of the City of Galax. (1954, c. 562)

§ 1.02. Boundaries.

The metes and bounds of said city as its limits now are, are as follows, to wit:

BEGINNING at an iron stake in right of way line of State Highway # 89 near north end of bridge over Chestnut Creek; thence N. 7-30 E. 675 feet with right of way line Highway # 89 to an iron stake; thence N. 67-45 W. 2354 feet to an iron stake in A. C. Anderson's land; thence S. 69-10 W. 4844 feet to an iron stake in a field on west side of Petty Road; thence N. 25-45 W. 3168 feet to an iron stake in right of way line of Oldtown Road; thence N. 37-15 E. 6716 feet to an iron stake near a hickory tree in field of the W. F. Murphy estate; thence N. 57-20 E. 9214 feet to a stake in field of the T. G. Vaughan estate; thence S. 9-20 E. 7328 feet to an iron stake in Edd Spivey's field; thence S. 41 W. 7372 feet to an iron stake near bank of Chestnut Creek; thence S. 71-25 W. 257 feet to an iron stake; thence S. 47-45 W. 207 feet to an iron stake; thence N. 67-15 W. 90 feet to an iron stake in right of way line of Highway # 89 the point of beginning; all said lands lying in the counties of Carroll and Grayson. (1954, c. 562)

Chapter 2. Powers.

§ 2.01. In addition to the powers mentioned in § 1.01, the said city shall have power:

(1) To raise annually by taxes and assessments in said city on all subjects the taxation of which by cities is not forbidden by general law, such sums of money as the council herein provided for shall

deem necessary for the purpose of said city, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this Commonwealth and of the United States. In addition to the tax for general city purposes the Council may levy a tax for the operation and maintenance of its schools.

(2) The city council may levy a tax or a license on any person, firm, or corporation conducting any business, employment or profession whatsoever in the city, except when expressly prohibited by general law, whether a license may be required therefor by the Commonwealth or not, and may not exceed the state license, if any be required; to levy and collect taxes for admission to or other charges for any public amusement, entertainment, performance, exhibition, sports or athletic event in the city which taxes may be added to and collected with the price of such admission or other charges.

(3) The council may require of owners of motor vehicles, trailers and semitrailers, residing in, or having a place of business in the city in which business the said motor vehicle is used, licenses for the privilege of operating such vehicles in the city, such licenses to be issued and the fees therefor fixed by the council, provided that the license shall not exceed the amount charged by the Commonwealth on the said vehicle.

(4) All goods and chattels wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes.

(5) There shall be a lien on real estate for the city taxes as assessed thereon from the commencement of the year for which they were assessed. The council may require real estate in the city delinquent for the nonpayment of city taxes to be sold for said taxes, with interest thereon at the maximum rate allowed by state law, and such percent as the council may prescribe for charges. Such real estate may be sold and may be redeemed in the manner provided by law; provided that at any such sale where no person bids the amount chargeable on any such real estate, it shall be lawful for the director of finance to purchase the same for the benefit of the city upon the same terms and conditions prescribed by general law, for the purchase of delinquent real estate by the treasurer for the benefit of a city.

(6) To impose special or local assessments for local improvements and enforce payment thereof, subject, however, to limitations prescribed by the Constitution of Virginia, as may be in force at the time of the imposition of such special or local assessments.

(7) To contract debts, borrow money and make and issue evidence of indebtedness.

(8) To expend the money of the city for all lawful purposes.

(9) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within the city and for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any other part thereof.

(10) To acquire or lease by purchase, gift or devise for municipal purposes or for the purpose of encouraging commerce and manufacture, lands within and without the city, and may from time to time sell or lease the same or any part thereof for all lawful purposes.

(11) To make and maintain public improvements of all kinds, including municipal and other public buildings, airports, armories, markets, municipal off-street parking stations, swimming pools, libraries, hospitals, comfort stations or rest rooms and all buildings and structures necessary or appropriate for the use of the departments of fire and police; and to establish a market or markets in and for said city for the sale of food-stuffs, to appoint proper officers therefor; to prescribe the time and place for holding the same; to provide suitable buildings and grounds therefor and to make and enforce such rules and regulations as shall be necessary to restrain and prevent huckstering, forestalling and regrating, and for the purpose of regulating and controlling the sale of fresh meats, seafood, farm and domestic products and all perishable goods in said city; by such methods, the council shall also have authority to confine the sale of such articles or products by hucksters, peddlers, or other similar tradesmen to the public markets and public squares provided by the city for that purpose, and shall have full authority to regulate the same.

(12) To furnish all local public services, to purchase, hire, construct, own, lease, maintain and operate local public utilities, to acquire by condemnation or otherwise within or without the corporate limits, lands and property necessary for any such purposes.

(13) To own, operate and maintain electric light and/or gas works, either within or without the corporate limits of the said city for the generating of electricity and/or the supplying of gas for illuminating power and other purposes, and to supply the same whether said gas and/or electricity be generated or purchased by said city, to its customers and consumers both at such price and upon such terms as it may prescribe, and to that end it may contract with owners of land and water power for the use thereof, or may have the same condemned, and to purchase such electricity and/or gas from the owners thereof, and to furnish the same to its customers and consumers, both within and without the corporate limits of the said city at such price and on such terms as it may prescribe.

(14) To establish, impose and enforce water, light and sewerage rates and rates and charges for public utilities, or other service, products or conveniences, operated, rendered or furnished by the city; and to assess, or cause to be assessed, water, light and sewerage rates and charges against the proper tenant or tenants or such persons, firms, or corporations as may be legally liable therefor; and the council may by ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of said services to any person, firm or corporation, but

nothing herein shall be construed as conferring upon said council authority to regulate rates and charges of public utilities which are subject to the jurisdiction of the State Corporation Commission.

(15) Subject to the provisions of the Constitution of Virginia to grant franchises for public utilities.

(16) To acquire in the manner provided by the general laws any existing water, gas or electric plant, works or system, or any part thereof. Any public utility owned or operated by the City of Galax, whether it be water, gas, electric plant or otherwise shall not be sold until the same shall have been first approved as required by law.

(17) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter, or close the same; to establish and maintain public parks, playgrounds and other public grounds; to construct, maintain and operate public bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, drains and highways; to regulate the operation and speed of all locomotives, cars, and vehicles using the streets or railroads within the city; to regulate the services to be rendered and rates to be charged by public buses, motor cars, taxicabs and other public vehicles used for hauling passengers and baggage for hire, except when prohibited by the State Corporation Commission of Virginia, or the Interstate Commerce Commission; to require any telephone and telegraph wires and cables carrying electricity, data or television to be placed in conduits under ground and to prescribe rules and regulations for the construction and use of such conduits; and to do all other lawful things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(18) To construct and maintain, or aid in constructing and maintaining, public roads, boulevards, parkways and bridges beyond the limits of the city, in order to facilitate public travel to and from said city and any property owned by said city and situated beyond the corporate limits thereof, and to acquire land necessary for such purposes by condemnation or otherwise.

(19) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire and operate plants for the utilization or destruction of such materials, or any of them; or to contract for and regulate the collection and disposal thereof.

(20) To compel the abatement and removal of all public nuisances within the city or upon property owned by the city, beyond its limits; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds; to regulate or prevent slaughter houses or other noisome or offensive business within said city, the keeping of animals, poultry or other fowls therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles or materials through the streets of the city; to compel the abatement of smoke, odors and dust; to prevent unnecessary noise therein; to regulate the location of stables

and the manner in which they shall be kept and constructed, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

(21) If any ground in the said city shall be subject to be covered by stagnant water or if the owner or occupant thereof shall permit any offensive or unwholesome substance to remain or to accumulate thereon, the said council may cause such ground to be filled up, raised or drained, or may cause such substance to be covered or removed therefrom, provided, that reasonable notice shall be first given to the said owner or occupant or his agent. In case of nonresident owners who have no agent in said city, such notice may be given by publication for not less than ten days in any newspaper published in said city or having general circulation therein.

(22) To direct or prevent the location of all buildings for storing gunpowder or other explosives or combustible substances, to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles, and light in barns, stables and other buildings and the making of bonfires.

(23) To prevent the running at large in said city of all animals and fowls, and to regulate the keeping or raising of same within said city, and to subject the same to such levies, regulations and taxes as it may deem proper.

(24) To inspect, test, measure and weigh any commodity or article offered for human consumption or use within the city.

(25) To have all duties, powers and authority as provided by the applicable provisions of the Code of Virginia for political subdivisions of the Commonwealth of Virginia, unless otherwise restricted or limited.

(26) To establish, organize and administer public schools subject to the general laws establishing a standard of education for the Commonwealth .

(27) To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive, or penal institutions.

(28) To provide for the preservation of the general health of the inhabitants of said city, make regulation to secure the same, inspect all food and foodstuffs and prevent the introduction and sale in said city of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits; to provide for the organization of a department of health, to

have the powers of a board of health, for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to establish a quarantine ground within the city limits and one mile thereof outside the city and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the Commonwealth and the United States; to provide and keep records of vital statistics and compel the return of all births, deaths and other information necessary thereto.

(29) To acquire by purchase, gift, devise, condemnation or otherwise lands, either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of the dead.

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

(31) To create, regulate and maintain a fire department for the city and to prescribe the duties of said department and its officers.

(32) For the purpose of guarding against the calamities of fires, the city council may, from time to time, designate such portions and parts of the city as it deems proper within which inflammable buildings may not be erected. It may prohibit the erection of wooden buildings or buildings of inflammable material in any portion of the city without its permission, and may provide for the removal of such buildings or additions which shall be erected contrary to such prohibitions at the expense of the builder or owner thereof; or if any building in process of erection or already built appears clearly to be unsafe, the council may cause such building to be taken down, after reasonable notice to the owner; and the council may, by proper ordinance, divide the city into zones; specify the kind and character of buildings which may be erected in the different zones; provide for the disposition of garbage and waste; provide precautionary measures against danger from fires; provide for the removal of buildings or structures of any kind, erected in violation of ordinances, at the expense of the builder or owner; and may do all other things lawful to be done, looking to the health and safety of the inhabitants of the city.

(33) The city council shall not take or use any private property for streets or other public purposes without making the owner thereof just compensation for the same; but in cases where the council cannot by agreement obtain title to the ground for such purposes the council may exercise the power of eminent domain, as provided by law.

(34) In every case where a street in said city has been, or shall be, encroached upon by any fence, building or otherwise, the council may require the owner to remove the same, and if such removal be not made within the time prescribed by the council, it may impose such penalty as it deems proper for each and every day it is allowed to continue thereafter, and may cause the encroachment

to be removed, and collect from the owner all reasonable charges therefor, with costs by the same process that council is hereinafter empowered to collect taxes.

Except, in case where there is a bona fide dispute as to the true boundary line or the location of the true street line (and if such passage over such street is not seriously impeded) the same shall be first established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by the said city or the property owner for that purpose before the said city shall take any steps to remove the said obstruction or encroachment, or to impose any penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the said city.

(35) Dedication of any street, alley or lane in said city may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said city, by a plan or plot of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The council shall have the right to elect by resolution entered on its minutes, whether it will or will not accept the dedication of any street or alley.

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

(37) To establish a system of pensions for injured, retired or superannuated city officers and employees, members of the police and fire departments, teachers and other employees of the school board, and to establish a fund or funds for the payment of such pensions by making appropriations out of the treasury of the city, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by any combination of these methods, or by any other method not prohibited by law, provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be paid therefrom, and provided further that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever, nor shall any assignment of such benefits be enforceable in any court.

(38) To acquire, lease, construct, own, maintain and operate places for the parking or storage of vehicles by the public, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use, provide for their management and control; authorize or permit others to use, operate or maintain such places, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at such places.

(39) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, by fine or imprisonment, or both, provided that such penalties shall not exceed any penalties established by the Commonwealth for similar offenses. The city may maintain a suit notwithstanding such ordinance may provide punishment for its violation. Upon conviction for violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security as provided by law conditioned to keep the peace and be of good behavior and not to violate the ordinance for the breach of which he or she has been convicted. From any fine and confinement imposed an appeal shall lie as in cases of misdemeanor. The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein or implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this Commonwealth not inconsistent with this charter. (1954, c. 562; 1979, c. 292; 1991, c. 122; 2009, c. 823)

§ 2.02. In the exercise of the power of eminent domain conferred by the preceding section, the city shall have and may exercise all the powers conferred upon the State Highway Commissioner by the Code of Virginia; provided, that the certificate provided for by the Code of Virginia shall be issued by the city manager and countersigned by the director of finance of the city; and, provided further that the applicable provisions of the Code of Virginia shall apply to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this section. (1956, c. 102; 2009, c. 823)

Chapter 3. The Council.

§ 3.01. Composition of council; vacancies.

The council shall consist of seven members. All councilmen shall be residents of the city and qualified to vote, and shall be elected at large, and each shall serve for a term of four years. On the first Tuesday in May, 1974, and on said day each four years thereafter, four councilmen shall be elected, each of whom shall serve for a term of four years, from the July 1 next following the date of their election until their successor shall have been elected and qualified. On the first Tuesday in May, 1976, and on said day each four years thereafter, three councilmen shall be elected, each of whom shall serve for a term of four years from the July 1 next following the date of their election until their successor shall have been elected and qualified.

The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body,

or any of them. Vacancies in the council shall be filled as provided by law. (1954, c. 562; 1973, c. 293; 2009, c. 823)

§ 3.02. Organization; rules of the council.

(1) The council shall meet at such times as it may prescribe by ordinance or resolution, except that it shall regularly meet not less than once each month. The mayor, and any member of the council, or any two members of the council, or the city manager and any councilman, may call special meetings of the council, upon written notice, as provided by law; or such meeting may be held at any time without notice, provided all members of the council attend.

(2) The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules of procedure, may punish its own members for misconduct in office and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the Council shall constitute a quorum to do business, but no resolution or ordinance shall be adopted except by affirmative vote of a majority of all members elected to the council, but a smaller number may adjourn from time to time and compel the attendance of absentees. All votes by the council shall be recorded in the journal of the council with the name of the member voting and how he voted. No vote or question decided at a regular meeting shall be reconsidered at a special meeting unless all members are present and four of them concur. (1954, c. 562; 2009, c. 823)

§ 3.03. Compensation of council.

The Compensation to be paid to each council member shall be fixed by a majority vote of all members elected to the council subject to the procedures and limitations as provided by law. (1954, c. 562; 1979, c. 292; 2009, c. 823)

§ 3.04. Powers.

All powers vested in the city shall be exercised by the council except as otherwise provided in this charter. In addition to the foregoing, the council shall have power to provide for the organization, conduct and operation of all agencies of the city; to create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies; to provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city; to provide for the form of oaths and the amount and condition of surety bonds to be required of officers and employees of the city. Upon recommendation of the city manager, to assign and reassign to departments, all bureaus, divisions, offices, agencies, departments and functions thereof except the city school board. (1954, c. 562)

§ 3.05. Mayor.

At its first regular meeting every second year, the council shall proceed to choose by majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two

years. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members, but shall have no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The vice-mayor shall, in the absence or disability of the mayor, perform the duties of mayor, and if a vacancy shall occur in the office of mayor the vice-mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor, the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor. In addition to his salary as councilman, the mayor shall be paid a further compensation, subject to the procedures and limitations as provided by law. (1954, c. 562; 1973, c. 293; 2009, c. 823)

§ 3.06. City clerk.

The council shall elect a city clerk who shall serve at the pleasure of council. He shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the council. The said clerk is authorized to appoint such assistants as the council may authorize who shall be authorized to act as city clerk in the absence or disability of the city clerk. (1954, c. 562; 1973, c. 293; 2009, c. 823)

§ 3.07. Ordinances and resolutions.

Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or resolution, and all ordinances, except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. The enacting clause of all ordinances passed by the council shall be: "Be it ordained by the council of the City of Galax." No ordinance, unless it be an emergency measure, shall be passed until a public hearing has been held to consider such ordinance and notice of intent to adopt such ordinance has been advertised at least once, no less than seven days prior to the public hearing thereon. Emergency ordinances may be adopted without public hearing but shall be effective for 60 days unless subsequently adopted after advertisement and public hearing. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of its members. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal, or extension of a franchise or other special privilege or regulating the rate to be charged for its services by any public utility, shall be so passed as an emergency measure. Every

ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the clerk of the council. Every member, when present, when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the clerk or from the volume of ordinances printed by authority of the council. The council may, at any time, have a codification or revision of all ordinances in force at the time, which codification can be passed by the council as a single ordinance and without prior publication, which codification shall be known and cited officially as the city code. (1954, c. 562; 2009, c. 823)

Chapter 4. City Manager.

§ 4.01. Appointment and qualification.

The council shall appoint a city manager, who shall be the administrative and chief officer of the city. The manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the city or State, but during his tenure of office he shall reside within the city. No member of the council shall, during the time for which elected, be chosen as city manager. The manager shall be appointed for an indefinite term, but shall be removable at the pleasure of the council. Before the manager may be removed he shall, if he so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his removal, but pending and during such hearing the council may suspend him from office. The action of the council in suspending or removing the manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the manager the council may designate some qualified person to perform the duties of the office during such absence or disability. (1954, c. 562)

§ 4.02. Responsible to council; appointment and removal of employees.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end, except as otherwise provided herein, he shall have the power to appoint, discipline and remove all officers and employees in the administrative service of the city, other than elective officials, but the manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office, but he shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. Appointments made by, or under the authority of, the city manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. Officers

and employees appointed by the city manager, or under his authorization, may be removed by him, or by the officer by whom appointed, at any time. The decision of the city manager, or other officer, in any such case, removing an officer or employee of the city shall be final, subject to review by the council. (1954, c. 562; 2009, c. 823)

§ 4.03. Powers and duties.

It shall be the duty of the city manager to supervise the administration of the affairs of the city; to see that the ordinances of the city and the laws of the State are enforced; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial conditions and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; to serve as the chief personnel officer of the city; and to perform such other duties as may be prescribed by this charter or required of him by the council. (1954, c. 562; 2009, c. 823)

Chapter 5. Schools.

§ 5.01. School district.

The City of Galax shall constitute a separate school district. (1954, c. 562)

§ 5.02. Number and qualification.

The school board shall consist of five members who shall be qualified voters of the city and not members of the city council. (1954, c. 562; 1968, c. 471; 2009, c. 823)

§ 5.03. Appointment and terms of trustees.

The members of the Galax City School Board in office at the time of the adoption of this act shall remain in office and have their terms extended by six months. Each vacancy occurring thereafter shall be filled by appointment for a term of three years. The term of each member appointed shall begin July 1 following his appointment. (1954, c. 562; 1968, c. 471; 1977, c. 173; 2009, c. 823)

§ 5.04. Compensation.

The compensation to be paid to each member shall be fixed by a majority vote of the council, subject to any limitations imposed by general law. (1954, c. 562; 2009, c. 823)

§ 5.05. Powers.

The establishment, maintenance, and operation of a system of free public schools within the City of Galax shall be under the control of the school board, appointed by the city council in accordance with the provisions of this charter, the Constitution of Virginia, the laws of the Commonwealth, the regulations of the State Board of Education; and said board shall have all the rights, privileges, powers, and duties granted or empowered by the said provisions, Constitution, laws, and regulations; and nothing in this charter shall negate any rights, privileges, powers, or duties granted or empowered to the school board by said provisions, Constitution, laws, and regulations; and neither shall the school

board have any such rights, privileges, powers, and duties not provided by said provisions, Constitution, laws and regulations. (1954, c. 562)

Chapter 6. Civil and Police Justice. (Repealed)

§ 6.01. (1954, c. 562; 1970, c. 181; repealed 2009, c. 823)

§ 6.02. (1954, c. 562; repealed 2009, c. 823)

§ 6.03. (1954, c. 562; repealed 2009, c. 823)

§§ 6.04 through 6.09. (1954, c. 562; 1956, c. 333; repealed 2009, c. 823)

§ 6.10. (1956, c. 333; repealed 2009, c. 823)

Chapter 7. Judge of the Juvenile and Domestic Relations Court. (Repealed)

§ 7.01. (1954, c. 562; repealed 1956, c. 333)

Chapter 8. City Sergeant. (Repealed)

§ 8.01. (1954, c. 562; repealed 2009, c. 823)

Chapter 9. Police Department.

§ 9.01. Appointment; regulations.

The police force shall be composed of a chief of police and of such officers, patrolmen and other employees as the council may determine. The chief of police shall have the immediate direction and control of the said force, subject, however, to the supervision of the city manager and to such rules, regulations and orders as the said city manager may prescribe. The chief of police shall issue all orders, rules and regulations for the government of the whole force. In case of the disability of the chief of police to perform his duties by reason of sickness, absence from the city or other cause, the city manager shall designate some member of the police force to act as chief of police during such disability, and the officer so designated shall serve without additional compensation. Each member of the said force shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully, without fear or favor, perform the duties of this office, and such oath shall be filed with the clerk of the city and preserved with the records of his office. (1954, c. 562; 2009, c. 823)

§ 9.02. Powers and duties.

The officers and privates constituting the police force of said city shall be, and they are, hereby vested with all of the power and authority which pertains to the office of constable at common law in taking cognizance of and in enforcing criminal laws of the State and the ordinances and regulations of said city and it shall be the duty of each such officer and private to use his best endeavors to prevent the commission within the said city of offenses against the laws of said State, and against the ordinances

and regulations of said city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of said city and to secure the inhabitants thereof from violence and the property therein from injury; to execute any criminal warrant or warrant of arrest and summons in criminal cases that may be placed in his hands, by any justice of the city and shall make due return thereof. Such policemen shall have power and authority in civil matters which pertain to the office of constable at common law or which sheriffs possess under the general law; to execute any civil warrants, attachments, garnishments, summonses or other civil papers issued by the civil and police justice; to levy on property under executions, distress warrants and attachments and sell same as provided by the general laws of the Commonwealth. All fees collected by said officers for the performance of the duties herein mentioned shall belong to the city. (1954, c. 562)

Chapter 10. Removals and Appeals. (Repealed)

§ 10.01. (1954, c. 562; 1956, c. 333; repealed 2009, c. 823)

Chapter 11. Circuit Courts Having Jurisdiction in City.

§ 11.01. Jurisdiction.

The Circuit Court of Carroll County and the Circuit Court of Grayson County shall have concurrent jurisdiction in the city, in all respects as corporation courts have in other cities, insofar as such jurisdiction is applicable to cities of the second class; provided, however, that the power of appointment of any officer or board required under the constitution to be made by the circuit court, or the judge thereof, having jurisdiction over the city, shall be vested in the Circuit Court of Grayson County. (1954, c. 562)

Chapter 12. County Officials.

§ 12.01. Powers; right to vote for such officials.

The Commonwealth's attorney of Carroll County, the clerk of Circuit Court of Carroll County and the sheriff of Carroll County, whether heretofore elected or appointed, shall continue to exercise and have the same rights and privileges, perform the same duties, have the same jurisdiction in that part of the area lying within the city, which was a part of and lying in Carroll County, Virginia, before and at the time of the transition of the Town of Galax into a city, as they had in such area of the town before such municipality became a city, and the qualified voters residing in such area of the city shall be entitled to vote for such officers, as well as the candidates for members of the legislature of said county, at the general county election for such officers, and the precinct or precincts of the city in said area shall be treated, for such election purposes, as precincts of the county, as if such city had not been declared to be a city of the second class. (1954, c. 562)

§ 12.02. The Commonwealth's attorney of Grayson County, the clerk of the Circuit Court of Grayson County and the sheriff of Grayson County, whether heretofore elected or appointed, shall continue to exercise and have the same rights and privileges, perform the same duties, have the same jurisdiction in that part of the area lying within the city, which was a part of and lying in Grayson County, Virginia, before and at the time of the transition of the Town of Galax into a city, as they had in such area of the town before such municipality became a city, and the qualified voters residing in such area of the city shall be entitled to vote for such officers, as well as the candidates for members of the legislature of said county, at the general county election for such officers, and the precinct or precincts of the city in said area shall be treated, for such election purposes, as precincts of the county, as if the city had not been declared to be a city of the second class. (1954, c. 562)

Chapter 13. Special Justice. (Repealed)

§ 13.01. (1954, c. 562; 1956, c. 333; repealed 2009, c. 823)

Chapter 14. City Attorney.

§ 14.01. Appointment and qualification.

The council shall elect a city attorney who shall serve solely at the pleasure of the council. He shall at the time of his election have practiced law in the State of Virginia for at least three years. He shall be the legal advisor of and attorney and counsel for the city and for all officers, and departments thereof, in matters relating to their official duties. He shall prosecute all suits, actions and proceedings for and on behalf of the city, and defend all suits, actions and proceedings against the same, and shall prepare all contracts, bonds and other instruments in writing, in which the city is interested or concerned, and shall endorse on each his approval of the form and correctness thereof, provided that in the case of bonds to be issued by the city it shall be sufficient if he certify to the council his approval thereof as to form in a separate writing, to be filed and preserved with the records of the council. The said city attorney shall perform such other duties as may be required of him by general law, ordinance or resolution of the council. (1954, c. 562; 1970, c. 181; 2009, c. 823)

Chapter 15. Treasurer and Commissioner of Revenue.

§ 15.01. Election; vacancies.

At the general election to be held on the first Tuesday following the first Monday in November, and on the said date every four years thereafter, there shall be elected by the qualified voters of the city a commissioner of revenue. Such officer is to be nominated as provided in the general laws of the Commonwealth. In case of a vacancy in the office of commissioner of revenue, such vacancy shall be filled as provided by law. (1954, c. 562; 2009, c. 823)

§ 15.02. Duties of commissioner of revenue.

The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of licenses taxes and other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the director of finance. He shall perform such other duties as may be required of him by the council and by general law. (1954, c. 562; 2009, c. 823)

§ 15.03. (1954, c. 562; 1956, c. 102; repealed 2009, c. 823)

Chapter 16. Director of Finance.

§ 16.01. Appointment and term.

The council shall confirm a director of finance. He shall give bond in such sum as the council may prescribe, with surety to be approved by the council, conditioned upon the faithful discharge of his duties in relation to the revenue of the city, and such other official duties as may be imposed upon him by the charter and ordinances of the city. It shall be the duty of the director of finance to collect and receive all moneys due the city for taxes whether current or delinquent, assessment fees or charges of every kind, except as otherwise provided by this charter or the general laws of the Commonwealth as the same may relate to a city. In so doing he shall have power to employ any procedure that is now or may hereafter be prescribed by law for the collection of state or local taxes. He shall receive all money belonging to the city which is his duty to collect from persons, firms and corporations owing the same to the city, or which it is the duty of other officers to collect and pay over to him, and pay the same out as the ordinances of the city and State law prescribe; to keep such moneys safe and account therefor and pay all drafts and orders made in conformity with the city ordinances and State laws.

The funds of the city shall be deposited by him in such bank or banks as the council may direct. He shall keep books showing accurately the state of his accounts and he is hereby expressly prohibited from using directly or indirectly the money of the city in his custody and any violation of this provision shall subject him to immediate removal from office. The books and accounts of the director of finance and all papers relating to accounts and transactions of the city, shall be at all times, during business hours, subject to the inspection of the city manager, the city council, the mayor and such persons as the council may appoint to examine the same and all such books and accounts, together with any balance or moneys on hand shall be transferred by the director of finance to his successor or be delivered up as the council may require. He shall render an account to the city manager and the council each month showing the state of the financial condition of the city up to the end of the previous month and the balance of money on hand, and he shall furnish such other information as the city manager or council may direct. All taxes, levies or other sums of money received by him belonging to the

city shall be credited to the City of Galax. He shall perform such other duties as may be required of him by the council, and shall receive such compensation as the council may direct.

The director of finance shall have and possess all the power and authority conferred upon city treasurers by the laws of the Commonwealth in relation to the collection of levies, taxes or other debts due cities. (1954, c. 562; 2009, c. 823)

Chapter 17. City Planning.

§ 17.01. Establishment of city plan.

The city council shall have authority to continue in force the city comprehensive plan theretofore adopted by the City of Galax showing the streets, highways and parks heretofore laid out, adopted and established. Such city plan shall be final with respect to the location, length and width of such streets and highways, and the location and dimensions of such parks. Such city plan is hereby declared to be established for the promotion of the health, safety and general welfare of the city. (1954, c. 562; 2009, c. 823)

§ 17.02. City planning commission.

The city planning commissioners shall continue in office for the remainder of their terms and until their successors are appointed by the council. The city planning commission shall continue to exercise such duties, powers, and functions as it now has under the existing ordinances, or as may be delegated to or required of said commission by the council by proper ordinances and resolutions. The city planning commission shall be constituted, perform the duties and functions, and otherwise be controlled by the applicable provisions of the Code of Virginia and amendments thereto, except insofar as said chapter and amendments thereto are in conflict with this charter or the express ordinances of the city now in force or hereafter enacted. (1954, c. 562; 2009, c. 823)

§ 17.03. Further powers.

The council may at any time, after a public hearing, amend the city plan, by widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the city plan, the council shall comply with the applicable provisions of the Code of Virginia, 1950, as amended. The city planning commission shall have such other authority and powers as may now or hereafter be granted by the council of the City of Galax or to municipal planning commissions by the general law. (1954, c. 562; 2009, c. 823)

Chapter 18. Zoning.

§ 18.01. Power to pass zoning ordinance.

For the purpose stated in Article 1 of Chapter 24 of Title 15 of the Code of Virginia, the city council is hereby empowered to pass zoning ordinances in conformity with the said act, as amended, subject, however, to the following modifications thereto.

(1) The zoning ordinances and set back lines as they now exist shall continue to be in full force and operation until amended or repealed by the city council.

(2) The board of zoning appeals as now constituted shall continue in office for the remainder of their terms and until their successors are appointed by the council. The board of zoning appeals shall consist of five (5) members appointed by the city council for a term of three (3) years, and insofar as not inconsistent with this charter and the existing ordinances now in effect or hereinafter enacted, the powers, duties, authority and procedure of the applicable provisions of the Code of Virginia shall govern. The board of zoning appeals shall elect a secretary who shall keep a written record of proceedings at its meetings. All official orders, decisions and permits issued by the board shall be in writing and a copy thereof shall be delivered to the clerk's office of the city within ten (10) days after such order, decision, or permit is arrived at or issued. (1954, c. 562; 2009, c. 823)

Chapter 19. Department of Public Health.

§ 19.01. Appointment and powers.

There shall be a department of public health which shall consist of the health officer and such employees as may be provided by ordinance. The department of public health shall be responsible for enforcing all laws and ordinances and all lawful rules and regulations of the department as hereinafter provided, relating to the preservation and promotion of public health and sanitation, the protection of the inhabitants of the city from contagious, infectious and other diseases; the abatement of nuisances detrimental to public health; the furnishing of medical aid and care to the indigent; the conducting of clinics, nursing and educational services for the preservation and promotion of public health; the collecting of morbidity and vital statistics; and such other powers and duties as may be assigned to the department by ordinance.

The health officer shall further have all the powers and duties with respect to the preservation of the public health which now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth, as well as all the powers and duties conferred or imposed on him by this charter and the ordinances of the city. He shall have the power, with the approval of the board of health, to make rules and regulations for the preservation of the public health, not inconsistent with the laws of the Commonwealth and the ordinances of the city, which shall have the force of law. The penalties for the violation of any such rules and regulations shall be fixed by ordinance. (1954, c. 562)

§ 19.02. Contractual relationships.

The City of Galax may enter into contractual relationships with the Commonwealth and neighboring political subdivisions for the support and utilization of a joint board of health to effectuate any, or all of the functions of the department of health. (1954, c. 562)

Chapter 20. Department of Social Services.

§ 20.01. Composition.

There shall be a department of social services that shall consist of a director and such employees as may be provided by law. (1954, c. 562; 2009, c. 823)

§ 20.02. Powers and duties.

The department of social services shall be responsible for the duties imposed by the laws of the Commonwealth relating to public assistance and relief of the poor, and shall perform such other powers and duties as may be assigned to the department by law or ordinance. (1954, c. 562; 2009, c. 823)

§ 20.03. Contractual relationships.

The City of Galax, at the option of the council, may enter into contractual relationships with neighboring political subdivisions for the administration of public aid and assistance, and the care, maintenance and support of the aged, indigent, and infirm. (1954, c. 562)

Chapter 21. General Provisions.

§ 21.01. Vacancies in offices.

Vacancies in any offices provided for in this charter shall be filled by the authority and in the manner provided by law. All officers in office as of the date of this act shall remain in office until their current terms shall expire. (1954, c. 562; 2009, c. 823)

§ 21.02. Oaths of office and qualifications.

Except as otherwise provided by general law or by this charter, all officers elected or appointed under the provisions of this charter shall take the oath of office and execute such bond as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the city clerk, before entering upon the discharge of their duties. (1954, c. 562)

§ 21.03. Officers to administer oaths.

The mayor, commissioner of the revenue, clerk of council, city manager and finance officer shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties. (1954, c. 562; 2009, c. 823)

§ 21.04. Investigations.

The council, the city manager, and any officer, board or commission authorized by them, or either of them, shall have power to make investigation as to city affairs, and for the purpose to subpoena wit-

nesses, administer oaths, and compel the production of books and papers. (1954, c. 562; 2009, c. 823)

§ 21.05. Action against the city for damages.

No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred to been received, shall have been filed with the council, or with the city manager, within 60 days after such cause of action shall have accrued, except that when the claimant is an infant or non compos mentis, or the injured party dies within such 60 days, such statement may be filed within 120 days. (1954, c. 562; 2009, c. 823)

§ 21.06. Officers not to be interested in contracts.

The provisions of the Virginia Conflict of Interest Act shall apply to all officers or employees of the city. (1954, c. 562; 2009, c. 823)

§ 21.07. Contractual relationships.

The City of Galax may, at the option of the council, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performance of any part of, or all of the functions, or purposes of the city, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. The applicable provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq) of the Code of Virginia shall apply to all contractual relationships. (1954, c. 562; 2009, c. 823)

§ 21.08. May combine offices.

The council may, in its discretion, combine in one person an elective and an appointive office, or combine in one person two or more appointive offices, where the duties of such offices do not conflict, and are not prohibited by law. (1954, c. 562)

§ 21.09. Voting precincts.

For the convenience of the electors the council shall establish two or more voting precincts in the city. (1954, c. 562)

§ 21.10. Recording acts.

For the purpose of the recording acts all deeds, contracts and other instruments in writing, shall be recorded in the clerk's office of the same county in which they were required to be recorded before the transition of the Town of Galax to a city. (1954, c. 562)

§ 21.11. (1954, c. 562; repealed 2009, c. 823)

§ 21.12. Severance clause.

If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1954, c. 562)

§ 21.13. Citation of act.

This act may for all purposes be referred to or cited as the Galax Charter. (1954, c. 562; 2009, c. 823)

§ 21.14. Resolutions and ordinances to remain in force.

All resolutions and ordinances in force in the City of Galax not in conflict with this charter shall be and remain in force until altered or repealed by the council of the city. (1954, c. 562; 2009, c. 823)

Editor's note: Complete amendments listing for the City of Galax:

Current charter

Charter, 1954, c. 562.

Amendments to current charter

1956, c. 102 (§§ 2.02 [added], 15.03)

1956, c. 333 (§§ 6.04 through 6.09, 6.10 [added], 7.01 [repealed], 10.01, 13.01)

1968, c. 471 (§§ 5.02, 5.03)

1970, c. 181 (§§ 6.01, 14.01)

1973, c. 293 (§§ 3.01, 3.05, 3.06)

1977, c. 173 (§ 5.03)

1979, c. 292 (§§ 2.01, 3.03)

1991, c. 122 (§ 2.01)

2009, c. 823 (§§ 2.01, 2.02, 3.01, 3.02, 3.03, 3.05, 3.06, 3.07, 4.02, 4.03. 5.02, 5.03, 5.04, 6.01 through 6.10 [repealed], 8.01 [repealed], 9.01, 10.01 [repealed], 13.01 [repealed], 14.01, 15.01, 15.02, 15.03 [repealed], 16.01, 17.01, 17.02, 17.03, 18.01, 20.01, 20.02, 21.01, 21.03 through 21.07, 21.11 [repealed], 21.13, 21.14)

Gate City, Town of

County of Scott

History of incorporation

Formerly the Town of Estillville.
Estillville, charter, 1834, c. 236.
Estillville, incorporation and charter, 1860, c. 173.
Estillville, incorporation and charter, 1888, c. 412.
Name changed to Gate City, 1890, c. 545.

Gate City/Estillville, charter, 1892, c. 527; repealed 1999, c. 177.

Current charter
Charter, 1999, c. 177.

Amendments to current charter
2012, c. 390 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The General Assembly incorporates the community known as Gate City, in Scott County, Virginia, as a town and a body politic and corporate within the boundaries provided for in § 1.2, as such boundaries are now or may hereafter be altered and established by law. As such, the town shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1999, c. 177)

§ 1.2. Boundaries.

The territory embraced within the boundaries shown on that certain plat recorded in Plat Cabinet A, Slide 103, pages 442 and 443, in the Office of the Clerk of the Circuit Court for Scott County, shall be the territory of the Town of Gate City. (1999, c. 177)

Chapter 2. Powers.

§ 2.1. Powers of town.

The Town of Gate City shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.2-900 through 15.2-973 and 15.2-1100 through 15.2-1131 of the Code of Virginia, as now exist or hereafter amended, and all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia are hereby conferred upon the Town of Gate City, Virginia. (1999, c. 177)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office.

A. The Town of Gate City shall be governed by a town council, composed of a mayor and five other members, all of whom shall be qualified voters of the town.

B. The mayor and five council members shall be elected at large by the qualified voters of the town, and their terms of office shall be for four years, subject, however, to provisions for the terms for the years 2012 and 2014. An election shall be held on the first Tuesday in May 2012 to elect a mayor and five council members. The mayor and the three council members receiving the highest number of

votes in such election shall serve terms of four years from July 1, 2012, to June 30, 2016, and thereafter until their successors have been elected and qualify; the two council members receiving the next highest number of votes in such election shall serve for terms of two years from July 1, 2012, to June 30, 2014, and for terms of four years thereafter until their successors have been elected and qualify. Thereafter, elections shall be held on the first Tuesday of May of each even-numbered year to fill the vacancies for the council members and mayor whose terms of office expire in that year or to fill the vacancy of any member who has resigned or been removed from office during his term. The mayor and council members shall take office thereafter on July 1 of the year in which they have been elected.

C. The mayor shall preside at meetings of the council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for the purposes of military law. He shall vote only in cases where the votes of the council are evenly divided. (1999, c. 177; 2012, c. 390)

§ 3.2. Vice mayor.

At its first meeting in July after the election, the council shall select from its membership one member to serve as a vice mayor. The vice mayor shall preside over meetings of council in the absence of the mayor. (1999, c. 177)

§ 3.3. Qualification of members.

Any person qualified to vote in the town shall be eligible for the office of council member or mayor. (1999, c. 177)

§ 3.4. Powers of council.

The council, along with the mayor, shall make such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia, and shall have the power in their discretion to appoint a town manager, town attorney, town clerk, treasurer, and chief of police (who shall have the powers and duties provided in § 15.2-1704 of the Code of Virginia). The persons so appointed shall have such duties and shall serve for such terms and at such compensation as the council may determine. One person may be appointed to more than one office. (1999, c. 177)

§ 3.5. Vacancies.

Vacancies on the council and in the offices of mayor and vice mayor shall be filled for the unexpired term by a majority vote of the members of the council. (1999, c. 177)

§ 3.6. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month; however, the council may, by majority vote, dispense with any two such regular meetings per year. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor or any four members of the council, provided that the members of council are given reasonable

notice of such meetings. No business shall be transacted at the special meeting except that for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived. (1999, c. 177)

§ 3.7. Compensation.

Compensation for the mayor and council members shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and the council members shall not be effective until the July 1 following the first local election after the council approves such increases. (1999, c. 177)

Chapter 4. Miscellaneous.

§ 4.1. Eminent domain.

The powers of eminent domain, as set forth in Titles 15.2 and 25 of the Code of Virginia, are hereby conferred upon the Town of Gate City, including the power to issue certificates pursuant to the procedures of §§ 33.1-119 through 33.1-132 of the Code of Virginia. (1999, c. 177)

§ 4.2. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1999, c. 177)

§ 4.3. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one general subject. (1999, c. 177)

§ 4.4. Criminal jurisdiction.

The criminal jurisdiction of the officers of said town shall extend one-half mile beyond the corporate limits of the town. All fines imposed by the town shall be for the benefit of the town. (1999, c. 177)

§ 4.5. Use of county jail.

For the purpose of carrying into effect the police regulations of said town, the town shall be allowed the use of the county jail of Scott County for the safe-keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the town, and all persons so confined shall be under the custody and charge of the jailer of the county, who shall receive, keep and discharge the same in such manner as shall be prescribed by the ordinances of the town, or otherwise discharged by due course of law; however, the council may, if deemed expedient, require all persons sentenced to jail, or committed thereto in default of the payment of fines assessed against them, to work on the public streets of the town, under such regulations and restrictions as the council may prescribe. (1999, c. 177)

§ 4.6. Ordinances continued in force.

All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council. (1999, c. 177)

§ 4.7. Severability of provisions.

If any clause, sentence, paragraph, or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1999, c. 177)

Glade Spring, Town of

County of Washington

History of incorporation

Incorporated by an 1875 Act of Assembly.
Incorporation and charter, 1875, c. 141; repealed 1972, c. 268.

Current charter

Charter, 1972, c. 268.

§ 1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Glade Spring, as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Glade Spring, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1972, c. 268)

§ 2. Boundaries.

The boundaries of the town of Glade Spring shall be as now established, and such boundaries thereof are incorporated herein by reference to the recordation in the Clerk's Office of Washington County, Virginia, of the final decree or order of annexation of the Circuit Court of Washington County establishing such boundaries which final decree or order was entered December 29, 1958, in said Clerk's Office in Law Book 30, Page 323. (1972, c. 268)

§ 3. Powers.

All of the powers set forth for municipal corporations in §§ 15.1-837 through 15.1-915 of the Code of Virginia, as in force on January 1, 1972, are hereby specifically conferred upon the Town of Glade Spring; provided, that the power to borrow money shall not be exercised for any project unless five members of Council, or the mayor and four members of Council, agree to the use of such power for such project. (1972, c. 268)

§ 4. Election of mayor and councilmen.

The mayor and councilmen in office on the effective date of this charter shall remain in office until the expiration of their current terms of office. On the first Tuesday in May, 1972, at the regular municipal election, one elector shall be elected mayor and six electors shall be elected councilmen. The mayor shall be elected for a term of two years beginning on the first day of September thereafter and ending on the last day of June, 1974. The three councilmen receiving the highest number of votes shall be elected for terms of four years beginning on the first day of September thereafter and ending on the last day of June, 1976. The three councilmen receiving the next highest number of votes shall be elected for terms of two years beginning on the first day of September thereafter and ending on the last day of June, 1974. During the regular municipal election held on the first Tuesday in May of even-numbered years successors to the office of mayor and councilmen which expire during that year shall be elected, all for terms of four years, beginning on the first day of July following the date of elections and ending on the last day of June in the fourth year thereafter. (1972, c. 268)

§ 5. Ratification of ordinances and resolutions.

All ordinances and resolutions heretofore made and adopted by the Town of Glade Spring, not in conflict with this charter or other laws of the Commonwealth shall be and remain in full force and effect until altered, amended or repealed by the Council of the Town of Glade Spring.

Glasgow, Town of

County of Rockbridge

History of Incorporation

Incorporation and charter, 1891-92, c. 486.

Current charter

Charter, 2021 Special Session I, c. 126.

Article 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

All of the territory in Rockbridge County contained within the following limits, namely:

> Beginning at the confluence of North and James rivers, thence up the north bank of James river at low-water mark to a point opposite the extension of the western line of Thirteenth street; thence with the western line of said street to its intersection with the northern line of Rockbridge road; thence with the northern line of Rockbridge road to its intersection with the eastern line of the fifty acres reservation of Mistress E. G. Johns; thence with said line of Mistress Johns' fifty acres tract to its intersection with the northern boundary line of the right of way of the Norfolk and Western railway; thence with said line of said railway to its intersection with the western line of Blue Ridge road;

thence with said line of Blue Ridge road to its intersection with the northern line of Shawnee street; thence with the northern line of Shawnee street extended to its intersection with North river at low-water mark; thence along the west bank of North river at low-water mark to the beginning (which boundaries and those parts of North and James rivers and said streets, places and roads are laid off and described in the plat or map of the subdivision of the lands of the Rockbridge company into lots, recorded in the clerk's office of the county court of Rockbridge county, in deed-book number fifty-eight, at pages one and two), as enlarged and modified by the metes and bounds described in a certain order of annexation signed November 16, 1959, and of record in the Circuit Court of the County of Rockbridge, shall constitute the town of Glasgow, and the forty-fourth and forty-sixth chapters of the Code of Virginia, edition of 1887, as far as consistent with this act, shall be applicable to said town; and the council of said town may from time to time enlarge the boundaries of said town in accordance with general law. (2021 Special Session I, c. 126)

Article 2. Powers.

§ 2.1. General grant of powers.

The town shall have and may exercise all powers that are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers that, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive but in addition to this general grant. (2021 Special Session I, c. 126)

§ 2.2. Construction.

The powers that are now or may hereafter be conferred upon or delegated to the town under the Constitution and general laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by the town. (2021 Special Session I, c. 126)

§ 2.3. Adoption of certain sections of the Code of Virginia.

The powers set forth in Chapter 11 (§ 15.2-1100 et seq.) and Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 of the Code of Virginia (1950), and any acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the town. (2021 Special Session I, c. 126)

§ 2.4. Acquisition of property; eminent domain.

The town is hereby empowered to acquire by condemnation, gift, lease, purchase, or bequest property, real or personal, or any interest or estate therein, either within or without its corporate limits, in accordance with general law, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as the council deems expedient.

The town shall also have all powers of eminent domain that are now or may be granted to a municipal corporation under the laws of the Commonwealth. (2021 Special Session I, c. 126)

Article 3. The Council.

§ 3.1. Definitions.

As used in this charter, unless the context requires a different meaning:

"Employee" means any person employed by the town other than an official.

"Officer" includes council members and persons appointed by and responsible to the council, such as the town clerk, the town manager, the town attorney, and the town treasurer.

"Official" means an administrative department head. (2021 Special Session I, c. 126)

§ 3.2. General powers and duties of the council.

The government of the town shall be vested in the council, which shall have the power to enact and enforce ordinances and resolutions to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the town and for ensuring the implementation thereof by the town manager and town administration. (2021 Special Session I, c. 126)

§ 3.3. Composition and qualifications.

The council shall be composed of a mayor, who shall be elected from the town at large, and six council members to be elected from the town at large. The mayor shall be a member of the council. The council members shall be qualified voters of the town. (2021 Special Session I, c. 126)

§ 3.4. Election and term of office.

The government of the said town shall be vested in a mayor and a council of six members besides the mayor (who shall serve as an ex officio member of the council and preside at all meetings thereof) who shall be residents of said town and shall be elected in accordance with the provisions of general law for terms of two years by those qualified to vote for members of the General Assembly and who shall have been residents within the boundaries of the corporation for three months next preceding the election, and by no other person. The council may by ordinance establish a system of staggered terms for election of council members. The mayor and council members shall remain in office until their successors are elected and qualified in their stead, but no longer. (2021 Special Session I, c. 126)

§ 3.5. Voters of the town.

The voters of the town shall be the actual residents of the town who are qualified to vote for members of the General Assembly. (2021 Special Session I, c. 126)

§ 3.6. Compensation; expenses.

The council may determine the annual salary of its members by ordinance or resolution. (2021 Special Session I, c. 126)

§ 3.7. Mayor and vice-mayor.

The mayor shall preside at meetings of the council and shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes but shall have no administrative or judicial duties. The mayor shall not have the authority to veto any action of the council. The mayor shall give no vote in the council except in case of a tie, when he shall give the casting vote.

At the first meeting of the council in January of each even-numbered year, the council shall elect from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as mayor during the absence or disability of the mayor. (2021 Special Session I, c. 126)

§ 3.8. Absence or disability of mayor and vice-mayor.

If both the mayor and vice-mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the council to order and shall preside during the meeting until the council elects an acting mayor. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (2021 Special Session I, c. 126)

§ 3.9. Prohibitions.

Except as otherwise authorized by law, a member of the council shall not be eligible as such member during his tenure of office, or for one year thereafter, to receive any compensated town employment. If appointed by the council to a board or commission, a member of the council may be compensated as a member of the board or commission.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative official or employee whom the town manager or any of his subordinates are empowered to appoint or prevent the town manager from exercising his own judgment in the appointment of officials or employees in the town's administrative service.

Except for the purpose of discussions, inquiries, and official investigations, the council and its members shall deal with and communicate with the town's administrative service, officials, and employees who are subject to the direction and supervision of the town manager solely through the town manager, and neither the council nor its members shall give orders to any such official or employee, either publicly or privately. (2021 Special Session I, c. 126)

§ 3.10. Vacancies.

The office of a council member shall become vacant upon his death, resignation, or removal from office in a manner authorized by law. Vacancies in the office of the council or mayor position shall be filled in accordance with general law. (2021 Special Session I, c. 126)

§ 3.11. Town clerk and town treasurer.

The council shall appoint a town clerk who shall serve at the pleasure of the council. The town clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, keep all papers, documents, and records pertaining to the town, keep and attest the town seal, and perform such duties as are assigned to the town clerk by this charter or by the council.

The council shall appoint a town treasurer who shall serve at the pleasure of the council and shall perform such duties as are assigned to the treasurer by the council. The town clerk and the town treasurer may, at the council's option, be the same person. (2021 Special Session I, c. 126)

§ 3.12. Independent audit.

The council shall provide for an independent annual audit of all the town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers. (2021 Special Session I, c. 126)

§ 3.13. Procedure.

The council shall meet regularly at least once in every month, at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor or of any two members upon no less than twenty-four hours' notice to each member, except in cases of an emergency when the time limit may be waived. No business shall be transacted by the council in such special meeting that has not been stated in the notice unless all members of the council are present and give their unanimous consent to the consideration of such business.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. The council may elect to install electronic equipment in its Council Chambers so as to provide for an electronic roll call and voting. Each member shall cast either an aye vote or a nay vote, except in those situations in which a member must abstain from voting due to a conflict of interest. Four members of the council shall constitute a quorum. No action of the council shall be valid or binding unless adopted by the affirmative vote of four or more members of the council. (2021 Special Session I, c. 126)

§ 3.14. Town attorney.

An attorney shall be appointed by and serve at the pleasure of the council as town attorney. Such attorney shall be qualified to practice law in the Commonwealth of Virginia. The town attorney shall serve as chief legal advisor to the council and to the town administration. The town attorney does not need to be a resident of the town at the time of his appointment or while in office. (2021 Special Session I, c. 126)

§ 3.15. Committees, boards, and commissions.

The council may create committees, boards, and commissions to be composed of such numbers of citizens, or persons, as the council may deem expedient and as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and assign the powers and duties of such committees, boards, and commissions consistent with the general law.

All members of committees, boards, and commissions appointed by the town council may be removed by the council unless otherwise provided by the general law.

The mayor shall serve as an ex officio member of each committee but shall not have voting powers on committees unless granted by the council. (2021 Special Session I, c. 126)

§ 3.16. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, subject to the limitations of Article VII, Section 6 of the Constitution of Virginia. (2021 Special Session I, c. 126)

Article 4. The Town Manager.

§ 4.1. Appointment, qualifications, and compensation.

The town council may appoint a town manager to serve as the chief administrative officer of the town, fix his salary, and delegate to him such administrative duties, powers, and responsibilities as it believes to be in the best interest of the town. During his tenure of office, the town manager shall reside within the County of Rockbridge, but he may reside outside of the town while in office only with the prior approval of the council. The town manager shall serve at the pleasure of the town council. (2021 Special Session I, c. 126)

§ 4.2. Powers and duties of the town manager.

The town manager shall be responsible to the council for the proper management and administration of all town affairs placed in his charge by or under this charter. The town manager shall have the following powers and duties. The town manager shall:

1. Appoint and, when deemed necessary for the good of the service, suspend or remove any town employee or appointive administrative official provided for, by, or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The town

manager may authorize any administrative official who is subject to the town manager's direction and supervision to exercise these powers with respect to subordinates in that official's department, office, or agency.

2. Direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this charter or by other law.

3. Attend all council meetings and shall have the right to take part in discussion but may not vote.

4. See that all laws, provisions of this charter, and acts of the council, subject to enforcement by the town manager or by officials subject to the town manager's direction and supervision, are faithfully executed.

5. Prepare and submit the annual budget and capital program to the council and shall be responsible for the execution of the budget.

6. Examine regularly the books and papers of every official and department of the town and report to the council the condition in which he finds them.

7. Make such other reports as the council may require concerning the operations of town departments, offices, and agencies subject to the town manager's direction and supervision.

8. Keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the town manager deems desirable.

9. Perform such other duties as are specified in this charter or may be prescribed by the council. (2021 Special Session I, c. 126)

§ 4.3. Temporary transfer of personnel between departments and removal of personnel.

The town manager shall have the power, whenever the interests of the town require, to assign employees of any department, bureau, office, or agency under his supervision to the temporary performance of duties in another department, bureau, office, or agency. (2021 Special Session I, c. 126)

§ 4.4. Relations with boards, commissions, and agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions, or agencies created by this charter or by ordinance and any other board or commission the town council may designate. Nothing herein shall prevent the council from appointing the town manager as a voting member of any board, commission, or agency for which he otherwise would be eligible for membership. (2021 Special Session I, c. 126)

§ 4.5. Acting town manager.

The town council may designate a person to act as acting town manager in case of the absence, incapacity, death, or resignation of the town manager, until his return to duty or the appointment of his successor. (2021 Special Session I, c. 126)

§ 4.6. Removal.

The council may remove the town manager at any time at the pleasure of the council. The action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council. (2021 Special Session I, c. 126)

Article 5. Administrative Departments.

§ 5.1. Creation of departments.

The council may establish all departments, offices, and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth. (2021 Special Session I, c. 126)

§ 5.2. Direction by town manager.

All departments, offices, and agencies except as otherwise provided by this charter or by general law shall be under the direction of the town manager and shall be administered by an official appointed by and subject to the direction and supervision of the town manager. (2021 Special Session I, c. 126)

Article 6. Financial Procedures.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on the first day of July and end on the last day of June. (2021 Special Session I, c. 126)

§ 6.2. Submission of budget and budget message.

On or before the first day of May of each year, the town manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. (2021 Special Session I, c. 126)

§ 6.3. Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall explain the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position, and include such other material as the town manager deems desirable. (2021 Special Session I, c. 126)

§ 6.4. Budget.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the town manager deems desirable or the council may require. In organizing the budget, the town manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall begin with a clear, general summary of its contents; shall show in detail all estimated income, indicating the proposed tax levies, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual income and expenditures of the preceding fiscal year. The budget shall indicate in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the method of financing such expenditures;

2. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each such capital expenditure; and

3. Anticipated net income or net loss for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; the town manager shall include in the budget subsidiary budgets for each such utility giving detailed income and expenditure information and proposed utility rates.

The total of proposed expenditures shall not exceed the total of estimated available funds. (2021 Special Session I, c. 126)

§ 6.5. Council action on budget.

Pursuant to the provisions of general law, the council shall publish a brief synopsis of the budget in one or more newspapers having general circulation in the town and the time and place of a public hearing on the budget.

After the public hearing, the council may adopt the budget with or without any amendment to increase, decrease, or change expenditures, revenues, programs, tax levies, or any other amendment that the council deems necessary. In amending the budget, the council may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to any amount greater than the total of estimated available funds.

The council shall, by ordinance or resolution, adopt the budget before the first day of the fiscal year for which it is adopted, and said ordinance or resolution shall appropriate the amounts specified in the budget as expenditures from the funds indicated in the budget. (2021 Special Session I, c. 126)

§ 6.6. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town. (2021 Special Session I, c. 126)

§ 6.7. Amendments after adoption.

The council may amend the budget during the fiscal year pursuant to the provisions of general law by the adoption of an ordinance or resolution.

To meet a public emergency affecting life, health, property, or the public peace, the council may make emergency appropriations. Such appropriations may be made by ordinance or resolution. To the extent that there are no available unappropriated funds to meet such appropriations, the council may, with the adoption of such ordinances or resolutions, authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

If at any time during the fiscal year it appears probable to the town manager that the funds available will be insufficient to meet the amount appropriated, then the town manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance or resolution reduce one or more appropriations. (2021 Special Session I, c. 126)

§ 6.8. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered by the town manager. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. (2021 Special Session I, c. 126)

§ 6.9. Debts and bonds.

The town council shall be empowered to borrow such sum or sums of money as may be necessary or convenient, subject to such limitations that are now or may be imposed by the Constitution and the laws of the Commonwealth of Virginia. The town council shall be empowered to issue revenue bonds as may be necessary or convenient in the manner prescribed by law. (2021 Special Session I, c. 126)

Article 7. General Provisions.

§ 7.1. Charter amendment.

Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth. (2021 Special Session I, c. 126)

§ 7.2. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any provision to any person or circumstances is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (2021 Special Session I, c. 126)

§ 7.3. Oaths of office and official bonds.

All elected officers of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the town clerk and the Clerk of the Circuit Court of Rockbridge County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant unless general law otherwise provides, in which event general law shall prevail. (2021 Special Session I, c. 126)

§ 7.4. Books, records, et cetera.

All books, records, and documents used by any elected or appointed town officer, official, or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this charter, the general laws of the Commonwealth, or the Glasgow Town Code as responsible for the keeping of such books, records, and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, deliver to the town clerk all such books, records, documents, and town property. Upon the end of any such person's term of office, or upon the resignation or removal from office of any such person, the town clerk shall provide all such persons written notice of the requirements of this provision of this charter. Any person failing to deliver such books, records, documents, and property shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined no less than one hundred dollars and not more than five hundred dollars, or imprisoned not exceeding six months, or both, at the direction of the court or jury before whom the case is tried. (2021 Special Session I, c. 126)

§ 7.5. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (2021 Special Session I, c. 126)

Article 8. Transitional Provisions.

§ 8.1. Ordinances.

All ordinances, resolutions, orders, and regulations of the town not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. Ordinances, resolutions, orders, and regulations that are in force when this charter becomes effective and that are inconsistent with this charter are repealed. (2021 Special Session I, c. 126)

§ 8.2. Continuity of terms of officers.

The officers of the town who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified. (2021 Special Session I, c. 126)

§ 8.3. Citation of act.

This act may for all purposes be referred to or cited as the charter for the Town of Glasgow, Virginia, of the year 2021. (2021 Special Session I, c. 126)

Glen Lyn, Town of

County of Giles

History of incorporation

Incorporated by order of Circuit Court of Giles County, January 30, 1926.
Circuit Court Charter, 1926; provision for repeal 1930, c. 165.
Charter, 1930, c. 165; repealed 1950, c. 558.

Current charter

Charter, 1950, c. 558.

Amendments to current charter

2012, cc. 289, 333 (§§ 3, 5, 11)

§ 1. The town of Glen Lyn, in Giles County, Virginia, shall continue to be a town corporate, and as such shall have and may exercise all the powers and privileges conferred upon it by this charter, and also those that are now or may be hereafter delegated to towns in accordance with the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1950, c. 558)

§ 2. The corporate lines of Glen Lyn are contained in the following boundaries, to-wit:

Beginning at the mouth of East River where it intersects and empties into the New River, thence running an eastwardly course along the South bank of said New River to the point of intersection with the Westernly Right of Way Boundary of the Virginian Railway Company, thence a due South

course for a distance of 1320.0 feet to a stake, thence a due West course for a distance of 609.9 feet to a point in the bed of a stream, thence S 33° 31' W, for a distance of 534.3 feet, crossing the Nettie Reed Tract of The Appalachian Electric Power Company to a set stone, corner of said tract and the lands of J. C. Killey, thence N 64° 58' W for a distance of 1052.8 feet crossing said Killey lands, the Secondary Route No. 704 Right of Way, the lands of D. C. Fields and lands of Nettie Reed to a stake located in the South Right of Way boundary of the Virginian Railway Company, thence a due West Course, for a distance of 1062.1 feet to a stake located in a line of the boundary of Giles County, Virginia, and Mercer County, West Virginia, thence N 37° 17' W, with State Boundary for a distance of 1130.1 feet to a stake located in an old field on an East hillside, 125 feet below edge of woods, 10 feet Southwest of a small drain, and 52 feet Northeast from a large boulder, thence N 52° 20' E for a distance of 575.1 feet to an iron pipe located in the stream bed of East River opposite the center of the highway bridge and 45 feet down stream from the center of said bridge, thence Northwardly along the center of East River as it meanders to its mouth and intersection with New River to the point of beginning, containing 154 acres, more or less. (1950, c. 558)

§ 3. Powers of the town of Glen Lyn.

The town shall have specifically the following powers and privileges, to the extent that they, or any of them, may not be prohibited by the Constitution or the general laws of the Commonwealth of Virginia:

First. To raise annually, by taxes and assessments in the town, such sums of money, in such manner as the council thereof deems necessary or expedient for the use, benefit and purpose of the town, in accordance with the Constitution of the United States, the Constitution of Virginia, the laws of the Commonwealth of Virginia and the provisions of this charter.

Second. To fix or set, levy and collect taxes on property, subject to limitations prescribed by the Constitution and laws of Virginia in force at the time of imposition of such taxes; provided, however, that the tax for all purposes on property within the town shall not exceed three dollars ($3.00) on each one hundred dollars ($100.00) of assessed valuation except (a) for amounts necessary to pay interest, principal, or sinking fund of any bonded indebtedness of the town, (b) taxes for fire protection, (c) special assessments for local improvements, water works and sewer system, and (d) taxes that the general laws of Virginia permit towns to levy in excess of their charter limitations. The fire protection tax levied by the town shall be the only such fire protection tax levied therein.

Third. To impose special or local assessments for local improvements, and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of imposition of such special or local assessments.

Fourth. To impose licenses by ordinance upon business, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in said town, except when

prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

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

For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

Fifth. To incur liabilities or debts, borrow money, and execute or issue evidences of indebtedness.

Sixth. To expend the money of the town for all lawful purposes.

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

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

Ninth. To survey, establish, enter, open, widen, extend, grade, construct, pave, maintain, light, sprinkle, or clean public streets, highways, alleys, sidewalks, parkways or parks or to relocate, alter or close the same; to regulate the weight of loads to be hauled or carried over and upon the streets insofar as such regulation of weights of loads does not conflict with general State laws relating to load limits to be carried or transported over State highways; to regulate the use of all such highways, parks, streets, alleys, parkways and public places; to prevent the obstruction, destruction or injury to any of such streets, alleys or highways; to require any railroad company operating a railroad at the place where any highway or street is crossed within the limits of the town to construct and maintain adequate crossings and to erect and maintain at such crossing any style of gate or warning signal deemed proper; to regulate the operation and speed of all cars, motorcycles, bicycles or vehicles upon said streets or highways as well as the speed of all engines, cars, or railroad trains within the town; to permit or prohibit towers, poles or wires for electric, telephone, telegraph, radio or television purposes to be erected or wires or gas lines to be laid in the streets or alleys, and to prescribe and collect an annual charge for such privileges hereafter granted; to require the owner or lessee of any electric light, telephone, telegraph, radio or television tower, poles, or wires now in use or hereafter erected to change the location or remove the same.

Tenth. To acquire by gift, purchase or by the exercise of the power of eminent domain within this State, land or any interest or estate in lands, rock quarries, gravel pits, sand pits, water or water

rights and the necessary roadways thereto, either within or without the rights and the necessary roadways thereto, either within or without the town, or acquire and install machinery and equipment and build the necessary roads or tramways thereto, and operate the same for the purpose of producing materials required for any and all purposes of the town.

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

Twelfth. To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to make reasonable charges therefor; to acquire and operate reduction or other plants for the utilization or destruction of any or all of said materials.

Thirteenth. To compel the abatement of nuisances within the town, or upon property owned by the town beyond its limits, at the expense of the person, persons, corporations or firms causing the same, or of the owner or occupant of the grounds or premises whereon the same may be, and collect said expense by suit or motion, or by distress and sale; to require all lands, lots or other premises, within the town to be kept clean, sanitary and free from stagnant water, weeds, filth, unsightly deposits and shrubbery overhanging public streets and sidewalks or to make them so at the expense of the owners or occupants thereof; to pass and enforce any ordinances that may be necessary to the public safety for the control of dogs; to regulate or prevent noisome or offensive business within the said town, the keeping of hogs, or other animals, poultry or other fowl therein or the exercise of any dangerous or unwholesome business, trade or employment thereon; to regulate the transportation of all articles through the streets of the town; to prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be constructed or kept; to regulate the location, construction, operation or maintenance of billboards; to provide how, when and under what conditions awnings may project over the streets and sidewalks from buildings, and the manner in which sidewalks may be used for advertising or display signs or merchandise; to generally define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, safety, convenience or welfare of the inhabitants of the town; to provide for order and quiet and the observance of the Sabbath.

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

Fifteenth. To provide by ordinance for a system of meat and milk inspection and to appoint milk and meat inspectors, agents or officers to carry the same into effect, within or without the corporate limits of the town; to license, regulate, control and locate slaughter houses within or without the corporate limits of the town; to make reasonable charges for such services of inspection; and to provide reasonable penalties for the violation of such ordinances.

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

Seventeenth. To establish, maintain and operate a landing field or airport within or without the town and for such purposes to acquire real estate by gift, lease, purchase or condemnation; to lease such landing fields or airport to others to be used for any lawful purposes; to erect and maintain buildings and appurtenances necessary for the use of such landing field or airport and to prescribe and enforce rules and regulations, not in conflict with the laws, rules and regulations prescribed by the State of Virginia and the Federal Government for the use and protection of such landing field or airport.

Eighteenth. To prevent or extinguish fires, and to establish, regulate, and control a fire department or division, to purchase and maintain fire hydrants, to compensate the water departments of the town for water used in fighting fires and for other similar purposes; to regulate the size, heights, materials and construction of buildings, fences, walls, retaining walls or other structures hereafter erected, in such manner as the public safety or convenience may require; to establish building lines and building regulations; to establish, regulate and control residential and business zones within the corporation; to remove or require to be removed or reconstructed any building, structure or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish or designate from time to time fire limits within which limits wooden buildings shall not be constructed, removed, added to, enlarged, or repaired and to direct that any and all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material and to enact stringent and efficient laws for securing the safety of persons in halls and buildings used for assemblies, entertainments, amusements, schools or places of business.

Nineteenth. To provide, permit or prohibit the establishment of places for the interment of the dead and regulate the same and also those heretofore established and to provide as near to the town as the council deems advisable lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein; and to provide for the perpetual upkeep and care of any plot or burial lot therein; the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested and the income therefrom used in and about the perpetual upkeep and care of the lot or plot for which such donation, gift or bequest shall have been made.

Twentieth. To exercise full police powers and establish and maintain a department or division of police.

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

Twenty-second. To make and enforce ordinances to regulate, control, license and tax the manufacture, bottling, sale, distribution, handling, advertising, possession, dispensing, drinking and use of alcohol, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation or otherwise; provided, however, that no such ordinance shall be in conflict with any of the provisions of the Alcoholic Beverage Control Act or the general laws, of this Commonwealth with respect to such alcoholic beverages, liquids, and articles.

Twenty-third. To pass and enforce all by-laws, rules, regulations, and ordinances which the council deems necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, education, general welfare, trade, health, and protection of its citizens or their property, and to do such other things and pass such other laws as are necessary or proper to carry into full effect all power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in the town, or in the council, or officers thereof, or which are necessarily incident to a municipal corporation.

Twenty-fourth. To prescribe in accordance with the law any penalty for the violation of any town ordinance, rule or regulation or of any provision of this charter. To provide, by ordinance that where a fine and costs imposed upon any person for violation of a town ordinance shall not be promptly paid the official trying the case may, in his discretion, either commit such person to jail until such fine and costs shall be paid, or require him to work out such fine and costs on the streets or other improvements of the town at a rate per day equivalent to the prevailing wages for similar work at that time, in the town, provided, that no person shall be committed to jail or required to work for longer than 90 days for nonpayment of such fines and costs.

Twenty-fifth. To prohibit and punish the mischievous, wanton or malicious damage to public and private property.

Twenty-sixth. The town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding punishment is provided for the violation of such ordinance. (1950, c. 558; 2012, cc. 289, 333)

§ 4. A lien shall exist on all real estate within the corporate limits for taxes, levies or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth, except that the council may, in its discretion, impose upon all taxes not collected prior to the first day of January of each year a penalty of one per centum on the first day of each succeeding month until payment of said

taxes and accrued penalties which shall be turned into the town treasury. The council shall have the benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general law of the State, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1950, c. 558)

§ 5. Administration and government.

The administration and government of the town shall be vested in a council consisting of one principal officer, styled the mayor, and five councilmen. The mayor, and councilmen, shall be electors of the town to be chosen as hereinafter provided, from the residents and electors of the town, and their qualifications to hold office, respectively, shall be the same as required of persons to vote and hold office under the Constitution and laws of the Commonwealth of Virginia. The mayor and councilmen in office at the effective date of this act shall continue in office until their successors are elected and qualified. Beginning with the elections to be held in 2012, the mayor and councilmen shall be elected at the general election to be held on the Tuesday following the first Monday in November and shall serve for terms of four years.

If any person be expelled from the council, a new election to fill the vacancy thus created shall be held within 30 days on such day as the council may prescribe, on not less than 10 days' notice. Any other vacancy in the office of mayor or councilmen shall be filled within 30 days, from the electors of the town, for the unexpired term, by a majority vote of the remaining members of the council, provided, however, that a vacancy in the office of mayor may be filled from their own body or from the electorate of the town, by the council. (1950, c. 558; 2012, cc. 289, 333)

§ 6. Any persons residing within the corporation limits of the town and duly registered and qualified according to law shall be entitled to vote at all municipal elections. All elections for the officers of the town shall be conducted in accordance with the laws of the Commonwealth of Virginia. (1950, c. 558)

§ 7. The council shall in the event of tie votes for its membership, and upon the written request of the candidates affected, permit the candidates to cast lots, by some agreed method, to break the tie, otherwise the council may declare a vacancy in such office and fill the same from the electors of the town by a majority vote of said council. All officers shall qualify by taking the oath of office before the clerk, or other officer authorized to administer oaths and shall give such bond as the council requires. (1950, c. 558)

§ 8. Notice of candidacy for office shall be given, and the ballots to be used in any election in the said town shall be prepared, printed and distributed in the manner prescribed by law. (1950, c. 558)

§ 9. Town officers.

The officers of the town, in addition to the mayor and councilmen, shall be a clerk, a treasurer, and in the discretion of the council, a sergeant and a deputy sergeant. All officers, with the exception of the sergeant and deputy sergeant, shall be electors of the town. (1950, c. 558)

§ 10. The council may, by ordinance, provide for such other officers, agents and employees as it deems appropriate, prescribe their duties and fix their compensation. (1950, c. 558)

§ 11. Organizational meeting.

The council shall meet biennially on the first working day of January to qualify the new members, to organize and elect from among the voters of the town or its membership, a town clerk and a town treasurer. The office of treasurer and clerk may be filled by the same person. (1950, c. 558; 2012, cc. 289, 333)

§ 12. The council shall affix the compensation of its members, the mayor, and all other officers, agents and employees of the town. (1950, c. 558)

§ 13. The council shall, by ordinance, adopt such rules as it deems proper for the regulation of its proceedings and the time of its meetings. (1950, c. 558)

§ 14. Three councilmen shall constitute a quorum for the transaction of business, and no ordinance or resolution shall be passed or adopted having for its object the levying of taxes or contracting a debt except by a recorded concurring vote of three of the members of the council. (1950, c. 558)

§ 15. All meetings of the council shall be public unless the council by a recorded affirmative vote of three-fifths of its members declares that the public welfare demands an executive session of the council. Any citizen shall have access to the minutes. (1950, c. 558)

§ 16. The mayor shall preside at all meetings of the council, and in his absence or inability to act, a majority of the councilmen in attendance shall elect a presiding officer. The mayor shall have no vote except in case of tie. (1950, c. 558)

§ 17. The mayor shall be the chief executive officer of the town; he shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; he shall perform such other duties consistent with his office as are imposed by the council; the mayor shall see that the duties of the various town officers, including members of the police and fire departments, whether elected or appointed, are faithfully performed; he shall also have the power to suspend such officers and members of the police and fire departments and other employees for misconduct in office or neglect of duty, until the next regular meeting or special meeting of the council, when such suspended officer or employee may present testimony in his defense to the council and the decision of the council shall be final in the event of the inability of the mayor to actively discharge his duties, his place may, in the discretion of the council, be filled and his duties discharged, until such disability shall cease, by a member of the council who shall be elected by a majority of the council and who shall be designated mayor pro tempore. The mayor shall be the official head of the town. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. The mayor

or person acting as mayor shall authenticate by his signature such documents or instruments as the council, this charter, or the laws of the Commonwealth require. (1950, c. 558)

§ 18. The treasurer shall receive all moneys belonging to and received by the town and keep a correct account of all receipts from all sources, and expenditures of all departments. He shall collect all taxes, levies, licenses, assessments, fees, water rents and other charges belonging to and payable to the town and for that purpose he is hereby vested with any and all powers which are now or may be hereafter vested in county and city treasurers, for the collection of county and city taxes under the general law; he shall keep and disburse all moneys or funds in such places and in such manner as may be determined by ordinance or the provisions of law applicable thereto. He shall pay no money out of the treasury except in the manner prescribed by ordinance or the general law, and shall make such reports and perform such other duties not inconsistent with the office as are required by the mayor or by resolution and ordinance of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as the council prescribes, and before entering upon the duties of his office shall execute a bond in such amount and with such security as the council by ordinance prescribes. The council, in its discretion, may provide that unpaid delinquent taxes which are five years in default shall not be included in the amounts for which the treasurer is required to furnish bond. The council may, in its discretion, and if it deems it necessary or convenient, appoint some person or persons from the electors of the town to assist the town treasurer in the collection of all taxes and assessments, water rents and other charges belonging to and payable to the town, which person may be the sergeant, deputy sergeant, or superintendent of water works, but before entering upon the discharge of such duties, such person shall execute a bond in such amount and with such security as the council, by ordinance, prescribes. (1950, c. 558)

§ 19. The council may provide that the premium on any surety bond shall be paid by the town. (1950, c. 558)

§ 20. The town clerk shall be clerk to the council, shall attend all meetings thereof and shall keep a record of its proceedings. He shall keep all papers, documents and records pertaining to the town, the custody of which is not otherwise provided for. He shall be custodian of the town seal and shall attest the same, and shall perform such other duties as are required by general law or by the council by ordinance or resolution. (1950, c. 558)

§ 21. Police justice.

The council may appoint a police justice, who shall qualify by taking the oath of office before the clerk, or such other officer as may be authorized to administer oaths, and shall give such bond as the council requests.

The police justice shall possess and exercise original jurisdiction for the trial of all criminal offenses committed within the corporate limits of the town and for one mile beyond said corporate limits. He shall have no civil jurisdiction.

The compensation of the police justice shall be fixed by the Council as it may deem proper.

The Council may elect a substitute police justice, to act during the absence of the police justice. Such substitute police justice shall serve during the term of his principal and shall have the same powers, authority and jurisdiction as his principal, and his compensation shall be fixed by the council as it may deem proper. (1950, c. 558)

§ 22. The council may require the attendance of its officers, agents, appointees or employees at its meetings and may further require that reports be submitted. (1950, c. 558)

§ 23. All fees, costs or charges for making arrests or trying cases involving violations of town ordinances shall be assessed and when collected, shall be forthwith paid unto the town treasury. (1950, c. 558)

§ 24. All rights, privileges and property of the town heretofore acquired, now owned, or enjoyed, shall continue undiminished and remain vested in the town; and all the ordinances and resolutions of the council now in force and not inconsistent with this act shall continue in full force and effect until amended or repealed. (1950, c. 558)

§ 25. The enumeration of particular powers and authority in this charter shall not be deemed nor held to be exclusive but in addition to the powers herein enumerated, implied hereby or appropriate to the exercise thereof, the town shall have and may exercise all other powers which are now or may be hereafter conferred upon or enjoyed by towns under the Constitution and general laws of this Commonwealth. (1950, c. 558)

§ 26. If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1950, c. 558)

§ 27. All contracts and obligations heretofore made by the council and government of the town of Glen Lyn, not inconsistent with this charter or the Constitution and general laws of this Commonwealth, shall be and are hereby declared to be valid and legal. (1950, c. 558)

Gordonsville, Town of

County of Orange

History of incorporation

Incorporated by an 1870 Act of Assembly.
Charter, 1870, c. 250; repealed 1932, c. 226.
Charter, 1932, c. 226, repealed 1975, c. 346.

Current charter
Charter, 1975, c. 346.

Amendments to current charter
2012, c. 410 (§§ 2, 3, 5)

§ 1. Corporate status and powers.
The inhabitants of the territory comprised within the present limits of the town of Gordonsville or as such limits may be hereafter altered by law shall constitute and continue a body politic and corporate known as the town of Gordonsville and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and general laws of the Commonwealth of Virginia as fully and completely as though such powers were specifically enumerated herein including, but not limited to, the powers set forth in §§ 15.1-837 through 15.1-907, both inclusive, of the Code of Virginia, as amended, and as in force on January one, nineteen hundred seventy-five are hereby conferred on and vested in the town of Gordonsville. The town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now pertaining to and incumbent on it as a municipal corporation and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with and may have a corporate seal which it may alter at its pleasure by proper ordinance. (1975, c. 346)

§ 2. Corporate limits.
The present corporate limits of the town of Gordonsville are hereby reestablished in accordance with a survey and plat on file in the Clerk's Office of the County of Orange, Virginia, in Law Order Book 463, pages 0201, 0202, 0203, and 0204, the courses and distances of which are set forth in an order styled "in re: Petition of the County of Orange, Virginia and the Town of Gordonsville, Virginia to relocate the boundary between them" dated June 20, 1991, on file in the office of the Circuit Court of Orange County, Virginia. (1975, c. 346; 2012, c. 410)

§ 3. Form of government; election of mayor and council members.
The town shall be governed in accordance with this charter and the applicable general law. Following the transition outlined in this section, the administration and government of the town shall be vested in one principal officer styled mayor and four council members who, together with the mayor, shall constitute the council of said town and shall be elected at large. The mayor and the council members shall be electors of said town. The council shall elect one of its members to serve as vice-mayor. Vacancies in the office of mayor or council members shall be filled for the unexpired term by a majority vote of the remaining members of the council.

The present mayor and six members of the town council shall continue in office until their current terms expire or until their successors are legally elected and qualify.

Subject to the general election to be held in November of 2012, and each four years thereafter, instead of electing three town council members and the mayor, the town citizens shall elect two town council members and the mayor, who shall hold office for four-year terms beginning January 1, 2013. Subject to the general election to be held in November of 2014, and each four years thereafter, instead of electing three town council members, the town citizens shall elect two town council members who shall hold office for four-year terms beginning January 1, 2015.

The term of the mayor and each member of council shall be four years. The date for the election for mayor and council members and the date such officers shall enter upon the duties of their respective offices shall be in accordance with this charter.

The council may appoint a town manager who shall, under the control of council, have general charge and management of the administrative affairs and work of the town with the powers and duties specified in § 15.2-1541 of the Code of Virginia, as amended, and such other powers and duties as may be delegated to him by council. (1975, c. 346; 2012, c. 410)

§ 4. Taxation.

The town is empowered to levy and collect taxes on all subjects of taxation except as restrained by the constitution or by general laws heretofore or hereafter adopted provided that the town shall impose no tax on bonds of the town and provided further that the levy of ad valorem taxes without limitation of rate or amount for payment of general obligation bonds of the town is authorized upon all taxable property within the town as now and hereafter constituted. (1975, c. 346)

§ 5. Citation of charter.

This Charter may be referred to or cited as the Town of Gordonsville Charter of 1975, as amended. (1975, c. 346; 2012, c. 410)

Goshen, Town of

County of Rockbridge

History of incorporation

Incorporated by an 1883-84 Act of Assembly.
Charter, 1883-84, c. 284; repealed 1980, c. 77.

Current charter

Charter, 1980, c. 77.

Chapter 1. Incorporation and Corporate Limits.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Goshen, in the county of Rockbridge as such limitations are now, or may hereafter be altered and established by law, shall constitute and be a body politic and corporate, to be known and designated as the town of Goshen and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1980, c. 77)

§ 1.2. The territory embraced within the limits of the town of Goshen is as follows:

All that territory set forth and described in Paragraph 2, of Chapter 284 of the Acts of Assembly of 1883-1884, which paragraph is incorporated herein by reference, as such limits are now or hereafter may be altered and established by law. (1980, c. 77)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Goshen shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers specifically were enumerated herein, and no enumeration of particular powers by this chapter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1980, c. 77)

§ 2.2. Adoption of powers granted by the Code of Virginia.

Powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of the Code of Virginia and all acts in furtherance thereof and supplemental thereto. (1980, c. 77)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for mayor and council.

The town of Goshen shall be governed by a town council composed of five councilmen and a mayor, all of whom shall be qualified voters of the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmen and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualify. An election for councilmen and mayor shall be held on the first Tuesday in May, nineteen hundred eighty-two. The mayor and the three councilmen polling the highest number of votes shall be elected for a four-year term. The two councilmen polling the fourth and fifth highest number of votes shall serve an initial term of two years

and such offices shall be subject to reelection on the first Tuesday in May, nineteen hundred eighty-four, for a term of four years. All elections thereafter shall be for a term of four years. (1980, c. 77)

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council. (1980, c. 77)

§ 3.3. Council a continuing body.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1980, c. 77)

§ 3.4. Mayor.

The mayor shall be the chief executive and administrative officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak therein as members of the council but shall not vote except in the case of a tie vote. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1980, c. 77)

§ 3.5. Vice-mayor.

The town council shall, by a majority of all of its members, elect a vice-mayor from its membership at its first meeting to serve for a term of two years. In the absence of or during the disability of the mayor, the vice-mayor shall be the presiding officer of the council and possess the powers and discharge the duties given him by the council. (1980, c. 77)

§ 3.6. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be opened to the public in accordance with Chapter 21 of Title 2.1 of the Code of Virginia. Three members of the council in addition to the mayor or vice-mayor shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any two members of the council, provided that the members of the council are given six hour's notice in writing of such meetings, and no business shall be transacted at a special meeting except that for which it shall be called.

If the mayor and all members of the council are present, the notice provisions may be waived by a majority vote of the council. The notice provisions also may be waived on declaration of an emergency by the mayor and one councilman. Any action taken at an emergency session shall be subject to review at the next regular meeting of council. (1980, c. 77)

§ 3.7. Ordinances and resolutions.

On final vote on any ordinance or resolution the name of each member voting and how he voted shall be recorded, and, in addition, no ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes or authorizing the borrowing of money shall be passed except by affirmative vote of a majority of all members of the council. (1980, c. 77)

§ 3.8. Salaries.

The salaries of the mayor, councilmen, members of boards or commissions and all appointed officers and employees of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. (1980, c. 77)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

At the first meeting in July following each election or as soon thereafter as practicable, the council shall appoint or reappoint the following officers whose duties shall be as prescribed by the council not inconsistent or in conflict with general law: a town treasurer, a town clerk who also may be the town treasurer, a town attorney who shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia and who shall be actively practicing within the geographical limits of Rockbridge County. (1980, c. 77)

§ 4.2. Deputies and assistants.

The council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1980, c. 77)

§ 4.3. Term of office.

Appointees under this chapter shall serve at the pleasure of the council. (1980, c. 77)

§ 4.4. Bonds.

Appointees may be required to execute such bonds as general law may require or the council may deem necessary. (1980, c. 77)

§ 4.5. Appointment of one person to more than one office.

The council may appoint the same person to more than one appointive office. (1980, c. 77)

§ 4.6. Boards and commissions.

The council may, in its discretion, appoint such boards and commissions as it deems necessary or as may be authorized by the laws of the Commonwealth of Virginia. (1980, c. 77)

Chapter 5. Enactments.

§ 5.1. Ordinances and resolutions generally.

Each proposed ordinance or resolution shall be introduced in written or printed form. The enacting clause of all ordinances passed by the mayor and council shall be substantially "BE IT ORDAINED AND ENACTED by the mayor and council of the town of Goshen, Virginia." Except as otherwise may be provided in this charter or general laws of the Commonwealth of Virginia, an affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance or resolution. An ordinance or resolution may be presented and enacted at the same meeting. (1980, c. 77)

§ 5.2. Recordation and authentication of ordinances.

Every ordinance when enacted by the mayor and council shall be recorded and indexed by the clerk of the council in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the clerk of the council. (1980, c. 77)

§ 5.3. Publication of ordinances.

Every ordinance of a general or a permanent nature shall be published in full once within ten days after its enactment, either by posting a copy thereof at one of the public entrances to the building utilized by the mayor and council for its public meetings, one copy at the United States Post Office at Goshen, one copy at the front door of the Rockbridge County Court House and one copy at two other public places in the town, or upon order of the council, by publication in a newspaper having a general circulation within the town for such time as the council may direct. No ordinance or resolution having the effect of an ordinance enacted by the mayor and council for the violation of which any penalty is imposed shall take effect unless and until the same shall have been published as hereinbefore provided and a certificate of such publication filed with the clerk of the council. (1980, c. 77)

Chapter 6. Financial Administration.

§ 6.1. Taxes.

The town of Goshen shall have the power to raise annually by taxes and assessments in the town such sums of money as the council shall deem necessary for the purposes of the town and in such manner as the council may deem expedient in accordance with the Constitution and general law of Virginia and of the United States. (1980, c. 77)

§ 6.2. Licenses.

The town of Goshen may enact ordinances requiring the licensing of commercial and business establishments and professional and other services rendered within the town and fix the fees to be paid for such privilege not inconsistent with the statutory and general laws of Virginia. (1980, c. 77)

§ 6.3. Fines, costs and fees.

The town of Goshen may fix fines, penalties and costs for violations of its ordinances and charge fees for administrative services not inconsistent with the laws of the Commonwealth of Virginia. (1980, c. 77)

§ 6.4. Special assessments.

The town of Goshen shall have the power to impose special or local assessments for local improvements and to enforce the payment thereof, subject to the limitations prescribed by the Constitution and laws of the Commonwealth as may be in force at the time of the imposition of such special or local assessments. (1980, c. 77)

§ 6.5. Appropriations.

The town of Goshen shall have the right to appropriate and expend the money of the town for all lawful purposes. (1980, c. 77)

Chapter 7. Miscellaneous.

§ 7.1. Fiscal year.

The fiscal year of the town shall begin on July one in each year and end on June thirty of the following year. (1980, c. 77)

§ 7.2. Elections.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1980, c. 77)

§ 7.3. Applicability of laws outside of the town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1980, c. 77)

§ 7.4. Ordinances continued.

All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council. (1980, c. 77)

§ 7.5. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one general subject. (1980, c. 77)

§ 7.6. Office of sergeant.

The office of sergeant for the town shall be established in the discretion of the council and if established shall be filled by appointment by the council. (1980, c. 77)

§ 7.7. Severability.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the charter. (1980, c. 77)

Gretna, Town of

County of Pittsylvania

History of incorporation

Formerly the Town of Elba.
Elba charter, 1901, c. 19, incorporation and charter; repealed 1916, c. 223.
Elba, 1914, c. 167, name changed to Gretna.
Gretna charter, 1916, c. 223; repealed 1979, c. 308.

Current charter

Charter, 1979, c. 308.

Amendments to current charter

1980, c. 70 (§ 4)
2003, cc. 659, 672 (§ 4)
2010, c. 173 (§ 4)

§ 1. Style of corporation.

The inhabitants of the territory in Pittsylvania County, Virginia, comprised within the present limits of the town of Gretna, as such limitations are now or may hereinafter be altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Gretna, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation, and the town of Gretna, as such, shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal, which it may alter, renew or amend at its pleasure by proper ordinance. (1979, c. 308)

§ 2. Town boundaries.

The territory and limits of the town shall embrace and extend one-half mile in every direction from the marker indicating the site of the chimney of the Southern Railway depot. (1979, c. 308)

§ 3. Powers generally.

In addition to the powers elsewhere mentioned in this charter and powers conferred by general law, and the Constitution, the town of Gretna shall have specifically, but not limited to, all powers set forth in §§ 15.1-837 through 15.1-915.1, inclusive, of the Code of Virginia. (1979, c. 308)

§ 4. Administration and government.

A. The administration and government of the Town of Gretna shall be vested in one body, to be called the council of the Town of Gretna, which shall consist of seven members, six of whom shall be known as councilmen and one to be known as mayor, all of whom shall be residents and qualified voters of the town. The council of the town shall have power to elect or appoint such other officers as it may deem necessary, and to define their duties, including a town manager, who shall, under the control of the council, have the general charge and management of the administrative affairs and work of the town, and who shall perform such other duties as may be required of him by the council. The manager shall receive a salary as shall be allowed him by the council, and may be dismissed at any time by the council. The council may create, appoint, or elect such other departments, bodies, boards, and other officers as are hereinafter provided for, or as are permitted or required by law to be appointed by the council.

B. The present mayor and council of the Town of Gretna shall continue in office until the expiration of the term for which they were respectively elected, or until their successors are duly elected and qualified.

C. The mayor and the six councilmen shall constitute the Town Council of Gretna.

In the year 2010, and every two years thereafter, the mayor shall be elected at large by the qualified voters of the Town of Gretna at a municipal election to be held in November. The mayor shall be elected for a term of two years beginning on the January 1 next following his election and shall serve until his successor shall have been elected and qualified.

In the year 2010, and every four years thereafter, three councilmen shall be elected at large by the qualified voters of the Town of Gretna at a regular municipal election to be held in November for four-year terms beginning on the January 1 next following their election and shall serve until their successors shall have been elected and qualified.

In the year 2012, and every four years thereafter, three councilmen shall be elected at large by the qualified voters of the Town of Gretna at a regular municipal election to be held in November for four-year terms beginning on the January 1 next following their election and shall serve until their successors shall have been elected and qualified.

The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of the members of such body or any of them. Every person elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take an oath prescribed by law for State

officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the office, and the council shall proceed and are hereby vested with power to fill such vacancy in the manner herein prescribed.

Any vacancy occurring during the term of any member of the council shall be filled by the council by the appointment of anyone eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town as soon as possible.

D. For the transaction of business by the council, four members, of whom the mayor may be counted as one, shall constitute a quorum.

E. Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner, as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct. No increase in salary of a council member or the mayor shall take effect during the incumbent council member's or mayor's term of office.

F. The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his office. The mayor shall have no right to vote in the council, except that in case of a tie vote then the mayor shall vote.

G. The council shall, as soon as practicable, after qualification, choose one of its members as vice mayor. The vice mayor shall perform the duties of the mayor during his absence or disability, and in event of a vacancy for any reason in the office of mayor, he shall serve until a mayor is duly appointed by the council or is elected. The vice mayor shall continue to have all rights, privileges, powers, duties, and obligations of a councilman while performing the duties of mayor, during the absence or disability of the mayor of the town. In the absence of the mayor or vice mayor, the mayor may designate a member of the council to perform his duties.

H. The council shall, by ordinance, fix the time for their meetings, but shall have at least one meeting each month. Special meetings shall be called by the clerk at the instance of the mayor or any three members of the council, in writing; no business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public, except such meetings as may be permitted by general law to be closed.

I. The council shall keep a minute book, in which the clerk shall note the proceeding of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

J. The council may adopt rules for regulating its proceedings, but no tax shall be levied or corporate debt contracted, except by a vote of two-thirds of the council, four votes being counted as two-thirds,

which vote shall be taken by "Yeas" and "Nays," and recorded in the minute book. It may appoint such committees as may be deemed proper for the transaction of business, and may compel attendance of absent members.

K. The council may require the mayor to communicate to it annually as soon after the close of the fiscal year, or more often, if necessary a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine such officer on oath. He shall have power to suspend all officers appointed by the council until the next regular meeting of the council, but such suspension shall, in all cases, be for misconduct in office or neglect of duty, to be specified in the order of suspension. In case of suspension of any officer, the mayor shall submit a written report of the same to the council at its next regular meeting, or any meeting called for that purpose, specifically designating the charge against the officer and reasons for dismissal, and in case of suspension by the mayor, he shall have power to appoint some other person in his place to hold such office and perform the duties thereof until the next regular meeting of the council.

L. Every ordinance passed by the council for the violation of which a penalty is imposed shall be published in such a way as the council may order, so as to give general publicity thereto, and no order may become effective until so published, either by handbills posted in at least two public places, or in a newspaper published and having general circulation in the town, except in the case of an emergency, in which instance the ordinance shall so state and shall become effective immediately upon its passage. If published by handbill, a certification of the posting thereof shall be made by the clerk or sergeant as to the time and place where the ordinance is recorded; provided, however, that after the expiration of six months from date of the passage of any ordinance, its publication shall not be questioned, or its validity affected by any failure to publish the same.

M. The council may, in addition to a town manager, appoint a town sergeant, a clerk and a treasurer. Such officers shall qualify and give bond, if any be required, in such amount as council may deem proper. Such officers shall perform those duties as council, from time to time, may prescribe by ordinance not inconsistent with the Constitution and general laws of this Commonwealth. The clerk of the council and the treasurer may be one and the same person in the discretion of the council.

N. The council may add penalties and interest, in an amount not to exceed that provided for, if any, by State law, for failure of any person or firm or corporation to pay taxes or licenses at the time provided for by ordinances of the council, and there shall be a lien for all taxes assessed which may be enforced as provided by general law of the Commonwealth.

O. The council shall issue no bonds or certificates of debt, except in anticipation of current revenue, until it shall have first submitted to the qualified voters of the town by a court ordered election on the question of whether or not such bonds shall be issued and a majority of the qualified voters voting at any election held for such purpose shall have voted for such issue. Such election shall be held as provided for by general laws of this Commonwealth including, specifically, § 24.1-165. A copy of the court order shall be published at least five days before the election in some newspaper published in the town or having general circulation therein. The publisher of the newspaper shall certify to the publication thereof, which certification shall be recorded in the minute book of the town.

P. The council may provide for a sinking fund for the purpose of paying off as it matures, any indebtedness of the town and may make an additional levy therefor, such sinking fund to be set aside and invested as provided for hereinafter.

When taxes on real and personal property are collected for the year, the town treasurer shall take therefrom the necessary amount of any additional sum, if any, so set apart, and deposit the same in a separate account to the credit of the sinking fund in such bank or banks as the council may designate.

All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not, within a reasonable time, be required for payment of any bond of the town, or cannot be used to advantage in purchase and redemption of any bond of the town, which may be outstanding, the same shall be securely invested in interest bearing municipal, State or U. S. government bonds or obligations, or invested in any security approved by the general laws of the Commonwealth of Virginia for investment of such funds. Such sinking funds may be used in the payment or redemption of all bonds of the town, at the discretion of the council.

The town council shall act as the sinking fund commission or committee and shall provide for the investment, deposit and application of the funds in conformity to the provisions of this charter; and may require any bank or banks receiving on deposit its revenues or any of its sinking fund a fidelity bond or other security.

Q. The council may provide for charging and collecting fees for permits to use public facilities and for public services and privileges. The town shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar services to citizens within the corporate limits.

R. The council may establish, regulate and control a department or division of fire.

S. The council may establish, regulate and control a department or division of police. (1979, c. 308; 1980, c. 70; 2003, cc. 659, 672; 2010, c. 173)

§ 5. Fixed term elections or appointments.

Whenever, under the provisions of this charter, any officer of the town or member of any board or commission is elected or appointed for a fixed term, such officer or member shall continue to hold office until his successor is appointed and qualified. (1979, c. 308)

§ 6. Validation of contracts.

All contracts and obligations heretofore or hereafter made by the council of the town of Gretna, while in office, not inconsistent with this charter, or the Constitution, or the general laws of this Commonwealth, shall be, and hereby are declared to be valid and legal. (1979, c. 308)

§ 7. Ordinances to continue in force.

All ordinances now in force in the town of Gretna, not inconsistent with this charter, shall be and remain in full force until altered, amended or repealed by the council of the town. (1979, c. 308)

§ 8. Severability of charter provisions.

If any clause, sentence, paragraph or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the charter, but shall be confined in its operations to the clause, sentence, paragraph or part thereof, directly involved in the controversy in which such judgment shall be rendered. (1979, c. 308)

§ 9. Citation of charter.

This charter may for all purposes, be cited or referred to as the Town of Gretna Charter of 1979. (1979, c. 308)

Grottoes, Town of

County of Rockingham

History of incorporation

Formerly the Town of Shendun.
Shendun, incorporation and charter, 1892, c. 253; repealed 1948, c. 356.
Shendun, name changed to Grottoes, 1912, c. 150.
Charter, 1948, c. 356; repealed 1997, c. 571.
Charter, 1997, c. 571; repealed 2022, cc. 152, 618.

Current charter

Charter, 2022, cc. 152, 618.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Grottoes, as such limits may be altered and established by law, shall constitute and continue to be a body politic and

corporate to be known and designated as the Town of Grottoes, and as such, shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and have a corporate seal that it may alter, renew, or amend at its pleasure by ordinance. (2022, cc. 152, 618)

§ 1.2. Boundaries.

The territory embraced within the present limits of the Town of Grottoes is described in a recordation in the Clerk's Office of the court where deeds are filed. It is the purpose of the description to embrace and include within the limits of the Town of Grottoes all land legally within the boundaries of said Town as of the date of the enactment of this Charter. (2022, cc. 152, 618)

Chapter 2. Powers.

§ 2.1. General Grant of Powers.

(a) Powers authorized in Code of Virginia. The Town shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to Towns under the Constitution and the laws of the Commonwealth of Virginia as fully and completely as if such powers were specifically enumerated in this Charter. No enumeration of particular powers in this Charter shall be held to exclude other, unmentioned powers. The Town shall have, exercise, and enjoy all of the rights, immunities, powers, and privileges and be subject to all of the duties and obligations now appertaining to and incumbent upon the Town as a municipal corporation.

(b) Powers exercised by governing body. All powers vested in the Town by this Charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth of Virginia and that are necessary or desirable to secure and promote the general welfare of the Town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the Town and the Town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the Town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth of Virginia.

(c) Repeal of prior inconsistent acts and Charters. All acts and parts of acts in conflict with this Charter are hereby repealed, insofar as they affect the provisions of this Charter, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the Town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind. Upon the effective date of this Charter, all references to the Town Superintendent in the Town's resolutions, ordinances, code provisions, contracts, and all other official acts

and governing documents then in effect shall be deemed as referring to the Town Manager. (2022, cc. 152, 618)

§ 2.2. Financial Powers.

(a) Generally. In accordance with the Constitution of Virginia and the United States Constitution, the Town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the Town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the Town, in such manner as the Council deems necessary or expedient.

(b) Assessments for local improvements. The Town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) Water and sewage rates; rates and charges for public utilities or services operated by the Town. The Town may establish, impose, and enforce water, light, and sewage rates and rates and charges for public utilities, or other services, products, or conveniences, operated, rendered, or furnished by the Town and assess, or cause to be assessed, water, light, sewage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the Council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant. (2022, cc. 152, 618)

§ 2.3. Contractual Powers; Gifts; Grants.

(a) Acquisition of property generally; holding, selling, leasing Town property. The Town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the Town or the Commonwealth of Virginia and for any of the purposes of the Town.

(b) Debts and evidence of indebtedness. The Town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Gifts. The Town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, that are related to the Town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devisees, with power to manage maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devisees. (2022, cc. 152,618)

§ 2.4. Operational Powers.

(a) Generally. The Town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the Town, subject to such limitations as may be imposed by this Charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by this Charter or otherwise by law.

(b) Records and accounts. The Town shall provide for the control and management of the Town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the local government consistent with generally accepted accounting standards necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

(c) Expenditure of money. The Town may expend money for all lawful purposes.

(d) Construction and maintenance of improvements, buildings, and property for use and operation of Town departments. The Town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the Town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.

(e) Town events. The Town may conduct festivals, music events, running races, athletic competitions, community festivals, and all such other events and may charge fees for the participation therein. (2022, cc. 152, 618)

§ 2.5. Utilities; Public Improvements.

(a) Water works and water supply. The Town may own, operate, and maintain water works and acquire in any lawful manner in any town, county or city of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the Council may deem necessary for the purpose of providing the Town with an adequate water supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the Town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the Town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by

injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said Town may, if the Council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Wastewater collection and treatment. The Town may collect, treat, and dispose of sewage. The Town may own, operate, and maintain wastewater treatment plants and acquire in any lawful manner in any town, county or city of the Commonwealth of Virginia such lands and property rights as the Council may deem necessary for the purpose of providing the Town with an adequate wastewater treatment, and of collecting the same; lay all necessary mains and service lines, either within or without the corporate limits of the Town, and charge and collect fees therefor; erect and maintain all necessary pumping stations and other works in connection therewith; make reasonable rules and regulations for protecting the Town from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to the Town's water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations; and for the purpose of acquiring lands, interest in lands, and property rights for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said Town may, if the Council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(c) Streets; parks and playgrounds; infrastructure; vehicles. The Town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the Town's prescribed requirements.

(d) Public utilities. Subject to the provisions of the Constitution of Virginia, this Charter, and general law, the Town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(e) Collection and disposition of garbage, ashes, refuse, reduction, and disposal plant. The Town may collect and dispose of ashes, garbage, carcasses of dead animals, and other refuse; make

reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof and require and regulate the collection and disposal thereof. (2022, cc. 152, 618)

§ 2.6. Nuisances; Sanitary Conditions.

The Town may compel the abatement and removal of all nuisances within the Town; require all lands, lots, and other premises within the Town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the Town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the Town in accordance with applicable law. (2022, cc. 152, 618)

§ 2.7. Police Powers.

(a) The Town may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The Town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the Town or its inhabitants; prescribe any penalty for the violation of any Town ordinance, rule, or regulation or of any provisions of this Charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all bylaws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the Town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said Town, or in the Council, court, or offices thereof, or which may be necessarily incident to a municipal corporation. (2022, cc. 152, 618)

§ 2.8. Miscellaneous Powers.

(a) Removal or reconstruction of unsafe buildings; protection of public gatherings. The Town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto that by

reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or that may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) Fees for permits. The Town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) Injunctive relief. The Town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance. (2022, cc. 152, 618)

Chapter 3. Elected Officers.

§ 3.1. Government of Town.

The Town shall be governed by a Town Council composed of six members and a Mayor, all of whom shall be qualified voters in the Town. (2022, cc. 152, 618)

§ 3.2. Mayor.

The Mayor shall be the Chief Executive of the Town.

The Mayor shall have and exercise all the privileges and authority conferred by general law not inconsistent with this Charter. The Mayor shall preside over the meetings of the Council and shall have the right to speak therein. The Mayor shall be entitled to vote upon measures pending before the Council only in event that the other members voting are equally divided for and against such measure.

The Mayor shall be the head of Town government for all ceremonial purposes and shall perform such other duties consistent with the office as may be imposed by the Council. The Mayor shall see that the duties of the various Town officers are faithfully performed and shall execute on behalf of the Town such documents or instruments as the Council, this Charter, or the laws of the Commonwealth of Virginia shall require. (2022, cc. 152, 618)

§ 3.3. Vice-Mayor.

The Council shall elect each year during its organizational meeting a Vice-Mayor, who shall possess the powers and discharge the duties of the Mayor during any absence or disability of the Mayor. (2022, cc. 152, 618)

§ 3.4. Council as a Continuing Body.

The Council shall be a continuing body, and no measure pending before it nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or the removal of any Council members. (2022, cc. 152, 618)

§ 3.5. Election of Mayor and Members of Council.

The Mayor and members of Council shall be elected by the qualified voters of the Town in the manner provided by law from the Town at large. The Council and Mayor in office at the time of the adoption of this Charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. The term of office for members of the Council and Mayor shall be four (4) years or until their successors are elected and qualified. All elections of the Mayor and Council members shall take place on the Tuesday after the first Monday in November. Persons elected under this section shall take office on January 1 following their election. (2022, cc. 152, 618)

§ 3.6. Vacancies.

Vacancies on the Council shall be filled in accordance with general law. (2022, cc. 152, 618)

§ 3.7. Meetings of the Council.

(a) Organizational meeting. The Town Council's organizational meeting for the purposes set forth in § 15.2-1416 of the Code of Virginia shall be its first meeting held after January 1 of each year.

(b) Regular meetings. The Council shall fix the date and time of its regular meetings, which shall be at least once each month.

(c) Special meetings. A special meeting of the Council shall be held when called by the Mayor or when requested by three or more of the members of the Council. The call or request shall be made to the Clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk of the Council, after consultation with the Mayor, shall immediately notify each member of the Council and the Town attorney in writing delivered in person, or to his or her place of residence or business or, if so requested by the member of the governing body, by electronic mail or facsimile, to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting unless the Council by unanimous consent agrees to consider additional matters.

(d) Rules of procedure. From time to time, the Council may adopt rules of procedure governing its meetings, such rules not being inconsistent with state law. (2022, cc. 152, 618)

§ 3.8. Committees.

The Mayor shall establish committees consisting of members of the Council, including a finance committee and such other committees as deemed appropriate. At the organizational meeting each year, and at such other times as appropriate, the Mayor shall assign the Council members to the various committees and shall name the respective chair. (2022, cc. 152, 618)

§ 3.9. Compensation.

Compensation for the Mayor, Council members, and all appointed officers shall be set by the Council, subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. (2022, cc. 152, 618)

Chapter 4. Appointed Officers.

§ 4.1. Town Manager.

The Council may appoint a Town Manager, who shall be the Town's Chief Administrative Officer and the administrative head. The Town Manager shall be responsible to the Council for the proper management of the Town. In addition to any other duties prescribed by the Council or required by law, the Town Manager shall:

(1) See that all ordinances, resolutions, directives, and orders of the Council and all laws of the Commonwealth of Virginia are faithfully executed;

(2) Appoint, supervise, and dismiss all officers and employees of the Town, including but not limited to the police chief and treasurer, if any. The Town Manager may authorize the head of an office or department to appoint, supervise, and discipline subordinates in such office or department subject to review and approval by the Town Manager;

(3) Report to the Council from time to time on the affairs of the Town;

(4) Receive reports from, and give directions to, all heads of offices and departments of the Town;

(5) Submit to the Council a proposed annual budget, in accordance with general law, with recommendations, and execute the budget as finally adopted by the Council; and

(6) Advise the Council on the Town's financial condition and future financial needs. (2022, cc. 152, 618)

§ 4.2. Town Attorney.

The Council may appoint a Town attorney to represent the Town, who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth of Virginia. The Town attorney shall receive compensation as provided by the Council and shall have such duties as prescribed by the Council. (2022, cc. 152, 618)

§ 4.3. Clerk.

The Council may appoint a Clerk, who shall be responsible for maintaining the official legislative record of Council meetings and actions and perform such other duties as may be prescribed by the Council or required by law. (2022, cc. 152, 618)

§ 4.4. Other Officers.

The Council may appoint any other officers as it deems necessary and proper. (2022, cc. 152, 618)

§ 4.5. Terms of Office.

Appointees under this chapter shall serve at the pleasure of the Council. The Council may fill any vacancy in any appointive office. (2022, cc. 152, 618)

Chapter 5. Financial Provisions.

§ 5.1. Fiscal Year.

The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the following year. (2022, cc. 152, 618)

Chapter 6. Miscellaneous.

§ 6.1. Existing Ordinances.

All ordinances now in force in the Town, not inconsistent with this Charter, shall be and remain in force until altered, amended, or repealed by the Council. (2022, cc. 152, 618)

§ 6.2. Severability of Provisions of this Charter.

If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the Charter but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (2022, cc. 152, 618)

Grundy, Town of

County of Buchanan

History of incorporation

Incorporated, 1875-76, c. 249.

Current charter

Charter, 1926, c. 206.

Amendments to current charter

1938, c. 142 (§ 14)
1952, c. 6 (§ 14)
1956, c. 119 (§§ 3, 14)
1993, c. 401 (§ 14)

§ 1. Be it enacted by the general assembly of Virginia, That the inhabitants of the territory in Buchanan County contained within the boundaries prescribed by § 2 hereof, be and shall continue to be a body politic and corporate, in fact and in name, under the name and style of the Town of Grundy, and as such shall have and exercise all the powers conferred by and be subject to all the laws of the State of Virginia for the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1926, c. 206)

§ 2. The boundaries of said town shall be as follows:

Beginning at the mouth of the lower Mill branch of Slate creek; thence a straight line in a southwesterly direction, crossing the ridge between Slate creek and New House branch thereof to a point one hundred feet due east of the residence of J. R. Davis; thence a straight line, continuing in a southwesterly direction, but not on the same degree as the last call, to a point in the center of the State highway leading from Grundy, Virginia, to Raven, Virginia, in a line between the lands of J. N. Watkins' heirs and R. G. Watkins' heirs; thence a straight line, crossing the spur between Three and Twenty Mile branch and Levisa River, to the mouth of Ramp Hollow of Three and Twenty Mile branch; thence a straight line, almost due north, to the mouth of Beck branch of Levisa river, near the residence of D. C. Ratliff; thence due north to the top of the ridge between Levisa river and Six and Twenty Mile branch; thence an eastwardly course, with the top of said ridge, to the nearest point where same will drain into the waters of Dave branch of Slate creek; thence due east crossing Dave branch and Lower Mill branch to a point three hundred feet east of the center of Mill branch; thence down said lower Mill branch by a line which shall be at all times three hundred feet due east of the center of said lower Mill branch to the center of Slate creek; thence down with the center of Slate creek to the mouth of lower Mill branch, the place of beginning. (1926, c. 206)

§ 3. The council of said town shall consist of a mayor and six councilmen, all of whom shall be residents and electors of said town. The mayor shall, as heretofore, be elected every two years. At the regular election of the council of said town (which is to be held in June, 1957) there shall be elected six councilmen for the town, all of whom shall be residents of the town, and the three councilmen receiving the highest number of votes, respectively, shall serve a term of four years, beginning with September 1, 1957; and the three councilmen receiving the next highest number of votes, respectively, shall serve for a term of two years. Thereafter three councilmen shall be elected every two years and each of them shall serve for a term of four years. (1926, c. 206; 1956, c. 119)

§ 4. There shall be a recorder for said town, who shall have the same qualifications as the members of the council, and who shall be elected by the council, and who shall hold said office during the pleasure of the council. It shall be the duty of the recorder to attend and keep a record of the meetings of the council, and perform all other duties prescribed by statute, and all other and additional duties prescribed by the said council. He shall execute bond, payable to said town, in the penalty to be fixed by the council, and with the surety approved by the council, at any time required by the council; and the council may at any time require a new bond to be executed, for a greater or less amount. (1926, c. 206)

§ 5. There shall be a sergeant for said town, who shall be elected by the council, and who shall hold said office during the pleasure of the council. The sergeant shall perform such duty and be invested with such authority as provided by general statutes for sergeants and police officers of a town, and he shall be the chief police officer of the town, and shall perform such other and general duties and be invested with such other authority as the town council may prescribe. The sergeant shall have power

to execute within the corporate limits of said town, and elsewhere in Buchanan County, any civil or criminal proceedings, or any warrant or process directed to him by the mayor or councilman of said town, or by the juvenile judge or any justice of the peace of said county, for which services he shall be allowed the same compensation as constables for like services. The sergeant shall be over the age of twenty-one years, and need not be an elector or resident of said town. He shall execute bond, payable to said town, in the penalty to be fixed by the council, and with the surety approved by the council, at any time required by the council; and the council may at any time require a new bond to be executed, for a greater or less amount. (1926, c. 206)

§ 6. The mayor shall be the chief executive officer of the town. He shall have control of the police of the town, and may appoint special police officers, when and for such time as he may deem necessary, which special police officers so appointed shall have all the powers exercised by the sergeant in said town, and within one mile of the corporate limits thereof.

All by-laws and ordinances, before they become valid and operative, shall have the signature of the mayor, and he shall have the veto power, but any by-law or ordinance may be enacted over the mayor's veto by a vote of two-thirds of the members of the council. All by-laws and ordinances enacted by the council shall become effective immediately upon their passage and approval by the mayor, unless otherwise provided thereby. (1926, c. 206)

§ 7. The mayor, sergeant and councilmen shall be vested with, and exercise all the rights and authority granted and conferred upon such officers of towns of less than five thousand inhabitants, by the Constitution and general statutes of the Commonwealth, so far as the same are not in conflict with the provisions of this act. (1926, c. 206)

§ 8. The council shall have the power to pass all ordinances for the proper government of the said town, and for the protection of the health, safety, morality, comfort and welfare of the people thereof, and to preserve the peace and good order of the town, and to protect and preserve the property in said town, and shall have and exercise all the power and privileges conferred upon the town councils of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1926, c. 206)

§ 9. The town council shall have the power and authority to require the owners or occupiers of real estate within the corporate limits of the town, which may front or abut on the line of any sewer line or conduit, to make connections therewith, and to use such sewer pipes and conduit, under such ordinances and regulations as the council may deem necessary to secure the proper sewerage thereof, and to improve and secure proper sanitary conditions, and to fix and impose the charges and fines to be paid by the owners or occupiers of the properties, and persons served thereby, for tapping and using such sewers, pipes and conduits; to make regulations for the use, enjoyment, protection and care of the sewerage system, pipes, conduits and water supply of the town; and shall have the power

to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties to be collected as other fines and penalties for the violation of ordinances of the town are collected; and shall have the power and authority to purchase, and otherwise acquire springs, wells and other water supply, and to purchase, lay and maintain reservoirs, pipe lines, dams and other means for furnishing an adequate water supply, and to fix the charge for water furnished by the town. (1926, c. 206)

§ 10. The town council shall have the power and authority to adopt the jail of Buchanan County as the jail of the said town, and the jailer of said county shall at all times receive and confine in said jail all persons sentenced thereto for a violation of any of the ordinances or laws of said town, for the same fees as he may receive for State prisoners, and the town council may compel any prisoner to work upon the streets or other public improvements or works of the town, unless physically incapable of so doing, while serving a sentence in jail, or while being confined therein for failure to pay any fine and costs imposed by an officer of the town. (1926, c. 206)

§ 11. The boundaries of the Town of Grundy shall constitute a separate road district, and it shall be the duty of the council of said town to provide for and keep the streets and roads within the corporate limits of said town (subject to the supervision, control and maintenance by the State Highway Department of such part of said roads as may be in the State Highway system) in repair and clear of all fences and other obstructions; and it shall be the duty of the county treasurer of Buchanan County to settle with and pay over to the council of said town, on or before December 31, 1926, and each succeeding December 31 thereafter, all the county and district road taxes collected by him during that calendar year, on real and personal property, and on all other property subject to road taxes, within the limits of said town. (1926, c. 206)

§ 12. The town council shall have the power and authority to levy and collect such taxes on such classes of property, real and personal, in said town, as in the opinion of the council may be necessary to meet the expenses of the town, and to make such permanent improvements as may be ordered by the council, and may impose on any person or corporation a license tax for the privilege of engaging in any business or trade in the town, or for practicing any profession therein, whether said business, trade or profession requires or has any capital invested thereon, or whether a license is imposed thereon by the State or not, and may impose a license tax on the residents of said town for the privilege of operating therein any motor or other vehicle; and said council shall have the power to impose such fines and penalties as it may deem proper for failure to secure any license required by it. (1926, c. 206)

§ 13. In every case where a street, alley, park or public property of the town has been, or shall be, occupied or encroached upon by a fence, building, porch, projection or otherwise, without first having obtained consent thereto from the town council or a franchise therefor, such occupancy or

encroachment shall be deemed a nuisance, and the owner or occupant of the premises encroaching, upon conviction of so doing, before the mayor or any councilman of the town, shall be fined not less than five dollars nor more than fifty dollars, each day's continuance of the said occupancy or encroachment to constitute a separate offense, such fine to be recovered in the name of the town and for its use, and the town council may require the owner of the premises encroaching, if known, or if not known, the occupant thereof, to remove the encroachment within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed, and collect from the owner, or if the owner be not known, the occupant, all reasonable charges therefor with costs, by the same process that they are authorized by law to collect taxes.

No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to or confer any rights upon the person claiming thereunder, as against the town. (1926, c. 206)

§ 14. The town council shall have the power and authority, without a reference thereof to the vote of the people, to issue certificates of indebtedness, revenue bonds or other obligations, of the town, in anticipation of the collection of the revenue of the town for the then current year, provided, that such certificates, bonds and other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the sum of $100,000; and the said council shall have the further power and authority, without a reference thereto to the vote of the people to borrow money and issue the bonds or other interest-bearing obligations of the town therefor, for permanent improvements for the benefit of said town and not otherwise, provided that such bonds or other obligations shall not exceed the aggregate amount authorized by Article VII, Section 10 of the Constitution of Virginia, and in no event to exceed the aggregate amount of $1 million, or to run for a longer period than twenty years from the date thereof; and provided, further that before any money is borrowed for such public improvements, a public meeting of the citizens must be called by the mayor, with the approval of the council, to be held at some public place after advertisement thereof for at least fifteen days by posting notice thereof at the front door of the Courthouse of Buchanan County, Virginia, and at not less than ten other public places in the Town of Grundy, Virginia, and also by the insertion of such notice in not less than two consecutive issues of some weekly newspaper published in Buchanan County, Virginia, the last insertion to be made not less than five days prior to the holding of said meeting, at which meeting all electors of the town shall be given a reasonable opportunity to express their views on the borrowing of said money; that at any one time or at different times within one year after such public meeting is held the council may proceed to borrow such money as in its opinion is required for such public improvements, but the total amount borrowed to be limited as hereinbefore set out, and that in authorizing the borrowing of such money for public improvements the mayor of the town shall have an equal vote with the members of the council, thus making seven voters on the question of such bor-

rowing, and no money shall be borrowed for permanent improvements unless by the recorded vote of at least six of such seven.

The provisions of this section shall not be construed to change or otherwise interfere with the provisions of general law permitting the borrowing of money by towns, regardless of the amount thereof, by the vote of the electors. (1926, c. 206; 1938, c. 142; 1952, c. 6; 1956, c. 119; 1993, c. 401)

§ 15. The said town council may provide for the payment of any levies and taxes assessed by it against any property at any time during the year it may see fit, and may fix any reasonable penalty for the nonpayment thereof within a stated time. (1926, c. 206)

§ 16. The commissioner of the revenue for the magisterial district of Buchanan County in which said town is located shall assess the properties, both real and personal, of said town in a separate place in his book from the properties outside of said town. (1926, c. 206)

§ 17. All ordinances now in force in the Town of Grundy, not inconsistent with this act, shall be and remain in force until altered, amended or repealed by the town council. And the present officers now serving the town shall be and remain in office until the expiration of their several terms or until their successors qualify, and the next election of town officers, which are to be elected by the people, shall be held in the year 1927, and every second year thereafter, at the time fixed by the general laws for the election of town officers. (1926, c. 206)

§ 18. All acts or parts of acts in conflict with this act are hereby repealed, insofar as they might affect the provisions of this act and all former acts chartering or amending the charter of the Town of Grundy are hereby repealed. (1926, c. 206)

§ 19. An emergency existing, this act shall be in force from its passage. (1926, c. 206)

Halifax, Town of

County of Halifax

History of incorporation

Formerly the Town of Banister.
Formerly the Town of Houston.
Banister established, 1817, c. 59.
Banister, incorporation and charter, 1874, c. 24.
Banister, amending whole act, 1886, c. 412.
Banister, charter, 1887, c. 244.

Current charter

Banister, charter and name changed to Houston, 1890, c. 333.
Houston, name changed to Halifax, 1920, c. 342.

Amendments to current charter

1915, c. 122 (§ 11)
1920, c. 342 (§§ 2, 8, 10 [repealed])
1920, c. 431 (§ 11)
1958, c. 78 (§§ 4, 6-a [added])
1960, c. 241 (§ 13)
1969 Extra Session, c. 11 (§ 13)
1970, c. 106 (§ 11)
2005, c. 538 (§ 4)
2011, c. 508 (§ 4)

§ 1. Be it enacted by the general assembly of Virginia, That an act to incorporate the town of Banister, in the county of Halifax, approved May 16, 1887, be amended and re-enacted so as to read as follows: (1890, c. 333)

§ 2. That the name of the town of Houston, in the county of Halifax, incorporated by an act of the general assembly, approved May 16, 1887, as amended February 22, 1890, be and the same is hereby changed to Halifax, and shall by this name continue, and the mayor and councilmen now in office, and their successors in office, shall continue to be a body politic and corporate by the name and style of the town of Halifax, and by that name and style shall have perpetual succession, with the power to sue and be sued, plead and be impleaded, in any of the courts of the Commonwealth, and with authority to purchase, receive, and hold lands, tenements, goods, and chattels, either in fee simple or any less estate therein, and the same to lease, give, grant, and assign or sell; and shall have and exercise, in addition to the rights and powers that belonged to the town of Houston, all rights, powers and privileges, conferred upon town by chapter one hundred and twenty-one of the Code of Virginia of 1919, and be subject to and governed by the provisions of said chapter, applicable to towns, and all laws which may be hereafter enacted by the general assembly for towns, so far as the same are not in conflict with this act. (1890, c. 333; 1920, c. 342)

§ 3. The boundaries of the said town shall be as follows: Beginning at a pine in the stable lot on the lands of R. H. Edmondson's estate; thence north twenty-six and one-eighth degrees, east twenty-seven poles to a red oak in the Banister Hill colored Baptist church lot; thence north thirty-two and one-eighth degrees, east seventy-two poles to a pine; thence north thirty-seven and three-fourths degrees, east fifty-three poles to a cedar at the corner; thence across the bridge road north seventy-one and three-fourth degrees, west twenty-six poles to a pear tree; thence south sixty-six and one-fourth degrees, west fifty-eight poles to a cherry tree; thence north seventy-three and one-fourth degrees, west forty-two poles to a white oak; thence south twenty-three degrees, west twenty-eight poles to a rock; thence north seventy-three and three-fourths degrees, west seventy-one poles to the northwest corner of Willingham's lot; thence south forty-seven and three-fourths degrees, west thirty-six and one-half poles to a pine in the woods; thence south fifty-one and one-fourth degrees, west forty-eight poles to pointers; thence south sixty-three and three-fourths degrees, west twenty-four

poles to N. T. Green's stable; thence south ten and one-half degrees, west thirteen poles to a cedar; thence south sixty-four degrees, east one hundred and seventy-two poles to a bunch of locusts on Academy branch; thence down the branch as it meanders south thirty-seven degrees, east thirty-three and one-fourth poles, south forty-two and one-half degrees, east twenty-six poles, south fifty-one degrees, east eight and three-fourths poles to the lower line of the right of way of the Lynchburg and Durham railroad where it crosses the branch; thence along line of the right of way of the said railroad to its crossing of the branch opposite the lower or second culvert pipe running into the ice-pond on the lands of R. H. Edmondson's estate one hundred and fifty-three poles; thence from the lower line of said right of way opposite said culvert pipe, north thirteen and three-fourths degrees, west one hundred and six and one-half poles to the beginning. (1890, c. 333)

§ 4. The administration and government of the town is vested in the council composed of a mayor and six councilmen, all of whom shall be electors of the town.

(a) The said council shall be elected in the manner provided by law, as follows: At the regular municipal election to be held on the second Tuesday in June, 1958, the mayor and six councilmen shall be elected. The mayor shall be elected for a term of four years and every four years thereafter. The three councilmen, each of whom has received more votes in said election than any of the other members, shall serve as members of the council for terms of four years each. The remaining three members shall serve for a term of two years each.

In the regular municipal election to be held on the second Tuesday of June, 1960, and every two years thereafter, three councilmen shall be elected for terms of four years each. Terms of office shall begin on the first day of July next following their election.

However, beginning in 2012, the municipal election shall be held at the time of the regular general election to be held on the first Tuesday following the first Monday in November. Terms of office shall begin on the first day of January following the municipal election. The mayor and councilmen elected in 2008 and 2010 shall have their terms extended by six months during the transition to November municipal elections and the staggered election cycle shall be maintained.

Each councilman and the mayor elected as hereinabove provided shall serve for the term stated or until his successor has been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

(b) Vacancy in the council shall be filled within sixty days, for the unexpired term, by a majority vote of the remaining members; provided, that if the term of office to be filled does not expire for two years or more after the next regular election for councilman, following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified person shall then be elected by the qualified voters and shall from and after

the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidate receiving the next highest number of votes shall be entitled to the unexpired term caused by such vacancy. (1890, c. 333; 1958, c. 78; 2005, c. 538; 2011, c. 508)

§ 5. The mayor and said councilmen shall together constitute the council of said town; and in the council so composed (four of whom shall constitute a quorum for its transaction of business) shall be vested the corporate powers of the said town. (1890, c. 333)

§ 6. The council shall, at its regular meeting in July, 1890, and every two years thereafter, appoint a sergeant, clerk, assessor, and treasurer and may appoint policemen and such other officers and agents for the proper conduct and business of the town as they may deem necessary, prescribe their duties, fix their compensation, and require and take from them such bonds, with good security, and in such penalty as they may deem proper, with condition for the faithful discharge of the duties of their offices; provided, that if such appointments are not made at the regular meeting in July, then the same may be made at any subsequent meeting. The officers so appointed shall hold their respective offices for the term of two years, unless sooner removed, and thereafter until their successors are appointed and qualified. The same person may, in the discretion of the council, be appointed to, and hold at the same time, more than one of said offices. The sergeant of said town shall, in addition to the duties that may be prescribed by the council, have the same powers and discharge the same duties as constables, within the corporate limits thereof, and to the distance of one mile beyond the same. (1890, c. 333)

§ 6-a. (1) The council may, by resolution, create a court of limited jurisdiction designated and known as the police court of the town of Halifax. The jurisdiction of the court shall be limited to cases involving violations of town ordinances or of cases instituted for the collection of town taxes or assessments or other debts due and owing to the town of Halifax. The trial officer presiding over the police court of the town of Halifax shall be known as the police justice of the town of Halifax.

(2) The council may provide for a substitute police justice who shall have the same power and authority as the police justice while serving, and who shall receive such compensation as the council shall prescribe.

(3) The council shall provide a suitable place for the sessions of the court, and all necessary books, stationery and supplies.

(4) The council may provide a clerk of the court or such clerical assistance as it deems necessary and prescribe the duties and fix the compensation of all such employees.

(5) The fees in such court shall, unless otherwise provided by charter or by ordinance, be the same as those provided by law for county courts, and all fines imposed by the police justice shall be paid into the treasury of the town of Halifax.

(6) The police court, its jurisdiction, removal of actions, appeals, procedure, jurisdiction of the mayor and all powers of the court shall be subject to the provisions of Chapter 6 of Title 16.1 of the Code of Virginia, as amended. (1958, c. 78)

§ 7. The. council shall have, subject to the provisions of this act and of chapter forty-four of the code of Virginia of 1887, applicable to towns, the control and management of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to it, and may make such ordinances, orders and by-laws, and regulations, as they may deem necessary to enforce and carry out the powers vested in said council; and in addition thereto, the following powers, which are hereby vested in them:

First. To secure the inhabitants from contagious, infectious or other dangerous diseases.

Second. To regulate the building of stables, privies and hog pens; to require and compel the abatement and removal of all nuisances or anything which in the opinion of the majority of the council, or in the opinion of the mayor under an ordinance vesting in him such discretion, is a nuisance within the said town, at the expense of the person causing the same, or the owner or owners of the ground whereon the same may be, the collection of which said expense may be enforced in the same manner as fines due said town; to provide for the drainage of lots by proper drains or ditches; to prevent or regulate slaughter-houses and soap factories within the said town, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein.

Third. To prevent hogs, dogs, cows or other animals from running at large in the town, and may subject the owners thereof to such levies, taxes and regulations as they may think proper.

Fourth. To establish and maintain a fire department in the said town, and to provide for the regulation of the same, and to compel the residents of the town to aid and assist the fire department when necessary. They shall have power to establish fire limits in the said town, within which no building shall be erected without the consent of council, unless the outer walls thereof be of brick, stone or some other incombustible material.

Fifth. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the throwing of stones, playing marbles, or the engaging in any employment or sports on the streets, sidewalks or public alleys and grounds; to prohibit and punish the abuse or cruel treatment of horses or other animals in the said town and to prohibit and punish the tying of horses or other animals to any fence, pailings or other objects on or along the streets and public ways in said town.

Sixth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gambling-houses; to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in the said town, and expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

Seventh. To prevent any cow, horse, hog, or other animal from injuring or trespassing upon any public square or grounds within the corporate limits of the said town, or grazing thereon, whether the same belong to the state, town, or county, and from injuring or destroying any tree growing in such square or grounds. (1890, c. 333)

§ 8. Where, by the provisions of law, the council have authority to pass ordinances on any subject, they may prescribe punishment by fine or imprisonment, or both, for all violations thereof; provided, that in no case shall the fine exceed fifty dollars or the imprisonment for sixty days. Fines may be recovered with costs, upon warrants issued in the name of the town of Halifax before the mayor or councilman of said town. Whenever judgment is rendered against any person for a fine, the officer trying the offender may require immediate payment thereof, and in default of such payment may commit the party so in default to jail until such fine and costs be paid, or may compel him to work out such fine and costs on the public streets or ways or other improvements of said town, upon such terms as the council may by ordinance prescribe. All fines for the violations of the ordinances of said town shall be paid into the treasury thereof and be appropriated as the council may determine. (1890, c. 333; 1920, c. 342)

§ 9. Until a jail or prison-house is provided for said town by the council thereof they shall have the use of the jail of Halifax county for the safe-keeping and confinement of all persons sentenced to imprisonment under the ordinances or by-laws of the said town. (1890, c. 333)

§ 10. (1890, c. 333; repealed 1920, c. 342)

§ 11. To meet the expenses that may be lawfully chargeable to the said town, the council may annually levy a town levy of so much as in its opinion may be necessary upon all taxable persons and property resident or situate in said town not exempt from taxation by the laws of the State; provided that a capitation tax not greater than one dollar and fifty cents per head on the inhabitants of said town over the age of twenty-one years may be levied each year; and provided further that the tax so to be levied on the real property within the said town do not exceed two dollars on the hundred dollars of the assessed value thereof for any one year. The town is also authorized to levy such other taxes as are permitted by general law. (1890, c. 333; 1915, c. 122; 1920, c. 431; 1970, c. 106)

§ 12. The council of said town may impose, levy, and collect a license tax on all persons doing business in said town, and upon any person or employment therein which it may deem proper, whether any tax be imposed thereon by the state or not. As to all such persons or employment the council may

lay a direct tax, or may require a license therefor under such regulations as it may prescribe and levy a tax thereon. (1890, c. 333)

§ 13. The council may, in the name of and for the use of the said town, contract loans and issue bonds therefor in the manner now or hereafter provided for towns by general law. (1890, c. 333; 1960, c. 241; 1969 Ex Sess, c. 11)

§ 14. The council of said town may pass all by-laws, rules, and ordinances, not repugnant to the constitution and laws of the state, which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and to do such other things and pass such other by-laws and ordinances as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction which is, or shall be, granted to, or vested in, said town, or in the council or officers thereof, or which may be necessarily incident to a municipal corporation. (1890, c. 333)

§ 15. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed, so far as they may apply to the town of Halifax. (1890, c. 333; 1920, c. 342)

§ 16. This act shall be in force from its passage. (1890, c. 333)

Hallwood, Town of

County of Accomack

History of incorporation

Incorporation, Circuit Court of Accomack County, June 3, 1958 (Common Law Order Book 1954-58, p. 504).

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

In the matter of petition for Incorporation
of the Town of Hallwood

On the 21st day of April,1958, there was filed in the Clerk's Office of this court a petition praying that an order be entered by this Court incorporating the unincorporated community of Hallwood, Accomack County, Virginia, as an Incorporated Town, under the name of the Town of Hallwood, said petition being in the words and figures following, to-wit:

To The Honorable Jeff F. Walter, judge of said Court:

Your petitioners respectfully state:

(1) That they are inhabitants of the Town of Hallwood, residing within the proposed incorporated limits of said Town, and that more than twenty (20) of your petitioners are qualified voters.

(2) That the Town of Hallwood is an unincorporated town, situate in the County of Accomack, Virginia.

(3) That it will be to the best interest of the inhabitants of said Town, that the same be incorporated, and the general good of the community will be promoted thereby.

(4) That the number of inhabitants of said Town exceeds Three Hundred and does not exceed Five Thousand.

(5) That the metes and bounds of the proposed, corporate limits of the said Town are as follows: to-wit:

Beginning at a certain point, designated as point ONE on a certain plat of the proposed incorporated limits of the Town of Hallwood and running in a north-easterly direction 39 degrees 49 minutes for a distance of 360 feet to a concrete marker on the south side of the Hallwood-Sanford road and designated as point TWO on said plat; thence continuing in the same direction across the aforesaid road for a distance of 32.8 feet to point THREE designated on said plat; thence turning and running in a south-easterly direction 49 degrees 19 minutes for a distance of 513.9 feet to point FOUR designated on said plat; thence turning and running in a north-easterly direction 31 degrees 28 minutes for a distance of 74.5 feet to a concrete marker designated as point FIVE on said plat; thence turning and running in a south-easterly direction 64 degrees 41 minutes for a distance of 457.8 feet to a concrete marker designated as point SIX on said plat thence turning and running in a north-easterly direction 29 degrees 25 minutes for a distance of 1577.3 feet to a concrete marker designated as point SEVEN on said plat; thence turning and running in a north, north-easterly direction 1 degree 31 minutes for a distance of 326.9 feet to point EIGHT designated on said plat; thence continuing in a north-easterly direction 26 degrees 35 minutes for a distance of 580 feet to a concrete marker designated as point NINE on said plat; thence turning and crossing the old dirt road leading from Hallwood to Makemie Park and likewise crossing the new macadam road leading from Hallwood to Makemie Park in a south-easterly direction 60 degrees 13 minutes for a distance of 483.7 feet to a concrete marker designated as point TEN on said plat; thence continuing in a south-easterly direction across the Pennsylvania Railroad Company right of way 50 degrees 41 minutes for a distance of 2,525.9 feet to a concrete marker designated as point ELEVEN on said plat; thence turning and running in a north-easterly direction 50 degrees 05 minutes for a distance of 1313 feet to point TWELVE as designated on said plat; thence turning and running in a south-easterly direction 75 degrees 13 minutes for a distance of 450.9 feet to point THIRTEEN as designated on said plat; thence turning and running in a south-westerly direction 15 degrees 00 minutes for a distance of 150 feet to a concrete marker designated as point FOURTEEN on said plat; thence turning and running across the highway leading from Hallwood to U.S. Route #13 in a south-westerly direction 55 degrees 35 minutes for a distance of 2368.9 feet to a concrete marker on the western side of the road leading from

Hallwood to Mappsville to point FIFTEEN designated on said plat; thence turning and running in a south-westerly direction 86 degrees 47 minutes for a distance of 1979.4 feet to the center of the Pennsylvania Railroad Company right of way designated as point SIXTEEN on said plat and thence turning and running in a north-westerly direction along the center of a certain ditch or branch to the point of beginning, designated as point ONE on said plat.

(6) That the entire area embraced in said proposed corporate limits is 147.70 acres.

(7) That there is herewith filed a survey of the proposed incorporated limits, showing the metes and bounds, as above described, said survey having been made by S. M. Rogers, County Surveyor, on the 2nd day of April, 1958, which said survey is marked "Exhibit A," and prayed to be taken as a part of this said petition.

Wherefore, your petitioners pray that an order may be entered by the Court incorporating the unincorporated Town of Hallwood, as an incorporated Town, under the name of "The Town of Hallwood," with the metes and bounds set forth in this petition and the survey herewith attached, and that the said plat of survey be recorded in the Clerk's Office of this said County.

And the Court having considered said petition and the evidence on behalf of the petitioners and the argument of counsel on behalf of said petitioners, and there being no objection by any interested party, the said Court doth find:

(1) That said petition along with the notice attached of the time and place that the petition would be presented has been published in full in the Peninsula Enterprise, a newspaper published in Accomack County, Virginia, once a week for four successive weeks, to-wit: from April 24th to May 22nd, 1958, inclusive, and that said petition was posted at the front door of the Court House of Accomack County, Virginia, for more than four weeks prior to the hearing of this cause.

(2) That it will be to the interest of the inhabitants of said community that the same be incorporated.

(3) That the prayer of the petition is reasonable in that the area sought to be incorporated is compact and of reasonable size.

(4) That the general good of the community will be promoted.

(5) That the number of inhabitants residing in the area to be incorporated exceeds Three Hundred and does not exceed Five Thousand.

(6) That more than twenty (20) of the signers of said petition residing within the area to be incorporated are duly qualified voters.

The Court doth hereby order and decree that the locality or community as designated in the metes and bounds in a certain plat of survey made by S. M. Rogers, County Surveyor, on April 2nd, 1958, and made a part of said petition, be and the same hereby is incorporated as a Town by the name and style of "The Town of Hallwood," with metes and bounds as above set forth and doth further order that

hereafter the inhabitants within such bounds shall be a body politic and corporate with all the powers, privileges and duties conferred upon and appertaining to Towns under the general law.
It is further ordered and decreed that an election be held on the 15th day of July, 1958, in the Town of Hallwood, for the election of a Mayor and six Councilmen for said Town, and it is likewise ordered and decreed that said Mayor and Councilmen, when elected, shall constitute the Council and be the governing body of said Town.

Hamilton, Town of

County of Loudoun

History of incorporation

Incorporated by an 1874-75 Act of Assembly.
Charter, 1874-75, c. 107; repealed 1958, c. 107.
Charter, 1958, c. 107; repealed 1977, c. 406.

Current charter

Charter, 1977, c. 406.

Amendments to current charter

1993, c. 325 (§§ 1.2, 3.1, 3.2, 3.12 [repealed], 4.1:1 [added])

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory within the present limits of the town of Hamilton as the same are now or may be hereafter altered and established by law shall constitute and continue to be a body politic and corporate and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with and may have a corporate seal which it may alter and renew or amend at its pleasure by proper ordinance. (1977, c. 406)

§ 1.2. Boundaries.

The town of Hamilton shall be that territory in the County of Loudoun having the same area and the same boundaries as set forth in Chapter 107 of the Acts of Assembly of 1874-1875, approved February 1875; and the same boundaries as recorded in the Circuit Court for Loudoun County, Virginia, in Plat Book 12, Page 87, Deed Book 498, Page 60 and Deed Book 1085, Page 333. (1977, c. 406; 1993, c. 325)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Hamilton shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia,

as full and completely as though such powers were specifically enumerated herein, and no enumeration of any particular powers by this chapter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent upon the town as a municipal corporation. (1977, c. 406)

§ 2.2. Adoption of certain sections of the Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on July two, nineteen hundred seventy-two, and as hereafter amended, are hereby conferred on and vested in the town of Hamilton. (1977, c. 406)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualifications, and term of office of mayor and councilmen.

A. The town of Hamilton shall be governed by a mayor and a town council of six councilmen, all of whom shall be qualified voters of the town.

B. An election for mayor and councilmen shall be held on the first Tuesday in May, nineteen hundred seventy-eight, and every two years thereafter as provided herein. The term for mayor shall be four years. The term for councilmen shall be four years, except that following the election in May 1978, the councilmen duly elected by the people shall serve staggered terms. Three of said councilmen shall serve for two years and until their successors shall have been elected and qualified. Three of said councilmen shall serve a term of four years and until their successors shall have been elected and qualified. The councilmen so serving two-year and four-year terms shall be determined by lot. Every two years on such Tuesday thereafter an election shall be held for the purpose of electing those councilmen whose terms in office will expire. The term of office for councilmen, thereafter, shall be for four years.

C. A term of office shall commence on the first day of July following the election and before entering upon their duties of their respective offices those elected shall take the prescribed oath, in the manner prescribed by law. (1977, c. 406; 1993, c. 325)

§ 3.2. Vacancies on the council.

Vacancies on the town council shall be filled by a majority vote of the town council from the qualified voters of the town, and such person shall serve until the next regular town election, at which time that vacancy shall be filled, by election, for the remainder of that term. (1977, c. 406; 1993, c. 325)

§ 3.3. Vacancy in the office of mayor.

A vacancy in the office

of the mayor shall be filled by a majority vote of the town council from the qualified voters of the town, and such person shall serve until the next regular town election, at which time that vacancy shall be filled, by election, for the remainder of that term or for a new term. (1977, c. 406)

§ 3.4. The council; a continuing body.

The town council shall be a continuing body and no measures pending before such body or any contract or obligation incurred shall abate or be discontinued by reason of the expiration of the term of office or removal by any of its members. (1977, c. 406)

§ 3.5. A quorum.

The mayor and three councilmen or in his absence four councilmen shall constitute a quorum for the transaction of business. (1977, c. 406)

§ 3.6. Powers and duties of the mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law and not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak and vote therein, as any member of the town council. He shall be recognized as the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. In times of public dangers or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose he may deputize such assistant police as may be necessary. He or the person acting as mayor shall authenticate by his signature all such documents or instruments as the council, this charter, or the laws of the Commonwealth may require. (1977, c. 406)

§ 3.7. General grant of powers to the council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by general laws of the Commonwealth, and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1977, c. 406)

§ 3.8. Vice-mayor.

The town council shall elect from its members by a majority vote of the members present, a vice-mayor. During the absence of the mayor or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. (1977, c. 406)

§ 3.9. Meetings of the town council.

The town council shall fix the time of the stated meetings and they shall meet at least once a month. Special meetings may be called at any time by the mayor or by three members of the council provided that the mayor and all councilmen be notified in writing within a reasonable period of time prior to such

meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present at such meetings, this provision may be waived by majority vote of the council. (1977, c. 406)

§ 3.10. Rules of order and procedures.

The town council shall establish its own rules of order and procedures and may take appropriate action against its own members and other persons for violation thereof. (1977, c. 406)

§ 3.11. Council to fix salaries.

The town council is hereby authorized to fix the salaries of the mayor, members of the council, and employees of the town. Such salaries are not to exceed any limitations placed by the law and Constitution of the Commonwealth of Virginia. (1977, c. 406)

§ 3.12. (1977, c. 406; repealed, 1993, c. 325)

Chapter 4. Appointed Officers.

§ 4.1. Appointments.

The town council may appoint such officers, deputies and assistants of the town as they deem necessary. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law as well as such additional duties as are prescribed by this charter or the town council. (1977, c. 406)

§ 4.1:1. The town recorder.

The town council shall appoint a town recorder as an officer of the town, who shall, before undertaking the duties of the office, take the prescribed oath in the manner prescribed by law. The town recorder shall be the recorder of the council, shall keep the journal of its proceedings fully and accurately, and shall record all ordinances and resolutions in a book or books kept for that purpose. The person appointed as recorder shall be the custodian of the corporate seal of the town and the officer authorized to use and authenticate it, and shall perform such other duties and keep such other records as the town council or general laws of the Commonwealth of Virginia may prescribe. (1993, c. 325)

§ 4.2. Terms of office.

Officers, deputies and assistants appointed by the town council shall serve at the pleasure of the town council. (1977, c. 406)

§ 4.3. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1977, c. 406)

§ 4.4. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office subject to the limitations of Article VII, Section 6 of the Constitution of Virginia. (1977, c. 406)

Chapter 5. Miscellaneous.

§ 5.1. Elections governed by the State laws.

All town elections shall be held and conducted in accordance with existing State laws of the Commonwealth. (1977, c. 406)

§ 5.2. Actions against the town for damages, etc.

A. No action shall be maintained against the town for any injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the town, or any officer, agent, or employee thereof, unless notice shall be given by the claimant in accordance with § 8-653, as amended, of the Code of Virginia.

B. The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1977, c. 406)

§ 5.3. Acceptance of federal aid, contributions, etc.

The town of Hamilton shall have the power to receive and accept from any federal agency, grants of any kind for and in aid of public works, the construction of any project, the procuring or preserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required to obtain and use such funds. The town may receive and accept aid or contributions from any source, or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. (1977, c. 406)

§ 5.4. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected or appointed town officials not inconsistent with the general law. (1977, c. 406)

§ 5.5 Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1977, c. 406)

§ 5.6. Present officers to continue.

The present elected officers of the town shall be and remain in office until June thirty, nineteen hundred seventy-eight, or until their successors have been duly elected and qualified. (1977, c. 406)

§ 5.7. Ordinance in force.

All ordinances now in force in the town of Hamilton not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the town council. (1977, c. 406)

§ 5.8. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been reduced. (1977, c. 406)

§ 5.9. Supersedes old charter.

This charter supersedes and renders null and void all charters and amendments thereto and enabling acts or orders granted by circuit courts pursuant to general law, except insofar as orders of such courts established boundaries of the town of Hamilton. (1977, c. 406)

Hampton, City of

History of incorporation

The County of Elizabeth City, City of Hampton, and Town of Phoebus, consolidated into the City of Hampton, effective July 1, 1952, pursuant to Chapter 583, 1950 Acts of Assembly.
Elizabeth City County, original shire, formed in 1634.
Hampton, town incorporation and charter, 1887, c. 382.
Phoebus incorporation and charter, 1900, c. 96.
Hampton city charter, 1920, c. 230.
Consolidated charter, 1952, Extra Session, c. 9; repealed 1979, c. 167.

Current charter

Charter, 1979, c. 167.

Amendments to current charter

1981, c. 366 (§§ 3A-1 through 3A-20 [added])
1981, c. 617 (§§ 3.01, 3.01:1, 3.02, 3.06, 3.08)
1989, c. 125 (§§ 6.10, 7.02)
1990, c. 26 (§ 2.04 [repealed])
1996, c. 311 (§ 3.08)
2007, cc. 240, 244, 275 (§§ 5.01, 6.06)
2013, cc. 552, 613 (§§ 3.06, 7.01)
2015, cc. 438, 440 (§ 3.01:2 [added])
2022, c. 584 (§ 3.01:2)

Chapter 1. Incorporation & Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the former city of Hampton and the county of Elizabeth City, including the former town of Phoebus, as the same now are or may hereafter be established by law, are hereby declared to be a body politic and corporate under the name of the city

of Hampton and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure. (1979, c. 167)

§ 1.02. Boundaries.

The boundaries of the city of Hampton as herein provided shall coincide and be coextensive with the boundaries of the former city of Hampton and Elizabeth City County, including the boundaries of the former town of Phoebus, as they existed immediately preceding incorporation, namely midnight June 30, 1952, including any property owned by the United States of America within said area. There shall also be included in the boundaries of the city all wharves, docks, and other structures of every description that have been or may hereafter be erected along the waterfront of the city, and any contiguous territory heretofore or hereafter ceded to the Commonwealth of Virginia by any government or agency thereof. (1979, c. 167)

Chapter 2. Powers.

§ 2.01. General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by the said Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

A. The city shall have the power and authority for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers, the council shall have the power to impose a tax or assessment upon the land abutting such improvements, or abutting the street along, or within which such improvements are constructed. But such assessment shall not be in excess of the peculiar benefits resulting to the land from such improvements.

B. The method of establishing such assessment, including provision for the determination of the amount thereof, notice, hearing, judicial review, and creation and enforcement of the lien thereof, may be determined by ordinance.

C. The city is hereby authorized and empowered in addition to the other powers granted by this charter, to adopt ordinances paralleling State statutes prohibiting misdemeanors and may provide for

forfeiture proceedings which may be instituted in the name of the said city and the procedure shall be mutatis mutandis, the same as is prescribed for forfeiture proceedings by the Commonwealth.

D. The city is hereby authorized to acquire by condemnation proceedings land, buildings, structures, and personal property or any interest, right, easement, or estate therein of any person or corporation whenever, in the opinion of the council, a public necessity exists therefor, which shall be expressed in the ordinance directing such acquisition. The city shall have the same powers as to condemnation as are provided in Title 25 of the Code of Virginia. As to property desired for streets, water, sewer or utility pipes or lines or related facilities, the city shall have the same powers as to condemnation as are provided in Article 7 of Chapter 1 of Title 33.1. In case of any property owned by a corporation bearing the powers of eminent domain, the provisions of § 25-233 of the Code of Virginia hall be complied with.

E. The powers set forth in §§ 15.1-841 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia are hereby conferred on and vested in the city of Hampton, except that § 15.1-896 shall not be applicable to the powers herein granted. (1979, c. 167)

§ 2.02. Financial powers.

In addition to the powers granted by other sections of this charter, the city shall have the power:

A. To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient; provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power, insofar as not prohibited by general law, the city shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to levy on and collect taxes upon the purchase of meals at restaurants, which taxes may be added to and collected with the price of such meals; to levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service; to establish, classify, impose, and enforce sewerage rates, garbage collection rates, and water rates, or other services, products, or conveniences, operated, rendered, or furnished by the city; to require licenses for the conduct of any business or profession and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys, and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys, and other public places in the city without such license, and to require licenses of operators of trailer camps or sites in said city.

B. To make appropriations, subject to the limitation imposed by this charter, for the support and operation of the city government and any other purposes authorized by this charter and not prohibited by the laws of the Commonwealth. (1979, c. 167)

§ 2.03. Construction of powers.

The powers which are now or may hereafter be conferred upon or delegated to the city under the Constitution and laws of the Commonwealth and this charter shall be liberally construed when such powers are exercised by the city and in case of doubt as to the existence of a power such doubt shall be resolved in favor of the city. (1979, c. 167)

§ 2.04. (1979, c. 167; repealed 1990, c. 26)

§ 2.05. Vacation of streets, alleys, and easements by agreement of abutting landowners.

Notwithstanding any other provisions of law to the contrary, and in addition to any other methods provided by law, any street, alley, or easement, or part thereof, shown on a plat of subdivision or other plat, heretofore or hereafter recorded, may be vacated by all owners of properties abutting such street, alley, or easement, or part thereof, to be vacated, by instrument in writing signed by all owners of properties abutting such street, alley, or easement, or part thereof, to be vacated, approved by the city council, acknowledged in the manner of a deed, and filed for record in the clerk's office of the circuit court. In the case of an alley separating lots or parcels of land within any block bounded by one or more streets, it shall be presumed that only property owners within such block and whose properties abut the alley have any rights or privileges therein. In the case of a street, it shall be presumed that only property owners within the area of land shown on such plat and reasonably needing to use such street as a means of ingress and egress to and from their properties have any rights or privileges therein. As used in this section, the word "street" shall include any road, avenue, drive, or parkway; and the word "owners" shall include lien creditors; and as used in this section, the word "easement" shall include drainage easements, sewer easements, and other easements of a public nature, not constituting a street, alley, or passageway. (1979, c. 167)

§ 2.06. Land development and site plan.

In order to provide for the orderly and proper development of land within the city of Hampton and to protect the public safety, health, and welfare, the city council shall have the power to adopt by ordinance regulations and restrictions relative to the development of land, except detached dwellings located on a single lot and designed for or intended to be occupied by one family. Such regulations and restrictions may prescribe standards and requirements which provide for, but shall not be limited to, the following: Access for fire, police, emergency, and service vehicles; width, grade, elevation, location, alignment, and arrangement of streets and sidewalks with relation to existing streets and sidewalks, planned streets and sidewalks, and the master plan; easements for public utilities; facilities for off-street parking; laying out, construction, and improving streets, alleys, and sidewalks; access to adjacent land and to existing or proposed streets; water mains for servicing fire hydrants; disposition

of storm water; disposition of sewage and waste; control of flooding through site elevation or otherwise; control of slippage, shifting, erosion, accretion and subsidence of soil; dedication of public streets, alleys, sidewalks, curbs, gutters, sewers, drains, and other public improvements; protection to other land, structures, person, and property; guarantee of payment by the development of all costs or a proportionate share of costs for public streets, alleys, sidewalks, curbs, gutters, sewers, and drains; the submission and approval of site plans and plats prior to development of land; and procedures, enforcement, and penalties for violation of any such ordinance or ordinances. The procedures may include but shall not be limited to authorizing the director of public works or other designated officer to consider the site plans and plats in light of the regulations and restrictions applicable hereto and approve or disapprove site plans and plats in accordance therewith and may include the requirement of dedication of necessary public streets and easements in accordance with the master plan for said city. The provisions of this section shall in nowise repeal, amend, impair, or affect any other power, right, or privilege conferred by this charter or any other provisions of general law. (1979, c. 167)

§ 2.07. Construction and operation of sports and recreational facilities.

The city shall have the power to acquire land for, construct and operate auditoriums, coliseums, convention centers, arenas, stadiums, parks, zoos and museums, and other sports and recreational facilities as the council shall deem appropriate. The city council shall have the power to provide by ordinance for the establishment of a department within the city government to manage and operate such facilities, which said department may have a department head but shall be under the supervision of the city manager. The council shall have the power to provide by ordinance for the control and regulation of such facilities and to delegate to such department or department head as may be established the powers and duties of maintaining, leasing, operating, and managing such facilities. (1979, c. 167)

Chapter 3. City Council.

§ 3.01. Composition; election and terms.

The council shall consist of seven members, a mayor and six councilmen, who shall be elected at large from the qualified voters of the city. There shall be a general municipal election on the first Tuesday in May of each even-numbered year. In May of 1986 there shall be elected three councilmen, and in May of 1988 there shall be elected three councilmen and thereafter their respective successors shall be elected every four years. In the May, 1984 municipal election and every four years thereafter there shall be elected at large from the voters of the city a mayor. The members shall take office on July one of the year in which their election takes place and shall qualify in the manner prescribed by general law, and remain in office until their successors have qualified.

Provided, however, that in the municipal election held in May, 1982, there shall be elected two councilmen to serve four-year terms and a mayor to serve a two-year term and in the municipal election

held in May, 1984, there shall be elected four councilmen with the councilman receiving the smallest vote among the four elected serving a two-year term and the remaining three councilmen serving four-year terms; in such year a mayor shall be elected as hereinabove provided.

The council shall be a continuing body, and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office or the removal of the members of the body or any of them. (1979, c. 167; 1981, c. 617)

§ 3.01:1. Nomination of candidates for mayor and council.

Candidates for the office of mayor and council shall be qualified voters of the city and shall file their notice of candidacy and be nominated only by petition in the manner prescribed by general law. (1979, c. 167; 1981, c. 617)

§ 3.01:2. Election of mayor.

No candidate for election to the office of mayor shall simultaneously run for election to any other position on the council.

In the event that a councilmember other than a sitting mayor desires to be a candidate for mayor, the councilmember not elected on the same election cycle as the mayor is eligible to do so but must tender his or her resignation as a councilmember at least ten days prior to the filin deadline for all documents necesary to qualify as a candidate for the office of mayor as specified by general law, with such resignation to be effective on the last day before the commencement of the term of the councilmember's elected successor. Such resignation shall state the councilmember's intention to be a candidate for mayor, require no formal acceptance by the remaining councilmembers, and be final and irrevocable as of the date it is tendered.

The vacancy resulting from any such resignation shall be filled for the remaining two-year term at the same succeeding general municipal election at which the office for mayor is filled. (2015, cc. 438, 440; 2022, c. 584)

§ 3.02. Vacancies in office of mayor and councilmen.

Vacancies in the office of mayor and councilmen from whatever cause arising shall be filled by a majority vote of the remaining members of the council, or if the council shall fail to act within sixty days of the occurrence of the vacancy, by appointment of a majority of the judges of the circuit court of the city of Hampton, Virginia. The person so appointed to fill the vacancy shall hold office until the qualified voters shall fill the same by election and the person so elected shall have qualified. Such election shall be held and conducted in accordance with the general laws of the Commonwealth relating to the filling of vacancies in the office of mayor and city councilmen. (1979, c. 167; 1981, c. 617)

§ 3.03. Compensation of councilmen.

Councilmen shall receive the sum of four hundred dollars per month as compensation for their services. The mayor shall receive five hundred dollars per month. Provided, however, that after July 1, 1980, the mayor shall receive seven hundred and fifty dollars per month.

No member of the council shall during the term for which he was elected or for one year thereafter be appointed to any office of profit under the government of the city. However, this provision shall not apply to persons whose term of office on council has expired and who have been appointed to boards, committees, commissions, or authorities appointed by the council, nor to boards, committees, commissions, or authorities appointed by council where there is statutory authority for a member of council to serve thereon during his term of office. (1979, c. 167)

§ 3.04. Rules of procedure.

The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council, which shall be not less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, the city manager, or any three members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by unanimous consent of all the members of the council. A majority of the members of the council shall constitute a quorum for the transaction of business. (1979, c. 167)

§ 3.05. Voting.

No ordinance, resolution, motion, or vote shall be adopted by the council except at a meeting open to the public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative vote of at least four members. All voting except on procedural motions shall be by roll call and the ayes and noes shall be recorded in the journal. (1979, c. 167)

§ 3.06. Meeting of council, mayor and vice-mayor.

At the first meeting of the council immediately following the taking of office of councilmen after a general councilmanic election, the council shall select by majority vote of all the members thereof one of their number to be vice-mayor for a two-year term. The first meeting of a newly elected council shall take place on the date of the first regularly scheduled meeting of the city council in the month of July following the election at 12:00 noon at a place specified in the notice sent to the council members in accordance with the provisions of § 3.04 pertaining to special meetings. At or before this first meeting, the oath of office shall be administered to the duly elected members as provided by law.

The mayor shall preside over the meetings of council and shall have the same right to vote and speak therein as other members. He shall be recognized as the head of the city government for all

ceremonial purposes, the purposes of military law, and the service of civil process. The vice-mayor, in the absence or disability of the mayor, shall perform the duties of mayor. In the absence or disability of both the mayor and the vice-mayor, the council shall by majority vote of those present, choose one of their number to perform the duties of mayor. (1979, c. 167; 1981, c. 617; 2013, cc. 552, 613)

§ 3.07. Clerk to the council.

The council shall appoint a clerk to the council for an indefinite term. He shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for that purpose and shall record same in the clerk's office of the circuit court of the city of Hampton. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. He shall receive such compensation as clerk to the council as may be determined by the council. (1979, c. 167)

§ 3.08. Powers of city council.

All powers of the city of Hampton as a body politic and corporate shall be vested in the council except as otherwise provided in this charter. The council shall be the policy-determining body of the city and shall be vested with all the rights and powers conferred on councils in cities of the first class, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

A. To have full power to inquire into the official conduct of any office or officer under its control, and to investigate the accounts, receipts, disbursements, and expenses of any city officer; for these purposes it may subpoena witnesses, administer oaths, and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a Class 1 misdemeanor.

B. To provide for the performance of all the governmental functions of the city and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city, or any officer thereof, by general law, then any such power shall be exercised or duly performed by that officer or employee of the city so designated by ordinance or resolution of the council. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall, upon recommendation of the city manager, be assigned by the council to the appropriate department or agency. Notwithstanding any other provisions of this charter, the council may, upon recommendation of the city manager, create, abolish, reassign, transfer, or combine any city functions, activities, or departments by ordinance.

C. After the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records, and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one

copy thereof shall be always available for public inspection in the office of the clerk to the council during regular business hours.

D. Either the council or the city manager may at any time order an examination or audit of the accounts of any officer or department of the city government. Upon the retirement, death, resignation, removal, or expiration of the term of the city manager, director of finance, commissioner of revenue, or city treasurer, the director shall cause an audit and investigation of the accounts of such officer to be made and shall report the results thereof to the city manager and the council. If as a result of any such audit, an officer be found indebted to the city, the council shall proceed forthwith to collect such indebtedness.

E. The council shall by ordinance define and establish a classification plan and fix a schedule of compensation for all city officers and employees other than the constitutional officers, which shall provide uniform compensation for like services.

F. To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may prescribe.

G. The council may request by resolution that the circuit court for the city order a referendum held on any question set forth in such resolution. The results of the vote on the referendum shall be binding on council and shall be final on the question. The referendum shall be held and the result ascertained in accordance with applicable general law. The council may instead request that a referendum be nonbinding on the council and for advisory purposes only. There shall be no recount of the results of an advisory referendum. (1979, c. 167; 1981, c. 617; 1996, c. 311)

§ 3.09. Redevelopment and Housing Authority.

Notwithstanding any provision of law to the contrary, there shall be seven commissioners of the Hampton Redevelopment and Housing Authority.

Commissioners shall hold their offices at the pleasure of the council for a term not to exceed four years; provided, however, the council may at any time, and from time to time, adopt an ordinance terminating the term of all the commissioners and designating itself the commissioners of the authority. In that event, notwithstanding the provisions of § 3.11 to the contrary, a council member shall receive no compensation for serving as a commissioner nor shall he continue to serve as a commissioner after he ceases to be a member of council.

The council may at any time repeal such ordinance designating itself the commissioners and appoint residents of the city to serve as the commissioners.

The establishment and organization of the Hampton Redevelopment and Housing Authority heretofore established under the provisions of this charter, together with all proceedings, acts, and things heretofore undertaken are hereby validated, ratified, and confirmed. (1979, c. 167)

§ 3.10. Compensation of members of any authority.

Notwithstanding any provision of law to the contrary, the council of the city may authorize the compensation of each member of any authority, board, agency, or commission, including the housing authority or planning commission, created by the council of the city of Hampton and existing in the city to be compensated in an amount not to exceed one hundred fifty dollars per month and such amount shall be deemed to be a part of the operating expense of such authority, board, agency, or commission. (1979, c. 167)

§ 3.11. Appointment of civil service employees of federal government to boards, commissions, and authorities.

Notwithstanding any other provision of law to the contrary, civil service employees of the federal government, residing within the city, may be appointed to, and serve on, all boards, commissions, and authorities appointed by the city council. (1979, c. 167)

§ 3.12. Limitation of terms on certain appointments.

No person, except a member of council, officer, or employee of the city, who is to be appointed to a term exceeding one year by the city council shall be eligible to serve more than two complete terms in succession and the portion of an unexpired term occurring by reason of a vacancy. (1979, c. 167)

Chapter 3A. Recall, Initiative and Referendum.

Recall.

§ 3A-1. Procedure.

Any member of the council may be recalled and removed from office by the electors by the following procedure: A petition for the recall for the member or members designated, signed by electors equal in number to at least ten percent of the number of electors who cast their vote at the last preceding regular councilmanic election and containing a statement of factual reasons of not more than two hundred words of the grounds of the recall, shall be filed with the clerk to the council. Within fifteen days of the date such petition was filed the clerk shall have the general registrar of the city certify that the petition has the number of signatures of electors required to meet the above mentioned percentage. If the petition contains the required number of signatures, the clerk shall forthwith notify the member or members sought to be removed, and such member or members may, within ten days after such notice, file with the clerk a defensive statement of not more than two hundred words. The clerk shall, immediately upon the expiration of ten days, cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each of them he shall attach a printed or typewritten copy of such defensive statement or statements, if any such shall have been furnished him within the time provided. He shall preserve the original petition and any defensive statements in his office. He shall cause a copy of such petition with a copy of any defensive statement to be placed in the office of the general

registrar of the city, who shall provide facilities for signing the petition and for the proper custody thereof. The clerk shall immediately cause notice to be published in some newspaper of general circulation in the city, of the place where the copies may be found, and of the time in which the same may be signed.

The petition shall remain on file in the place designated for a period of thirty days, during which time it may be signed by electors of the city, including those who signed the original petition.

At the expiration of said period of thirty days, the clerk shall assemble all of the copies, and shall file the same as one instrument with the clerk of the circuit court of the city, who shall examine the same and ascertain and certify thereon whether the persons whose names are signed thereto are electors of the city, equal in number of twenty-five percent of the number of electors who cast their vote at the last preceding regular councilmanic election; provided, however, the clerk of circuit court shall have the general registrar to certify which names on the petition are electors before certifying any petition himself. The general registrar and the clerk of the circuit court shall make their certifications within fifteen days of the date of filing. If such signatures do amount to such percentage, the clerk of the circuit court of the city shall at once serve notice of that fact upon the member or the members designated in the petition. (1981, c. 366)

§ 3A-2. Recall election.

If the member or members, or any of them, designated in such petition, file with the clerk to the council, within five days after the last mentioned notice from the clerk of the circuit court of the city, his or their written resignation or resignations, the clerk to the council shall at once notify the clerk of the circuit court of the city of that fact, and such resignation or resignations shall be irrevocable, and shall be filed and preserved in the offices of the clerk to the council, and the council shall proceed to fill the vacancy or vacancies, subject to the provisions of § 3.02 of this charter. In the absence of notice from the clerk to the council that such resignation or resignations have been filed, as aforesaid, the clerk of the circuit court of the city shall, upon the expiration of said period of five days, forthwith present to the court the copies with his certificate as to the percentage of electors whose names are signed thereto, and a certificate as to the date of the service of the notice given by him to the member or members designated in the petition, as above provided. And thereupon the court shall forthwith enter an order calling and fixing a date for holding a recall election for the removal of the member or members named in the petition, who have not resigned as aforesaid. Any such election shall be held in accordance with the provisions of § 24.1-165 of the Code of Virginia. (1981, c. 366)

§ 3A-3. Ballots and effect of voting.

The ballots of such recall election shall provide, with respect to each person whose removal is sought, the following question: "Shall (name of person) be removed from the office of councilman by recall?"

In all other respects the election shall be held in accordance with general law.

In any election if the majority of the votes cast on the question of the removal of any member are affirmative, such member shall be deemed removed from office upon the ascertainment and certification of the results of such election as in other special elections, and the vacancy or vacancies caused by such recall shall be filled by the remainder of the council, according to the provisions of § 3.02 of this charter. (1981, c. 366)

§ 3A-4. Effect of resignations pending proceedings for the recall of the whole council.

No proceedings for the recall of all of the members of the council at the same election shall be defeated in whole or in part by the resignation of any of them or all of them, but in any such case upon the resignation of any of them, the remaining members of council or if all members of council resign, then the judges of the circuit court, as provided for in § 3.02 of this charter, shall have the power, and it shall be their duty forthwith, to fill such vacancy or vacancies temporarily until successors are elected, and the proceedings for the recall and the election of successors shall continue and have the same effect as though there had been no resignation. (1981, c. 366)

§ 3A-5. Miscellaneous provisions.

No petition to recall any member shall be filed within one year after he assumes the duties of his office.

The method of removal herein provided shall not be deemed or held exclusive, but is in addition to such other methods as are now or may hereafter be provided by general law. (1981, c. 366)

Initiative.

§ 3A-6. Procedure.

Any proposed ordinance or ordinances, including ordinances for the repeal or amendment of an existing ordinance, may be submitted to the council by petition signed by electors equal in number to ten percent of the number of electors who cast their votes at the last preceding regular councilmanic election. Such petition shall contain the proposed ordinance in full, and shall have appended thereto or written thereon the names and addresses of at least five electors, who shall be officially regarded as filing the petition, and who shall constitute a committee of petitioners for the purposes hereinafter stated. An affidavit signed by the committee of petitioners shall be attached to the petition stating the date the petition was first circulated.

All papers comprising the petition shall be assembled and filed with the clerk of the council, as one instrument, within one hundred twenty days from the date stated in the affidavit that the petition was first circulated. Within fifteen days of the date the petition is filed, the clerk shall have the general registrar of the city certify that the petition has the number of signatures of electors required to meet the above mentioned percentage. After the general registrar has certified that the number of signatures of electors meets the required percentage, the clerk shall submit the petition to the council at its next

regular meeting, and provisions shall be made for public hearings upon the proposed ordinance. (1981, c. 366)

§ 3A-7. Petition for election.

The council shall at once proceed to consider such petition and shall take final action thereon within sixty days from the date of the submission thereof. If the council rejects the proposed ordinance, or passes it in a form different from that set forth in the petition, or fails to act finally upon it within the time stated, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment, by the following procedure: The committee shall present to the clerk of the circuit court of the city a petition for such election, addressed to the court and signed by electors equal in number to twenty-five percent of the number of electors who cast their votes at the last preceding regular councilmanic election, but in no case signed by less than four thousand electors of the city. The petition shall contain the proposed ordinance in full in the form in which it is to be submitted to the electors. The petition and all copies thereof shall be filed with the clerk as one instrument. Within fifteen days after the filing thereof the clerk shall examine the same and ascertain and certify thereon whether the persons whose names are signed thereto are electors of the city, equal in number to twenty-five percent of the number of electors who cast their votes at the last preceding regular councilmanic election; provided, however, the clerk of the circuit court shall have the general registrar certify which names on a petition are electors before certifying any petition himself. The general registrar and the clerk of the circuit court shall make their certifications within fifteen days of the date of filing. If it be found that the required number of electors have signed the petition, then the petition, with the certificate of the clerk thereon, shall be presented by the committee to the circuit court of the city, and thereupon the court shall forthwith enter an order calling and fixing a date for holding an election for the purpose of submitting the proposed ordinance to the electors of the city. Any such election shall be in accordance with § 24.1-165 of the Code of Virginia. At least ten days before any such election, the clerk of the court shall cause such proposed ordinance to be published once in one or more newspapers of general circulation in the city. (1981, c. 366)

§ 3A-8. Ballots and effect of voting.

The ballots at such election shall conform to § 24.1-165 of the Code of Virginia. With respect to each ordinance whose adoption, amendment, or repeal is sought, the following question shall be submitted: "Shall the ordinance entitled (title of ordinance) be (either adopted, amended, or repealed, as appropriate)?"

If a majority of the electors voting on such proposed ordinance shall vote in favor thereof, the proposed ordinance, upon the ascertainment and certification of the results of such election as in other special elections, shall become an ordinance of the city. (1981, c. 366)

§ 3A-9. Ordinances adopted by the electors; how amended or repealed.

No ordinance adopted by the vote of electors, as herein provided, shall be repealed or amended, except by vote of the electors; but the circuit court of the city may, on request of the council, by resolution, order that a proposed ordinance repealing or amending any ordinance so adopted be submitted to the electors at any election, or any special municipal election called for some other purpose, provided that the clerk of the court shall cause notice of the proposed submission of such proposed ordinance repealing or amending such ordinance, to be published once in one or more newspapers of the city not less than ten days prior to the election. If an amendment is proposed, the notice shall contain the proposed amendment in full, and the ballot shall be in the same form and the vote shall have the same effect as in the case of an ordinance submitted to election by popular petition. The ballots and effect of voting shall be as provided in § 3A-8 of this charter. (1981, c. 366)

Referendum.

§ 3A-10. Petition for referendum.

If at any time within a thirty-day period following the adoption of an ordinance, a petition, signed by electors equal in number to twenty-five percent of the number of electors who cast their votes at the last preceding regular councilmanic election, but in no case signed by less than four thousand electors of the city, be filed with the clerk to the council, requesting that any such ordinance be repealed, or amended, as stated in the petition, such ordinance shall not become operative until the steps indicated herein shall have been taken or the time allowed for taking such steps shall have elapsed without action. Such petition shall state therein the names and addresses of at least five electors, who shall be officially regarded as filing the petition, and who shall constitute a committee of petitioners for the purposes hereinafter stated. Referendum petitions shall contain the text of the ordinance or ordinances, the amendment or repeal of which is sought, and shall contain the proposed amendment, if an amendment is demanded. (1981, c. 366)

§ 3A-11. Procedures.

The clerk to the council shall present the petition to the council at its next regular meeting, and thereupon the council shall consider the ordinance. If, within sixty days after filing of such petition, the ordinance is not repealed or amended as requested in such petition, the clerk to the council shall, if so requested by a writing signed by a majority of the committee and presented to the clerk to the council within twenty days after the expiration of sixty days, present to the clerk of the circuit court of the city, the petition and all copies thereof as one instrument together with a copy of the ordinance the repeal or amendment of which is sought. The clerk of the circuit court of the city shall examine the petition and ascertain and certify thereon whether the persons whose names are signed thereto are electors of the city, equal in number to twenty-five percent of the number of electors who cast their votes at the last preceding regular councilmanic election; provided, however, the clerk of the circuit court shall have the general registrar to certify which names on a petition are electors before certifying any

petition himself. The general registrar and the clerk of the circuit court shall make their certifications within fifteen days of the date of filing. If such signatures do amount to such percentage, the committee shall present the petition to the circuit court of the city, and thereupon the said court shall forthwith enter an order calling and fixing a date for holding an election for the purpose of submitting the ordinance to the electors of the city. Thereupon the ordinance shall ipso facto be further suspended from going into effect until such election shall have been held and shall then be deemed repealed or amended upon the approval by a majority of those voting thereon. Any such election shall be held in accordance with § 24.1-165 of the Code of Virginia. At least ten days before any such election the clerk of the court shall cause the ordinance to be published once in one or more newspapers of general circulation in the city.

The ballots used when voting upon such ordinance shall conform in all respects to the ballots required for an initiative election under § 3A-8 hereof, and the method of voting in any such election shall be as prescribed in said section.

If in any such election the ordinance so referred or submitted be approved by a majority of the electors voting thereon, the said ordinance shall, upon the ascertainment and certification of the results of such election as in other special elections, go into effect as an ordinance of the city. (1981, c. 366)

§ 3A-12. Conflict of ordinances.

If two or more ordinances adopted or approved at the same election conflict in respect to any of their provisions, such ordinances shall go into effect in respect to such of their provisions as are not in conflict, and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict. (1981, c. 366)

§ 3A-13. Measures not subject to referendum.

Ordinances passed providing for any work, improvement or repair certified by the city manager to be immediately necessary to protect public safety, public property, health or morals from imminent danger or protect the city from imminent loss or liability, shall not be subject to referendum. The certificate of the city manager in any such case shall be conclusive. Any ordinance adopted to authorize revenue levies shall not be subject to referendum. All other ordinances unless exempted by law shall be subject to referendum. (1981, c. 366)

General Provisions Relating to Initiative, Referendum and Recall.

§ 3A-14. Elections.

All municipal elections shall be conducted and the results canvassed and certified by the regular election officials provided by the general election laws of the State; and, except as otherwise provided by this charter, all such elections shall be governed by the general election laws. (1981, c. 366)

§ 3A-15. Petitions.

All petitions referred to in this charter shall be signed in ink or indelible pencil by the elector in person and not by agent or attorney. Each person signing any such petition shall print opposite his signature his full name and his place of residence by street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper (except in the case of copies of recall petitions, which may not be circulated) there shall be attached an affidavit by the circulator thereof stating that each signature appended thereto is the genuine signature of the person whose name it purports to be and that it was made in the presence of the affiant. All copies of any such petition shall be treated as originals. No such petition shall be deemed invalid by reason of the fact that it is signed by one or more persons who are not electors, but the names of such persons shall not be counted. As used in this charter the terms "elector," "qualified elector," "registered voter," and "qualified voter" are synonymous. (1981, c. 366)

§ 3A-16. Presumptions.

All signatures to any petition referred to in this charter shall be accepted and treated as prima facie genuine. For the purpose of certifying the number of electors whose names are signed to any such petition the clerk of the circuit court of the city shall presume that any person whose name appears thereon is an elector if such person be an elector within the meaning of § 3A-13 hereof. All such petitions substantially complying with the requirements of this charter and certified by the clerk of the circuit court to bear the required number of signatures of electors shall be accepted and treated as prima facie sufficient. (1981, c. 366)

§ 3A-17. Qualifications of persons signing certain petitions.

Any person shall be deemed to be an elector for the purpose of signing any petition referred to in this charter if the name of such person is on the registration books maintained by the general registrar of the city on the date such petition is filed with the appropriate official. (1981, c. 366)

§ 3A-18. Duty of city attorney.

Before any ordinance or amendment proposed by popular petition shall be submitted to the council, it shall first be approved as to form, by the city attorney, whose duty it shall be to draft such proposed ordinance or amendment in proper legal language, and to render such other service to persons desiring to propose such ordinances or amendments as shall be necessary to make the same proper for consideration by the council. (1981, c. 366)

§ 3A-19. Offenses.

No person shall:

A. Falsely impersonate another in the signing of any nominating petition or petition for the initiative, referendum or recall, or forge any name thereto or deface, destroy, or remove from any of the places designated in this charter, any copy of a petition for recall with intent to interfere with or defeat such recall;

B. Sign any nominating petition or petition for initiative, referendum with knowledge that he is not a qualified voter of the city; or purposely write his name or residence falsely in the signing of any such petition; sign or intentionally permit to be signed any petition for recall at any other place than one of the places hereinbefore designated for the signing of such petitions; employ or pay another or accept employment on the basis of the number of signatures subscribed thereto, for circulating any petition permitted by this charter to be circulated.

Any person violating any of the provisions of this section shall be deemed guilty of a Class 1 misdemeanor.

The foregoing provisions shall not be deemed or held to be exclusive of, but in addition to, all laws of the State prescribing penalties for the same offenses, or for other offenses relating to the same matter. (1981, c. 366)

§ 3A-20. Compensation of clerk of the circuit court.

For his services in connection with any proceedings under the foregoing sections relating to the initiative, referendum and recall, the clerk of the circuit court of said city shall be paid by the city such reasonable fees as are now or may hereafter be provided by law for similar services in other cases. (1981, c. 366)

Chapter 4. City Manager.

§ 4.01. Appointment, tenure, compensation, and residence.

The council shall appoint a city manager, who need not be a resident of the city at the time of his appointment, and fix his compensation. He shall be the chief administrative and executive officer of the city and shall devote his full time to the work of the city. No member of the council shall, during the time for which he has been elected, or for one year thereafter, be chosen city manager, nor shall the managerial powers be given to a person who at the same time is filling an elective office.

The city manager shall not be appointed for a definite tenure, but shall be removable at the pleasure of the council. The council may suspend him from office, provided that the period of suspension shall be limited to thirty days. The action of the council in suspending or removing the city manager shall not be subject to review.

In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office. (1979, c. 167)

§ 4.02. Powers and duties.

The city manager shall be responsible to the council for the proper administration of all the affairs of the city which the council has authority to control. As the administrative and executive head of the city government, he shall be responsible to the council for guarding adequately all expenditures; securing proper accounting for all funds; looking after the physical property of the city; exercising general

supervision of all city departments, institutions and agencies; and coordinating the various activities of the city and unifying the management of its affairs. To accomplish these purposes he shall have the following specific powers and duties:

A. The city manager shall appoint heads of departments and all officers and employees in the administrative service of the city, except as otherwise provided in this charter, and shall appoint subordinates in such departments and agencies. All appointments shall be on the basis of ability, training and experience of the appointees which fit them for the work they are to perform. All appointments shall be without definite term. Any officer or employee of the city appointed by the city manager, or upon his authorization, may be laid off, suspended or removed from office or employment either by the manager or by the officer by whom he was appointed.

B. The city manager may, with the consent of the council, act as the director or head of one or more departments of the city, provided he is otherwise eligible to head such department or departments, and, in the case of those officers whose appointments must be approved, his appointment is likewise approved.

C. With the approval of the council the city manager shall, subject to the limitations of § 3.08 E, fix the compensation of all officers and employees whom he or a subordinate may appoint or employ.

D. The city manager shall enforce all resolutions and orders of the council and see that all laws of the State required to be enforced through the council or other city officers subject to the control of the council are faithfully executed.

E. He shall attend all meetings of the council and have the right to take part in all discussions, to present his views on all matters coming before the council, and to recommend such action as he may deem expedient. He shall have no vote.

F. He shall submit to the council each year a proposed annual budget, with his recommendations and execute the budget as finally adopted.

G. He shall make regular monthly reports to the council in regard to matters of administration and keep the council fully advised as to the financial condition of the city.

H. He shall examine regularly the books and papers of every officer and department of the city and report to the council the condition in which he finds them. He may order an audit of any officer at any time.

I. All fines and forfeitures, fees and costs, imposed, assessed or taxed by the courts of the said city, for violation of the city ordinances, may be collected by such members of the police department or other persons as may be designated by the city manager with the approval of the council to collect same, who shall furnish bond with surety as fixed and approved by the council.

J. The city manager shall perform such other duties as may be imposed upon him by the council. (1979, c. 167)

§ 4.03. Absence.

To perform the duties of the city manager in the event of his temporary absence, disability, death, or resignation, the council may, by resolution, appoint an officer of the city or any person other than a member of council to perform the duties of manager until said manager returns to duty or his successor is duly appointed. (1979, c. 167)

Chapter 5. City Attorney.

§ 5.01. Establishment of legal department; qualifications; composition; terms; powers and duties, etc.

There shall be a legal department which shall be headed by the city attorney, who shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia. He shall be appointed by the council and shall serve at its pleasure. The legal department shall consist of the city attorney and such other employees as may be provided by ordinance.

The city attorney shall be the chief legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city, including the school board, in all matters affecting the interests of the city. He shall represent the city in all legal proceedings including the prosecution of violations of city ordinances. He shall make such investigation into any affairs of the city as the city manager or council shall direct. It shall be his duty to perform all services incident to his position as may be required by the laws of the Commonwealth, this charter, or by ordinance. He shall have general management and control of the department. (1979, c. 167; 2007, cc. 244, 275)

Chapter 6. Financial Administration.

§ 6.01. Department of finance.

There shall be a department of finance which shall be under the supervision of a director of finance, appointed by the city manager, and which shall include the city treasurer and the city commissioner of the revenue and their respective offices, insofar as said inclusion is not inconsistent with the Constitution and general laws of this Commonwealth. (1979, c. 167)

§ 6.02. Director of finance; appointment and qualifications.

The director of finance shall be appointed by and under the supervision of the city manager. He shall be selected on the basis of his knowledge and experience in financial management and municipal accounting. (1979, c. 167)

§ 6.03. General duties of director.

The director of finance shall be the chief financial manager for the city and is responsible, unless otherwise provided by ordinance, to the city manager for the development and administration of an integrated citywide financial management system encompassing all aspects of the city's annual and long range financial operations. (1979, c. 167)

§ 6.04. Expenditures and accounts.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, unless authorized under the provisions of §§ 6.11 or 6.12 of this charter. Payments by the city shall be made only in such a manner as the council may by ordinance prescribe. (1979, c. 167)

§ 6.05. Director; bond.

The director of finance shall provide a bond with such surety and in such a manner as the city council may require. (1979, c. 167)

§ 6.06. Real estate assessment department; office of assessor of real estate; board of review of real estate assessments; real estate assessment and reassessment generally.

The city council may, in lieu of the method now prescribed by law, provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation. To that end there may be established a city real estate assessment department to be known as the "office of the assessor of real estate" and the city manager shall appoint the head of such department and such department shall assess all such real estate for taxation and equalize such assessments. The budget for the city real estate assessment department shall be as provided by the city council.

All duties imposed and all powers conferred by law on the commissioner of the revenue with respect to the assessment of real estate, including but not limited to the preparation of the land book, shall be transferred to the assessment department established as herein provided. In the preparation of the tax bills, the assessment department and the city treasurer, respectively, may avail themselves of the services of the data processing department of the city.

All real estate shall be assessed at its fair market value as of January one of each year, and taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

There shall be established a board of review of real estate assessments composed of five members to which review or appeal of real estate assessments may be made as a matter of right. The members of such board of review shall be appointed by the city council for terms of four years, provided that the council may appoint or reappoint members for lesser terms in order that the term of one member of the board shall expire each year. All members of such board shall be residents of the city. Such members shall receive such compensation for their services as shall be provided by ordinance and the members of such board shall be removable by the council, after fifteen days' written notice to any such

member and a hearing, if demanded, by such member, for malfeasance, misfeasance or nonfeasance in office. All vacancies shall be filled by the council for the unexpired term. The board of review shall have and may exercise the power to revise, correct and amend any and all assessments of real estate made by the assessment department. Such board shall have all the powers conferred upon boards of equalization by §§ 58-903 to 58-912, both inclusive, of the Code of Virginia. Notwithstanding any such provision of law, the board of review may adopt rules and regulations of procedure pertaining to requests for review or appeal. The board shall elect one of its members as chairman and a secretary, who need not be a member of the board, and may employ necessary clerical or other personnel, subject to appropriation made by the city council in accordance with this charter. All such proceedings shall be in public session and no decision shall be made unless and until such board shall have heard a report on such assessment from the real estate assessment department. Any person, including the city real estate assessment department, aggrieved by any assessment made by the board of review may apply for relief to the courts in the manner provided by §§ 58-1145 to 58-1151, both inclusive, of the Code of Virginia.

Nothing contained herein shall be construed as authorizing the assessment of property required to be assessed by the State Corporation Commission by the Constitution of Virginia. The members of the present board shall continue to serve their appointed terms. (1979, c. 167; 2007, c. 240)

§ 6.07. Disposition of moneys.

All moneys received or collected for the use of the city from any source shall be paid over, held and disbursed as the council may order or resolve, and in such depository or depositories as may be prescribed by the council, either by ordinance or resolution. Such depository or depositories may be required to furnish such security, and under such conditions, as the council may prescribe, not inconsistent with general laws of the Commonwealth. Council may prescribe an investment policy and cash management plan including the use of such techniques as repurchase agreements as they deem necessary and not inconsistent with general laws of the Commonwealth. (1979, c. 167)

§ 6.08. Fiscal year.

The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year. (1979, c. 167)

§ 6.09. Tentative budget.

The city manager shall, on or before April fifteen of each year, prepare and submit to the council a budget. The budget shall serve as a financial plan for the city, and the city manager in the budget message shall describe the important features of the budget, indicate any major changes from the current financial and expenditure policies, and include such other material as the city manager deems desirable or as the council may from time to time require. The budget shall show all estimated income, indicating the property tax levy, and all proposed expenditures, including debt service and capital

program, and shall be in a form as the manager deems desirable or the council may require. The total of proposed general fund expenditures shall not exceed the total of estimated general fund income. (1979, c. 167)

§ 6.10. Public hearing; notice; publication.

A brief synopsis of the tentative operating and capital budgets shall be published in a newspaper having a general circulation in the city, and notice given of one or more public hearings, at least ten days prior to the date set for hearing, at which a citizen or property owner of the city shall have the right to attend and state his views thereon. Such hearing may be adjourned from time to time until completed. (1979, c. 167; 1989, c. 125)

§ 6.11. Approval and adoption of budget.

Following such public hearing, and before the annual tax levy is made, the council shall approve its final budget for the next ensuing fiscal year by means of an annual appropriation ordinance.

The budget shall be adopted by the votes of at least a majority of all members of the council. The budget shall be formally adopted not later than the first day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council. (1979, c. 167)

§ 6.12. Additional appropriations.

A. Supplemental appropriations. If available from surplus from previous year's operations or from planned fund balance in the current budget as adopted, the council by resolution may make supplemental appropriations for the year not to exceed the amount of such balance. Supplemental appropriations may also be made by council by resolution not to exceed the unanticipated revenue from the Commonwealth or federal sources where council has previously or currently approved the city's participation in such programs.

B. Emergency appropriations. To meet a public emergency affecting the life, health, property, or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid no later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. Such appropriations shall not exceed limits established by the Constitution of Virginia.

C. Reduction of appropriations. If at any time during the fiscal year it appears possible to the city manager that the revenues available will be insufficient to the amount appropriated, he shall report to the council without delay, indicating the estimated amount of deficit, any remedial action taken by him,

and his recommendation as to any other steps to be taken. The council shall then by resolution take such further action as it deems necessary to prevent any deficit.

D. Transfer of appropriations. At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance within a department, office or agency, and such transfers shall be reported to the council at least quarterly. Upon recommendation by the city manager, the council may be resolution transfer part or all of any unencumbered appropriation from one department, office or agency to another. (1979, c. 167)

§ 6.13. Borrowing powers.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner, and to the extent provided for in the following paragraphs of this chapter. (1979, c. 167)

§ 6.14. Purpose for which bonds or notes may be issued.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities of the first class are authorized to issue bonds by the Constitution or general laws of this State. All bonds shall be in serial form payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than one year from the date of issue of such bonds.

Notes in anticipation of collection of revenue may be issued, when authorized by the council, at any time during the fiscal year, provided that said notes shall mature not later than twelve months after date of issue, and in amount not in excess of the revenues anticipated. (1979, c. 167)

§ 6.15. Manner of issuing bonds and notes.

Bonds and notes of the city shall be issued in the manner provided by general law. (1979, c. 167)

§ 6.16. Limitation of indebtedness.

In the issuance of bonds and notes, the city shall be subject to the limitations as to amount which are contained in Article VII, Section 10 of the Constitution of Virginia. (1979, c. 167)

§ 6.17. Collection of taxes; book of delinquent taxes.

The city collector of taxes shall have any or all the powers which are now or which may be hereafter vested in any office of the State charged with the collection of State taxes and may collect the same in the same manner in which the State taxes are collected by any officer of this State. No deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained or sold for taxes assessed thereon, no matter in whose possession such goods and chattels may be found. A tenant from whom payment of taxes on his landlord's property shall be obtained by distress or otherwise shall have credit for the same against such person on account of his rent, unless by contract the tenant is to pay such taxes. The council may require a list of all real estate in the city of Hampton delin-

quent for the nonpayment of taxes thereon for the preceding year to be recorded in a book of delinquent taxes to be kept in the office of the director of finance. (1979. c. 167)

§ 6.18. Tax penalties; collection of taxes from party about to remove from city.

The council may impose penalties for the nonpayment of city taxes and levies and for the failure to make any return required by law for the assessment of taxes, and may cause such penalty to be added to the amount of taxes and levies due from taxpayers, as it may by ordinance or resolution from time to time prescribe; and, after such penalty has been added the city collector shall have the power of distress, garnishment or action and any other power now possessed or that may hereafter be given to any person charged with the collection of state taxes after the penalty for the nonpayment of State taxes has been added.

Should it come to the knowledge of the city collector of taxes that any person, firm, or corporation owing taxes or levies to the city is moving or contemplating moving therefrom prior to the time said penalty must be added by the council, he shall have the right to collect taxes by distress, garnishment, suit, or action or otherwise at any time after such bills for taxes have come into his hands. (1979, c. 167)

Chapter 7. Department of Education.

§ 7.01. School board and superintendent of schools.

The city shall provide for public education through a city school board, a superintendent of schools, and the employees thereof. The school board and the superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law. The school board shall be composed of seven members who shall be elected for terms of four years in the manner prescribed by applicable law. Vacancies shall be filled in the same manner provided in § 3.02 for the filling of vacancies of city council members, with interim appointments to be made by a majority vote of the remaining members of the school board. The school board shall appoint a school superintendent who shall be chosen solely on the basis of his or her professional qualifications. (1979, c. 167; 2013, cc. 552, 613)

§ 7.02. Compensation of school board members.

The school board shall pay each of its members an annual salary in accordance with § 22.1-32 of the Code of Virginia, 1950, as amended. (1979, c. 167; 1989, c. 125)

Chapter 8. Department of Public Health.

§ 8.01. Department of public health.

There shall be a department of public health which shall consist of the director of public health, to be appointed by the city manager and such other officers and employees organized into such bureaus,

divisions, and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1979, c. 167)

§ 8.02. Functions.

The department of public health shall be responsible for the exercise of all health functions imposed on municipalities by general law and such other functions as may be assigned to the department. (1979, c. 167)

§ 8.03. Director of public health.

The head of the department of public health shall be the director of public health. He shall have general management and control of the several bureaus, divisions, and other units of the department. He shall have all the powers and duties with respect to the preservation of the public health which now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth, as well as the powers and duties conferred or imposed on him by this charter and the ordinances of the city. (1979, c. 167)

§ 8.04. Board of health.

The council may select two qualified citizens of the city, who together with the director of public health shall constitute the board of health. The board of health shall advise and cooperate with the department of health and shall have power to adopt necessary rules and regulations, not in conflict with law, concerning the department. The provisions of general law relating to the establishment of local boards of health shall not apply to the city of Hampton. (1979, c. 167)

§ 8.05. Contractual services.

The council may, in its discretion, effectuate the powers, duties, and functions assigned to the department of public health in this chapter through contractual agreements with the State Department of Health and neighboring cities and counties. (1979, c. 167)

Chapter 9. Department of Public Safety.

§ 9.01. Supervision and composition.

There shall be a department of public safety which shall be under the supervision of the city manager and shall consist of the division of fire and division of police. (1979, c. 167)

§ 9.02. Divisions of police and fire.

The department of public safety shall consist of the division of fire and the division of police and such other functions and activities as may be assigned to it by the city council.

The division of police shall consist of such police officers as may be appointed and shall be under the supervision of a chief of police to be appointed by the city manager. The chief of police and police officers shall have the powers and duties of police officers as provided by the general laws of the Com-

monwealth, and by ordinances of the city council. They shall receive such compensation as may be prescribed by the city council in accordance with the provisions of this charter.

The division of fire shall consist of such persons as may be appointed and shall be under the supervision of a fire chief to be appointed by the city manager. The fire chief and persons appointed shall have the powers and perform such duties as may be provided by the general laws of the Commonwealth, ordinances of the city, or prescribed by the city manager and shall receive such compensation as may be prescribed by the city council in accordance with the provisions of this charter. (1979, c. 167)

Chapter 10. Department of Public Works.

§ 10.01. Department of public works.

There shall be a department of public works which shall consist of the director of public works to be appointed by the city manager and such other officers and employees organized into such bureaus, divisions, and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1979, c. 167)

§ 10.02. Functions.

The department of public works shall be responsible for the construction of all public buildings, streets, roads, bridges, drains, sewers, garbage and refuse collection, and disposal, and all other public works and construction; the custody of such equipment and supplies as the council may require; and such other powers and duties as may be assigned to the department. (1979, c. 167)

§ 10.03. Director of public works.

The head of the department of public works shall be the director of public works. He shall have general management and control of the several bureaus, divisions, and other units of the department. (1979, c. 167)

Chapter 11. Department of Social Services.

§ 11.01. Director of social services.

There shall be a department of social services which shall consist of the director of social services appointed by the city manager and such other officers and employees as may be assigned to this department in accordance with the provisions of this charter. He shall have charge of the social service functions of the city and such other functions and activities as may be assigned to him in accordance with the provisions of this charter. The director of social services shall, subject to the provisions of this charter, act as the local board of social services in accordance with the provisions of general law relating to the administration of social services and/or public welfare in cities of the first class.

However, the council may by ordinance establish a local board of social services to consist of not less than three nor more than five citizens of the city which shall, except as otherwise provided in this charter, have the same powers and functions as local social service and/or public welfare boards in cities of the first class, or which may be created to serve in a purely advisory capacity to the director of social services. (1979, c. 167)

Chapter 12. Department of Records.

§ 12.01. Clerk of circuit court.

The department of records shall be under the supervision and control of the clerk of the circuit court for the city of Hampton. The clerk shall, subject to the provisions of this charter, exercise all the powers conferred and perform all the duties imposed upon such officers by general law and be subject to the obligations and penalties imposed by general law. (1979, c. 167)

Chapter 13. City Sheriff.

§ 13.01. Sheriff's duties and responsibilities.

Notwithstanding any provision of law to the contrary, the sheriff shall, in addition to other duties and responsibilities imposed on him by general law, be responsible for the operation of the city jail, lockup facilities, receiving unit and court holding facilities. (1979, c. 167)

Chapter 14. Provisions for Transition.

§ 14.01. Assets and liabilities.

The city of Hampton shall become and be liable for the bonded indebtedness and current debts and obligations of the former city of Hampton, the former county of Elizabeth City and the former town of Phoebus, and of any sanitary or other districts of the said former city and former county and of the said former town, and shall become liable for the obligations and other liabilities of said former city and former county and former districts and of said former town, both in law and equity, arising out of any act of said former city, former county, or former districts or said former town for which said former city, former county, former districts or former town would have been liable, and city of Hampton shall faithfully observe, keep and perform every such liability, and the city of Hampton may sue in its corporate name on all bonds, notes, accounts, or contracts payable to the said city, the former city of Hampton or said former districts, or the former county of Elizabeth City or the former town of Phoebus. The title to all the property, all rights and privileges and things of value and other assets of the former city of Hampton and said former county and the said former districts and said former town, and their rights and privileges under any contract, including any and all moneys belonging to the former city of Hampton or former county of Elizabeth City, or former districts or former town, and their books, records, papers, and other things of value, shall vest in and become the property of the city of Hampton. In the

same manner and to the same extent as provided above, all property, rights, and privileges, things of value, and other assets, and all bonded and other debts, obligations, and other liabilities of the school board of the former city of Hampton, the former county of Elizabeth City and the former town of Phoebus, at the time of incorporation are hereby vested in the school board of the city of Hampton. (1979, c. 167)

§ 14.02. Validation of certain acts.

All acts performed by the council of the city of Hampton or any of its duly qualified officers or officials, including notaries of public heretofore qualified in the former city of Hampton or county of Elizabeth City subsequent to midnight June 30, 1952 are hereby confirmed validated. (1979, c. 167)

§ 14.03. Peninsula Airport Commission.

All the rights, powers, liabilities, and benefits of the former city of Hampton, the former county of Elizabeth City, including the former town of Phoebus, resulting from agreement or arising by law in the Peninsula Airport Commission shall inure to the city of Hampton, and the representatives of the former city of Hampton and the former county of Elizabeth City, including the former town of Phoebus, on the Peninsula Airport Commission at the time of consolidation shall continue as a representative of the city of Hampton, as if the city of Hampton had originally been a party to the creation of the Peninsula Airport Commission. (1979, c. 167)

§ 14.04. Transition of assets.

The city of Hampton shall succeed to all of the rights and privileges of the former city, county and town with respect to the laws under which its interests in any water supply system and any sewerage and sewage disposal system or systems have been and are being installed, and to all of the rights and privileges granted by the Commonwealth of Virginia or by the United States to the former city of Hampton and/or county of Elizabeth City and/or town of Phoebus. All of the former city, county, and town levies and taxes, both current and delinquent, and all school and other funds held by the State to the credit of the former city of Hampton, former county of Elizabeth City, and the former town of Phoebus shall be turned over to the city of Hampton. The tax levy, service charges and assessments made for the current or ensuing year or years by the former city, county, and town shall stand as the levy and assessment of the city of Hampton. All contracts entered into by the former city, county, and town for materials or supplies or construction work in force on the date of incorporation are hereby declared to be the contracts of the city. (1979, c. 167)

§ 14.05. Saving clause.

In the event that any portion, section, or provision of this charter shall be declared illegal, invalid, or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section, or provision hereof, but all parts of said charter not expressly held to be invalid shall remain in full force and effect. (1979, c. 167)

History of incorporation

Established in 1780; incorporated as a town by an 1848-49 Act of Assembly.
Became a city by court order 1916.
Charter, 1849, c. 291; repealed 1952, c. 712.
1870, c. 205; amendments to Charter of 1849, almost entirely a new charter.

Current charter

Charter, 1952, c. 712.

Amendments to current charter

1956 Extra Session, c. 41 (§§ 47, 52)
1958, c. 497 (§ 13.1 [added])
1972, c. 270 (§§ 9, 12)
1979, c. 164 (§§ 4, 42)
2002, c. 369 (§ 56)

Chapter I. Incorporation and Powers; Boundaries; Form of Government.

§ 1. Incorporation and powers.

The inhabitants of the territory comprised within the present corporate limits of the City of Harrisonburg, as hereinafter described or as the same may hereafter be altered and established by law, shall continue to be a body politic and corporate in fact and in name under the style and denomination of City of Harrisonburg, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to cities of its class under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on it as a municipal corporation, and the City of Harrisonburg, as such, shall have perpetual succession, may sue and be sued, contract and be contracted with and have a corporate seal which it may alter, renew or amend at its pleasure. (1952, c. 712)

§ 2. Boundaries.

The boundaries of the city, as presently constituted, are as follows:

> Beginning at a concrete monument near the northeast side of the Port Republic Road 250 feet west of the west line of Crawford Avenue; thence through the land of H. D. Newman N. 50º 56' E. 5,718.2 feet crossing the Chesapeake Western Railway to a concrete monument in the property line of the Keckley Farm 450 feet east of the east line of Monticello Avenue; thence N. 61º 11' E. 3,794.6 feet crossing Reservoir Street, East View Street, Hawkins Street and East Market Street to a concrete monument in the property line of Liskey and Blose; thence N. 13º 05' W. 3,776.4 feet crossing Old Furnace Road and small reservoir to a concrete monument in the property line of Moore and

Joseph; thence N. 56º 39' W. 3,011.9 feet crossing North Main Street to a concrete monument in front of the Suter house; thence N. 46º 38' W. 897.6 feet to a point near the intersection of Suter Street and the Kratzer Road; thence S. 25º 50' W. 1,373.4 feet near the east side of the Kratzer Road crossing the Southern Railway to a concrete monument at the intersection of North Liberty Street and the Edom Road; thence S. 75º 35' W. 3,405 feet crossing Jackson Street, Collicello Street, 5th Street, Virginia Avenue, Lee Avenue, Stuart Street, Grant Street and the Mt. Clinton Pike to a concrete monument in the property of Mrs. Annie Burke Good west of the airport; thence S. 19º 50' W. 4,388.1 feet crossing West Market Street to a concrete monument 150 feet west of the west line of E Street; thence parallel to E. Street S. 59º 03' W. 4,948.7 feet crossing Ohio Avenue, New York Avenue, Maryland Avenue, Sunrise Avenue, Ridge Road, Neyland Drive and Circle Drive to an iron pin in a rock pile in the property of L. V. Sharpes; thence S. 37º 00' E. 2,051.7 feet to a concrete monument on the west side of South High Street; thence S. 67º 22' E. 363.2 feet crossing South High Street and along the south line of H. E. Bowman to an iron pin on the northwest right-of-way line of the Chesapeake Western Railway; thence with the railway, parallel to and 25 feet from the center line, N. 59º 02' E. 2,541.9 feet along the northwest right-of-way line of the Chesapeake Western Railway to an iron pin; thence following a 4º 46' curve 463.76 feet to an iron pin on the northwest right-of-way line of the Chesapeake Western Railway; thence N. 81º 09' E. 78.7 feet to an iron pin on the northwest right-of-way line of the Chesapeake Western Railway in the old city limit line; thence S. 38º 06' E. 1,045.5 feet crossing Black's Run to a point on the west right-of-way line of the Chesapeake Western Railway (old Baltimore & Ohio); thence S. 26º 09' W. 2,255.4 feet to a point on the west right-of-way line of the Chesapeake Western Railway near the south bank of Black's Run; thence S. 44º 45' E. 765 feet crossing South Main Street to a point near the south bank of Black's Run along the property line of Mrs. J. Claude Miller; thence S. 30º 45' E. 1,038 feet along the property line of Mrs. J. Claude Miller to a point in said line; thence S. 47º 45' E. 216.2 feet to a point in the line of land formerly owned by B. T. Hoover on the west line of Butler Street; thence N. 47º 16' E. 1,748 feet along the west line of Butler Street crossing the Port Republic Road to a point in H. D. Newman's field; and thence N. 31º 03' W. 1,088.4 feet along the Port Republic Road to the Beginning; containing 1,759.9 acres or 2.75 square miles. (1952, c. 712)

§ 3. Form of government.

The government and administration of the city shall be vested in one body, to be called the Council, and in one administrative officer, to be styled City Manager, and in such other departments, boards and other officers as are hereinafter provided for, or as are permitted or required. (1952, c. 712)

Chapter II. The Council.

§ 4. Composition; election and term of members.

The council shall consist of five (5) members, who shall be elected at large and who shall hold office for a term of four (4) years from the first day of July next following the date of their election, and until their successors have been duly elected and qualified. Provided that at the first municipal election under this charter, which shall be held on the first Tuesday in May, nineteen hundred eighty, three councilmen shall be elected to hold office for three years ten months each, and at the next municipal election, to be held on the first Tuesday in May, nineteen hundred eighty-two, two councilmen shall be elected who shall hold office for three years ten months each. Those persons elected in nineteen hundred eighty and nineteen hundred eighty-two shall take office the first day of September of the year in which they are elected. Thereafter members of council shall serve staggered four-year terms taking office the first day of July. A municipal election for the election of councilmen shall be held on the first Tuesday in May every second year thereafter. (1952, c. 712; 1979, c. 164)

§ 5. Qualifications.

Any person qualified to vote in the city shall be eligible for the office of council, but shall hold no other office elected by the people during his term of office. In the event a councilman be convicted of felony, he shall thereby immediately forfeit his office, which vacancy on the council shall be filled as hereinafter provided. (1952, c. 712)

§ 6. Vacancies in council.

All vacancies occurring from any cause in the council shall be filled by appointment by the council, by majority vote of all those elected to the council. If the council shall fail to act within thirty days of the occurrence of the vacancy, then the vacancy shall be filled by the Circuit Court of Rockingham County or the judge thereof in vacation. Any councilman thus elected shall hold office for the term for which his predecessor was elected, unless sooner vacated by death, resignation, removal or other cause. Should any councilman remove his residence from the city during the term for which he was elected, such removal shall operate to vacate his seat on the council. (1952, c. 712)

§ 7. Presiding officer; mayor; vice-mayor; their powers and duties.

The council shall elect one of its members to preside over its meetings, who shall be ex officio mayor of the city for a term of two (2) years, and any vacancy in the office shall be filled by election by the council for the unexpired term. The mayor shall have the same powers and duties as other members of the council, with a vote, but no veto. He shall be the official and ceremonial head of the city, but shall have no jurisdiction or authority to hear, try or determine any judicial matters. The council shall also elect one of its members as vice-mayor, who shall act as mayor during the absence or disability of the mayor. (1952, c. 712)

§ 8. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business. (1952, c. 712)

§ 9. Compensation.

Councilmen shall receive as compensation for their services such amounts as the council may determine, not to exceed two hundred dollars per month for councilmen and two hundred fifty dollars per month for the mayor. (1952, c. 712; 1972, c. 270)

§ 10. Powers.

All powers of the city and the determination of all matters of policy are vested in the council. Without limitation of the foregoing, the council shall have all the powers conferred by the Constitution and general laws, and, in addition, the particular powers conferred in the following several numbered but untitled sections of this charter. (1952, c. 712)

§ 11. The council is empowered to control and manage the fiscal and municipal affairs of the city, and all property, real and personal, belonging to the city, and, in the name and for the use of the city, to contract debts, borrow money, and cause to be issued therefor notes, bonds or other evidences of debt in the manner prescribed by law and subject to all the restrictions and limitations imposed by the Constitution and general laws of the State of Virginia, and to expend the money of the city for all lawful purposes, and to make such ordinances, orders and by-laws relating to any of the foregoing as it may deem proper and necessary. (1952, c. 712)

§ 12. The council is empowered to raise annually by taxes and assessments on all subjects of taxation in said city as to which there is no restraint or prohibition by the Constitution or general law, such sums of money as it shall deem necessary to pay the debts and defray the expenses of the city, and in such manner as it shall deem expedient. (1952, c. 712; 1972, c. 270)

§ 13. The council is empowered to acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without the City, and for any of the purposes of the city, and to hold, own, use, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof. (1952, c. 712)

§ 13.1. In the exercise of the power of eminent domain conferred by § 13 the city may proceed under the provisions of Title 25 of the Code of Virginia, or other general law, subject to the provisions of § 25-233 of the Code of Virginia, by the method provided for the State Highway Commissioner under Article 5 of Chapter 1 of Title 33 of the Code; provided that as to the acquisition of property lying outside the corporate limits of the city, such power shall be exercised only in connection with parks, electric lines and systems, water supplies, water systems, water works, sewerage systems, sewage disposal plants, and facilities related thereto. (1958, c. 497)

§ 14. The council is empowered to erect and maintain all necessary public buildings, establish and regulate public squares, playgrounds, parks, airports and municipal off-street parking lots in or near the city, and to acquire by purchase, condemnation, or otherwise, the land it may deem necessary for such uses, and to construct in such public squares, playgrounds and parks as it may maintain, or upon any city property, stadiums, swimming pools, recreation and amusement buildings, refreshment

stands and restaurants, comfort stations and rest rooms, and structures or inclosures of any character, and to charge for admission to such of them as it may deem proper, and to rent out or lease the privilege of constructing or using such stadiums, swimming pools, recreation and amusement buildings, refreshment stands and restaurants, or other structures or inclosures. (1952, c. 712)

§ 15. The council is empowered to establish, enlarge, maintain and operate, within or without the corporate limits of the city, suitable systems of waterworks, electricworks, gasworks, sewerworks, a sewerage disposal system and such other local public services and utilities as may in its judgment be in the public interest, and to supply such services to consumers in or near the city at such prices and upon such terms as it may prescribe, and to contract or agree with the owners of land for the use or purchase thereof, or cause land to be condemned, within or without the city, for the location, extension or enlargement of any of said works, or pipes or wires connected therewith, or any of the appurtenances or fixtures thereof, and to protect said land, works, pipes, wires, fixtures and appurtenances from injury by enacting ordinances prescribing adequate penalties therefor, whether within or without the limits of the city. (1952, c. 712)

§ 16. The council is empowered to exercise care, supervision and control of streets, squares and commons, and to establish, open, close, vacate, abandon, extend, widen, narrow, lay out, pave, grade, improve and otherwise alter the streets in the city, cause them to be properly lighted and kept in good order, make or construct sewers or public ducts through the same where deemed expedient, build bridges in or culverts under the streets or alleys of the city, prevent or remove obstructions or encroachments over, under or in the same, plant or permit shade trees to be planted along the same, and to prevent the cumbering of streets, alleys, walks, lanes and bridges of the city in any manner whatever, and to have full and complete control of the same. (1952, c. 712)

§ 17. The council is empowered to determine and designate the route and grade of any railroad to be laid in the city, and to restrain and regulate the speed of locomotives, engines and cars upon the railroads within the city, and to wholly exclude the same where the welfare of the city may demand, provided no contract be violated thereby. (1952, c. 712)

§ 18. The council is empowered to establish a market or markets in the city and to regulate the same, and to enforce such regulations in regard to the keeping and sale of fresh meat, vegetables, eggs, fruits and green groceries, and the trade of hucksters and junk dealers, as may be deemed advisable. (1952, c. 712)

§ 19. The council is empowered to remove, or require to be removed, or condemn, any building, wall, structure or addition thereto which, by reason of defect in structure, dilapidation, or other cause, may have become dangerous to life or property, or which may have been or may be erected contrary to law. (1952, c. 712)

§ 20. The council is empowered to provide for the regular and safe construction of houses and buildings in the city for the future, and to provide setback lines on the streets of the city beyond which no building may be constructed. (1952, c. 712)

§ 21. The council is empowered to designate and prescribe from time to time the parts of the city within which no buildings of wood shall be erected, and to regulate the construction of buildings in the city so as to protect it against danger from fire, and to enact an ordinance dividing the city into zones under the provisions of the general law, and to provide a complete building code for the city, and to provide for a city planning commission and define its powers. (1952, c. 712)

§ 22. The council is empowered to prescribe traffic regulations for the streets and alleys of the city, not in conflict with general law, and to require all public conveyances, cabs, busses and trucks operated by motor or other power, within the city or in and out of the city, to provide terminals at such points as shall meet with the approval of the council, and to provide all reasonable regulations governing the same, and to prevent any sort of employment or sports in the public streets or any other use thereof which is or may be dangerous or annoying to passers-by, and to prohibit and punish cruelty to or abuse of animals. (1952, c. 712)

§ 23. The council is empowered to compel the abatement and removal of all nuisances within the city, or upon property owned by the city beyond its limits, at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds, brush and stagnant water, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter-houses or other noisome or offensive business within the city; to regulate or prevent the keeping of animals, poultry or other fowl therein; to prevent animals and fowls from running at large in the city, and to subject the same to such taxes, regulations and confiscations as it may deem proper; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept; to provide means for and to regulate the cleaning of all dry closets and to assess against the owner or occupant of the premises on which the same is located a reasonable charge therefor, which shall be collectible as any city tax; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, safety, comfort, convenience and welfare of the inhabitants of the city. (1952, c. 712)

§ 24. The council is empowered to require every merchant, retailer, trader or dealer in merchandise or property of any description which is sold by measure or weight to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, and it may cause to be inspected and tested any commodity or article offered for human consumption or use within the city. (1952, c. 712)

§ 25. The council is empowered to secure the inhabitants of the city from contagious, infectious or other dangerous diseases; to establish quarantine ground; to provide and maintain hospitals; to compel the removal of patients to same; to appoint and organize a board of health or a department of public welfare; to define its duties, and grant to it the necessary authority to effectually discharge them. (1952, c. 712)

§ 26. The council is empowered to restrain and punish drunkards, vagrants and beggars; to prevent vice and immorality, obscenity and profanity; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses and devices; to prevent and punish lewd, indecent and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who have not resided therein for as much as one year. (1952, c. 712)

§ 27. The council is empowered to regulate and control auction sales, theatrical performances or other public shows or exhibitions, the business of hawkers, peddlers, persons selling goods by sample, persons operating pool rooms, bowling alleys, dance halls, shooting galleries and skating rinks for profit, and all other similar businesses, occupations and employments, and as to such businesses, occupations and employments, or any of a like nature, may grant or refuse license as it may deem proper. (1952, c. 712)

§ 28. The council is empowered to direct the location of all buildings for the storing of explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, dynamite, fireworks, kerosene, oil, gasoline or other combustible material; to regulate the exhibition of fireworks, the discharge of firearms and the making of bonfires in the streets and yards of the city. (1952, c. 712)

§ 29. The council is empowered to adopt all by-laws, rules and ordinances not repugnant to the Constitution and laws of the State of Virginia which it may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property, and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction which is or shall be granted to or vested in said city, or in the council, court or officers thereof, or which may be necessarily incident to a municipal corporation. (1952, c. 712)

§ 30. The council is empowered to grant aid to military companies and to contribute to the support of a band or bands maintained within the city, to associations for the advancement of agriculture or the mechanic arts, to scientific, literary, educational or benevolent organizations or institutions and to public libraries, provided such action is not prohibited by the Constitution of the State, and that all such societies, organizations or institutions be located in or near the city, and provided further that no appropriation for such purpose shall be made, nor shall aid be otherwise granted through exemption from

charge for use of water or light facilities, or otherwise, unless two-thirds of all the members elected to the council vote therefor. (1952, c. 712)

§ 31. The council is empowered to change the boundaries of wards and increase the number thereof. (1952, c. 712)

§ 32. The council is empowered to give names to or alter the names of streets. (1952, c. 712)

§ 33. The council is empowered to provide any penalty for the violation of any city ordinance, not exceeding a fine of one thousand dollars or one year's confinement in the city or Rockingham County jail, or both such fine and imprisonment. (1952, c. 712)

§ 34. The council is empowered to provide for the due publication in the newspapers or otherwise of its ordinances and resolutions. (1952, c. 712)

§ 35. The council is empowered to compel persons sentenced to confinement in jail for petit larceny or other misdemeanor or other violations of the city ordinances to work on the public streets, parks or other public works of the city, there to perform such labor as the overseer or officer having charge of such department may direct. (1952, c. 712)

§ 36. The council is empowered to provide, by ordinance, for the collection of city taxes or levies on property at such times and with such penalties for nonpayment on time as may be fixed by ordinance. (1952, c. 712)

§ 37. Appointment of city manager.

The council, by a majority vote of its members at its first meeting held on or after the first day of September, nineteen hundred fifty-two (1952), or as soon thereafter as practicable, shall appoint a city manager, who shall be the chief administrative and executive officer of the city and have powers and perform the duties in this charter provided. No member of the council shall, during the time for which he is elected, nor within one year after the expiration of his term, receive such appointment. (1952, c. 712)

§ 38. Term of city manager; salary; removal.

The city manager shall hold office during the pleasure of the council, or for a term of three (3) years unless sooner removed by the council by a majority vote of its members upon proven charges preferred for malfeasance or misfeasance, neglect of duty or incompetency. The council may reappoint the city manager for a term not exceeding six (6) years, subject to the same conditions.

The city manager shall receive such compensation as shall be fixed by the council by ordinance.

Before the city manager may be removed he shall, if he so demand, be furnished a written statement of the reasons alleged for his removal and given the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his removal, but pending and during such hearing

the council may suspend him from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council. (1952, c. 712)

§ 39. Council not to interfere in appointments or removals.

Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Any councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman. (1952, c. 712)

§ 40. Creating, abolishing or changing departments or offices; change of duties.

The council may, by ordinance, abolish or change any existing office, department, board, commission or agency, except the school board and the sinking fund commission, and except such elective offices as are prescribed by this charter or by the general law, and may create any new office, department, board, commission or agency it may deem necessary, and may assign additional functions and duties to or reduce the functions and duties of any such office, department, board, commission or agency. (1952, c. 712)

§ 41. City clerk.

The council shall appoint a clerk, who shall have the title of City Clerk, and serve for such term and for such compensation as may be provided by the council, and until the effective date of the appointment of his successor. He shall be the clerk of the council and keep the journal of its proceedings, authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions adopted or enacted by it, and perform all such other duties and functions as shall be required by the council or by this charter. (1952, c. 712)

§ 42. Induction of members; meetings.

At ten o'clock, ante meridian, on the first day of July following a regular municipal election, or on the following day if such day be on a Sunday or legal holiday, the council shall meet at the council chamber, at which time the newly elected councilmen, after having first taken the oaths prescribed by law, shall assume the duties of their office. Thereafter, the council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. Special meetings of the council may be called and held at such time and in such manner as may be prescribed by its rules. All meetings of the council shall be open to the public except as may otherwise be provided by general law. (1952, c. 712; 1979, c. 164)

§ 43. Council to be judge of qualifications of its members.

The council shall be the judge of the election and qualifications of its members, and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by courts of competent jurisdiction. (1952, c. 712)

§ 44. Rules of procedure: journal.

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings, which journal shall be kept open to public inspection. (1952, c. 712)

§ 45. Independent annual audit.

Prior to the end of each fiscal year the council shall designate either the State Auditor or such representative or representatives of his office as he may assign for the purpose, or one or more certified public accountants, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and submit a report to the council and to the city manager. Such accountant or accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its offices or officers; provided that being a resident or taxpayer of the city shall not be deemed to create a personal interest hereunder. (1952, c. 712)

Chapter III. The City Manager.

§ 46. Qualifications.

The city manager shall be chosen by the city council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his office. At the time of his appointment, he need not be a resident of the city or State, but during his tenure of office, he shall reside within the city. (1952, c. 712)

Editor's note: The catchline for § 47 was included with the 1952 charter, but not the 1956 amendment.

§ 47. Powers and duties.

The city manager shall be the chief executive officer and administrative head of the city government. He shall be responsible to the council for the proper administration of all affairs of the city.

The city manager is empowered to and shall:

(1) See that all laws and ordinances are enforced.

(2) Except as otherwise provided in this charter, exercise supervision and control over all departments and divisions created herein, or which may be hereafter created by the council, and have general supervision over all public improvements, works and undertakings.

(3) Attend all regular meetings of the council, with the right to take part in the discussion but having no vote.

(4) Recommend to the council for adoption such measures as he may deem necessary or expedient.

(5) Prepare the annual budget and submit it to the council, and, after its adoption, be responsible for its proper administration.

(6) Keep the council at all times fully advised as to the financial condition and future needs of the city, and make recommendations with respect thereto.

(7) Except as otherwise provided in this charter, make and execute all such contracts on behalf of the city as may be authorized by this charter, or in accordance with the provisions of the appropriations made by the council, or under continuing contracts or loans authorized under the provisions of this charter, or pursuant to resolution or ordinance of the council.

(8) Except as otherwise provided in this charter, appoint, supervise and control all heads or directors of departments and all subordinate officers and employees of the city, with power to discipline or remove any officer or employee so appointed by him. Such appointments and removals shall be reported by the city manager to the council at its next regular meeting.

(9) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise or in any contract are faithfully kept and performed; and upon knowledge of any violation thereof call the same to the attention of the council and city attorney.

(10) Perform all such other duties as may be prescribed by law or be required of him by this charter, or by the council. (1952, c. 712; 1956 Ex Sess, c. 41)

§ 48. Bond.

The city manager shall be bonded in such amount as the council may determine. (1952, c. 712)

§ 49. Absence of city manager.

To perform his duties during his temporary absence or disability, the city manager may designate, by letter filed with the city clerk, a qualified administrative officer of the city. In the event of the failure of the city manager to make such designation, the council may, by resolution, appoint an officer of the city to perform the duties of the manager until he shall return or his disability shall cease, and the mayor may make such designation pending action by the council. (1952, c. 712)

Chapter IV. City Officers: Boards and Commissions.

§ 50. Elective officers; their duties, terms and compensation.

In addition to the five (5) councilmen, one of whom shall serve as ex officio mayor, as hereinbefore in this charter provided, and those officers who under the general law are elected jointly by the voters of Rockingham County and the City of Harrisonburg, the elective municipal officers of the City of Harrisonburg shall consist of a Justice of the Peace from each ward of the city; a City Sergeant; a

Commissioner of the Revenue; a City Treasurer; and such additional officers as may hereafter be provided for by law; all of whose duties, terms and compensation shall be as prescribed by the laws of the State of Virginia and the ordinances of the city made in pursuance thereof.

The present Justices of the Peace, City Sergeant, Commissioner of the Revenue and City Treasurer shall continue to hold office until the expiration of the terms for which they were elected. Upon completion of their present terms of office, elections to fill the same shall be held at the times, in the manner and for the terms provided by law. In the case of any vacancy in office of the elective offices of the city, other than the members of the city council, the same shall be filled as provided by general law.

Said Justices of the Peace shall have the same power and authority to issue summons and warrants for violations of the ordinances of the city, returnable to the trial officer of the city, and to take recognizances therefor or thereon and issue subpoenas for witnesses and other criminal process with respect thereto, likewise returnable to said trial officer, as they have to perform said acts with relation to violations of state law made returnable by them to state courts.

Nothing contained herein shall be construed or taken to change the existing law whereby the Commonwealth's Attorney, the Clerk of the Circuit Court and the Sheriff, together with members of the General Assembly, are jointly elected by the voters of Rockingham County and the City of Harrisonburg, to serve both said county and city, and all applicable laws with respect thereto are hereby continued in full force and effect. (1952, c. 712)

§ 51. Appointive officers; their terms, duties and compensation.

In addition to the city manager and city clerk, as hereinbefore in this charter provided for, those officers to be appointed or elected by the council, unless and until changed by ordinance, shall consist of a city auditor, who may be one and the same person as the city clerk, and who may be known and designated as Clerk-Auditor; a city attorney; a collector of delinquent taxes; a sealer of weights and measures, who may be one and the same person as the collector of delinquent taxes; a trial officer to be known as Police Justice; a substitute trial officer to be known as Substitute Police Justice, and such additional officers as may hereafter be provided for by the council; each of whom shall serve for such term as may be provided by the council, and until the effective dates of the respective appointments of their successors, and each of whom shall perform such duties and receive such compensation as shall be prescribed by the council.

The present clerk-auditor, city attorney, collector of delinquent taxes and sealer of weights and measures, police justice and substitute police justice shall continue in office until the expiration of the terms for which they were respectively elected or appointed. Upon completion of their present terms of office, their successors shall be appointed or elected by the city council in accordance with the terms of this charter and the applicable city ordinance then in effect. (1952, c. 712)

Editor's note: The catchline for § 52 was included with the 1952 charter, but not the 1956 amendment.

§ 52. Boards, commissions, etc.

All boards and commissions, including the School Board, the Sinking Fund Commission, the Planning Commission, the Recreation Commission and any and all other boards and commissions which may now or hereafter be established shall be appointed by the council unless otherwise required by general law. Their duties shall be as provided by law and by such ordinances as may now or hereafter be adopted by the council. Unless otherwise required by general law, their terms shall likewise be as determined by the council and all vacancies shall be filled by the council.

The council may provide by ordinance for the creation and appointment of a public utilities commission to manage one or more of the city owned public utilities, and grant full power and authority to such commission to operate such utility or utilities, to select and employ a superintendent and other employees, to manage, maintain and expand such systems, to fix rates for services, to collect and disburse revenues therefrom, and to perform such other functions as the council may deem appropriate. (1952, c. 712; 1956 Ex Sess, c. 41)

§ 53. Deputies.

The city treasurer and commissioner of the revenue may each appoint one or more deputies, provided that the number of said appointments and the expenses of such offices shall be subject to the approval of the council and of the State Compensation Board, as by law provided. (1952, c. 712)

§ 54. Other officers and employees.

The officers of the city whose election or appointment is not otherwise provided for herein or under the general law shall be appointed by the city manager under the powers granted him by this act. (1952, c. 712)

§ 55. Bonds.

The council shall designate such officers and employees of the city as shall give bond, with surety to be approved by the council, conditioned upon the faithful performance of all their duties under this charter, the general law and any ordinance of the city, and the several penalties of such bonds shall be such as are now or may hereafter be prescribed by the laws of this state and the ordinances of the city made in pursuance thereof; provided that the city treasurer and commissioner of the revenue, and their sureties, shall be as liable for the acts of their deputies as for themselves. (1952, c. 712)

Chapter V. Ordinances.

§ 56. Council may act by ordinance, resolution or motion.

The council may act either by ordinance, resolution or motion. (1952, c. 712; 2002, c. 369)

§ 57. Enactments.

No ordinance or resolution appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, shall be passed by the council on the same day on

which it is introduced, nor shall any such ordinance or resolution be valid unless at least three days intervene between its introduction and date of passage.

No ordinance or resolution appropriating money exceeding the sum of one hundred dollars, imposing taxes or authorizing the borrowing of money, shall be passed except by the recorded affirmative vote of a majority of all members elected to the council.

No ordinance shall be passed or resolution adopted having for its object the appropriation or borrowing of money except by the concurrence of at least a majority of the members of the council; and upon the demand of any member, on the passage of any ordinance or resolution, the ayes and nays shall be taken and entered on the record. (1952, c. 712)

§ 58. Record.

Every ordinance or resolution having the effect of an ordinance when passed shall be recorded by the clerk of council in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the said clerk. (1952, c. 712)

Chapter VI. Budget.

§ 59. Fiscal year.

The fiscal year of the city government shall begin on the first day of July and end on the last day of June of each calendar year unless and until such time as the council, by ordinance, may otherwise determine. (1952, c. 712)

§ 60. Submission of budget.

The city manager, at least sixty days before the end of each fiscal year, shall prepare and submit to the council a balanced budget for the ensuing fiscal year, based upon detailed estimates furnished by the several officers of the city government and containing such data and information as may be directed by the council, by ordinance or otherwise. (1952, c. 712)

§ 61. Adoption of budget; appropriation ordinance; tax levy.

At least thirty days before the end of each fiscal year, the council shall adopt a budget for the ensuing fiscal year and pass an annual appropriation ordinance based on the budget so adopted and levy such tax for the ensuing fiscal year as in its discretion shall be necessary and sufficient to meet all just demands against the city, subject, however, to any provisions and limitations hereinbefore in this charter or by law imposed. (1952, c. 712)

Chapter VII. Existing Ordinances Continued.

§ 62. Existing ordinances continued.

All ordinances now in force in the city, not inconsistent with this act, the laws of this State and of the United States, shall be and remain in force until altered, amended or repealed by the council. (1952, c. 712)

Haymarket, Town of

County of Prince William

History of incorporation

Established, 1799, c. 54.
Incorporated, 1882, c. 185.
Charter, 1908, c. 143; amended and reenacted 1948, c. 373.
Charter, 1948, c. 373; repealed 1950, c. 540.

Current charter

Charter, 1950, c. 540.

Amendments to current charter

1952 Special Session, c. 7 (Art. III, § 1)
1964, c. 76 (Art. III, § 2 [added])
1970, c. 178 (Art. III, §1)
1972, c. 46 (Art. III, § 1)
2023, c. 70 (Art. II, § 1; Art. III, §§ 1, 2 [repealed]; Art. VIII, § 1 [repealed]; Art. IX, § 1; Art. X, § 1 [repealed]; Art. XI, § 1)

Article I. The Town Corporate.

§ 1. (1) The Inhabitants of the territory comprised within the limits of the town of Haymarket, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Haymarket, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1950, c. 540)

Article II. Corporate Limits.

§ 1. (1) The boundaries of the Town, until altered, shall be as shown in Chapter 540 of the Acts of the General Assembly of 1950 as modified by a boundary line adjustment entered into between the Town of Haymarket and the County of Prince William, approved by Circuit Court order recorded in the Prince William County land records as Instrument number 201402260012836. (1950, c. 540; 2023, c. 70)

Article III. Administration and Government.

§ 1. (1) The council members and mayor in office on April 7, 1950, shall continue in office until the first day of July of the year following termination of their respective terms or until their respective successors shall have been duly elected and qualified.

(2) On the first Tuesday after the first Monday in November, 2024, and every two years thereafter, there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and six other electors, who shall be denominated council members, and the mayor and council members shall constitute the Town council. They shall enter upon the duties of their offices on the first day of January next succeeding their election and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take the oath of office as prescribed by general law.

(3) [Repealed]

(4) [Repealed]

(5) A majority of the members of the council shall constitute a quorum for the transaction of business.

(6) Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct.

(7) The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie the mayor shall have the right to cast a vote to break the tie, but the mayor shall have the right to veto as provided in § 1 (8) of this Article III. The mayor shall have the following duties: to take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed and obeyed; to see that peace and good order are preserved and that persons and property within the town are protected; to authenticate such documents and instruments as the council, this charter, or the laws of this Commonwealth require; and from time to time recommend to the council such measures as seem needful for the welfare of the town.

(8) The mayor may veto an ordinance or resolution having the effect of an ordinance by transmitting it, with the reasons for the veto in writing, to the town clerk who shall enter the reasons for the mayor's

veto at length on the minute book of the council. The council may thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all the members elected to the council agree to pass the ordinance or resolution, it shall become operative notwithstanding the veto of the mayor. In all such cases, the votes of members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution having the effect of an ordinance shall not be returned by the mayor within five days (Sunday excepted) after passage by the council, it shall become operative without the mayor's signature, unless the mayor's term of office or that of the council expires within said five days.

(9) The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction of the mayor except the power to veto; and in the event of a vacancy for any reason in the office of mayor shall act as mayor until a mayor is duly appointed by the Town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of a council member even when performing the duties of mayor during the absence or disability of the mayor of the town.

(10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings consistent with the terms of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia) as then in effect.

(11) The council shall keep a minute book, in which the clerk shall note the proceedings of the council and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) The council may adopt rules for regulating its proceedings.

(13) There shall be appointed by the council at its first meeting in March, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of two years. The council may provide a salary for the treasurer. The treasurere shall give such bond, with surety and in such penalty as the council prescribes. The treasurer shall receive all money belonging to the town and keep correct accounts of all receipts from all sources and of all expenditures of all departments. The treasurer shall be responsible for the collection of all taxes, license fees, levies and charges due to the town and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(14) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited in accordance with general law.

(15) The council may in its discretion designate the place of deposit of all town funds, consistent with state law, which shall be kept by the treasurer separate and apart from the treasurer's personal funds.

(16) There shall be appointed by the council, at its first regular meeting in March after its election, a clerk of the council, who need not be a resident of the town, and who shall hold office at the pleasure of the council. The clerk shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. The clerk shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. The clerk's compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

(17) There shall be appointed by the council at its first regular meeting in March or as soon as practicable thereafter, a town sergeant, who shall also be chief of police, and shall hold office at the pleasure of the council. The town sergeant's duties shall be such as the council prescribes. The town sergeant shall be vested with the powers of a conservator of the peace. The town sergeant's compensation shall be fixed by the council.

(18) [Repealed]

(19) The council may appoint or select such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties.

(20) All ordinances, resolutions and bylaws passed by the council take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage. (1950, c. 540; 1952 Sp Sess, c. 7; 1970, c. 178; 1972, c. 46; 2023, c. 70)

§ 2. (1964, c. 76; repealed 2023, c. 70)

Article IV. Taxation and Finances.

§ 1. (1) The Town council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

(2) To prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by State law, and to publish the same.

(3) To raise annually by levy and collection of taxes and assessments in the said town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the said town in such manner as the said council shall deem expedient in accordance with

this charter, the Constitution and laws of this State and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(4) To impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this State, as may be in force at the time of the imposition of such special or local assessments.

(5) To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution and laws of this State concerning bonds issued by towns, upon credit of the town, or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(6) To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

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

(8) To levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the State or not, and may, if permitted by general law, exceed the State license, if any be required, and may provide penalties for any violation thereof.

(9) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection.

(10) To impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in the town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

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

(12) For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

(13) A lien shall exist on all real estate within the corporate limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth. The council shall have the benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general law of the State, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1950, c. 540)

Article V. Property.

§ 1. The Town council shall have within the provisions of general law and the Constitution of this State the following powers:

(1) To acquire by purchase, gift, devise, condemnation, or otherwise, as provided by general law and the Constitution of this State, property, real or personal, or any estate therein within or without the town, for any purpose of the town, and to hold, improve, sell, lease, mortgage, or pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(2) To acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State, lands, or any interest or estate in lands, rock quarries, gravel pits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

(3) To acquire and operate parks, playgrounds, and public grounds within or without the corporate limits of the town, and to place on the same either within or without the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character, and charge admission thereto, and to rent out or lease the privileges of the same.

(4) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(5) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(6) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of various departments of the town and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them, and, either within or without the town to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise.

(7) To provide in or near the town land to be used as burial places for the dead, to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, to cooperate with any nonprofit corporation or association in the improvements and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept and invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot for which the said donation, gift, or bequest has been made. And all acts of the said town in accepting from any cemetery company, society or corporation such land to be used as a burial place for the dead, whether the land has been heretofore used or not, as well as all contracts and agreements made with any person or persons for perpetual care and maintenance, are hereby declared valid. (1950, c. 540)

Article VI. Utilities.

§ 1. The Town council shall have the following powers:

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

(2) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights and riparian rights as the council of the town may deem necessary for the purpose of providing an adequate water supply to the town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the town, and to require abutting property owners within such corporate limits to connect therewith, for the distribution of water to its customers and consumers, both within and without the corporate limits of the town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting

the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights-of-way, riparian and other rights and easements necessary for said purposes, and to charge and assess and collect reasonable fees, rentals, assessments of costs of service for connecting with and using the same.

(4) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(5) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor, to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(6) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charge directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(7) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services thereof any existing franchises to the contrary notwithstanding.

(8) To regulate, permit or prohibit poles and wires for electric, telephone, and telegraph purposes erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the

owner or lessee of an electric light, telephone, or telegraph pole, or poles, or wires, now in use or hereafter erected, to change the location of or move the same. (1950, c. 540)

Article VII. Streets.

§ 1. 1. The Town council shall have the following powers:

(1) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, streets, sidewalks, boulevards, parkways, alleys and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, to regulate the operation and speed of cars and vehicles within the streets and highways within the town and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive.

(2) To give names to or alter the names of the streets. (1950, c. 540)

Article VIII. Building Regulations. (Repealed)

§ 1. (1950, c. 540; repealed 2023, c. 70)

Article IX. Additional Powers.

§ 1. In addition to powers elsewhere mentioned in this charter and the powers conferred by general law and the Constitution, the town shall have the following powers:

(1) To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent noisome or offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of billboards and signs; generally to define,

prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow, and any obstruction.

(2) [Repealed]

(3) [Repealed]

(4) [Repealed]

(5) [Repealed]

(6) To provide and maintain, either within or without the town, charitable, recreative, curative, corrective, detention or penal institutions.

(7) To regulate poultry or other fowl, hogs, dogs or other animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

(8) [Repealed]

(9) To establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers as may be deemed advisable.

(10) [Repealed]

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

(12) [Repealed]

(13) [Repealed]

(14) [Repealed]

(15) [Repealed]

(16) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

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

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

(19) To offer and pay rewards for the apprehension of criminals.

(20) [Repealed]

(21) [Repealed]

(22) [Repealed]

(23) [Repealed]

(24) [Repealed]

(25) [Repealed]

(26) To make and enforce and effect by ordinances any and all the laws of this State.

(27) [Repealed]

(28) The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the Town council shall have and may exercise all powers which, under the Constitution and laws of this State, it would be competent for this charter specifically to enumerate. (1950, c. 540; 2023, c. 70)

Article X. Actions against Town. (Repealed)

§ 1. (1950, c. 540; repealed 2023, c. 70)

Article XI. Miscellaneous.

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

(2) This act may be referred to or cited as the Haymarket Charter of 2022. (1950, c. 540; 2023, c. 70)

Haysi, Town of

County of Dickenson

Current charter

Incorporation and charter, 1936, c. 24.

Amendments to current charter
1980, c. 63 (§ 5 [repealed], 5A [added])
1999, c. 272 (§§ 3, 5A)

§ 1. That a part of the area of the county of Dickenson, embraced within the boundaries described in § 2 hereof, is hereby incorporated as a town under the name and style of the town of Haysi, and the inhabitants within said boundaries shall henceforth be a body corporate and politic, with all the powers and privileges and subject to all the duties and obligations conferred and imposed upon towns by general law, together with such modifications thereof and additions thereto as are hereinafter set forth, subject to the limitations hereinafter contained. (1936, c. 24)

§ 2. The boundaries of the said town of Haysi, unless and until changed in the manner prescribed by law, shall be as follows:

Beginning on a hub on a point above the Haysi high school building, and in the Appalachia Electric Power line; thence south sixty-five west twenty-three hundred and sixty feet to a hub on a point, north sixty-seven west nine hundred and thirty-six feet to a hub on a point in power line leading to Splashdam, Virginia, with said power line north fourteen and thirty/one hundredths east thirty-one hundred and five feet to a hub on a point west of Martha Puckett's dwelling, north six west twenty-two hundred and sixty-three feet to a hub on top of a ridge on W. W. Scypher's property and at power structure number eighty-eight; thence north twenty-six east four hundred and ninety-eight feet to a hub in W. W. Scypher's field; thence leaving said ridge south eighty-eight east one hundred and three feet hub on side of a hill, north eighty-five and thirty/one hundredths east nineteen hundred and twenty-nine feet to a hub in the power line leading to Elkhorn City, Kentucky, thence with same south thirty-four east seven hundred and seventy-three feet to a hub in power line on top of the ridge; south thirty-three east sixteen hundred and twenty-two feet to a hub in power line; thence leaving said power line north forty-seven east nine hundred and forty-six feet to a hub on the hillside near a coal opening and two hundred feet north of State garage, south eighty-two and thirty/one hundredths east seven hundred and twenty-eight feet to a hub on a point two hundred feet northeast of G. B. Sutherland's house, north fifteen east one hundred and twenty-five feet to a hub on a hillside one hundred and twenty-five feet north of State highway, north ten east eleven hundred feet to a hub on the hillside near a mine south seventy-eight and thirty/one hundredths east seven hundred and forty-five feet to a hub on a spur three hundred feet north of S. F. Fuller's house, south fifty-two east four hundred and fourteen feet to a hub on a point one hundred feet north of the State highway; thence crossing said highway and Prater creek, south three and thirty/one hundredths east eleven hundred feet to a hub on top of a ridge, south one west fifty-eight feet to a hub on top of a ridge; thence over H. H. Coleman's land, south ten west one thousand and sixty-five feet hub on top of a ridge; thence over Rufus Coleman's land, south three and thirty/one hundredths west six hundred feet to a hub on ridge in power line; thence with said power line, south sixty-five

and thirty/one hundredths west four thousand and forty-eight feet to the beginning, containing six hundred and forty acres, or one square mile. (1936, c. 24)

§ 3. The town of Haysi shall have the following powers, to the extent that they, or any of them, are not prohibited or limited by general law or by the Constitution of Virginia or the United States Constitution:

(a) Raise annually, by taxes and assessments in the town, such sums of money as the council thereof deems necessary for the purposes of the town, in such manner as the council deems expedient.

(b) Levy and collect taxes, and assessments on persons, property subject to local taxation, privileges, amusements, businesses, professions, and occupations; issue licenses for the conduct or operation of privileges, amusements, businesses, professions, and occupations; and make and collect charges and fees therefor.

(c) Impose special or local assessments for local improvements and enforce payment thereof.

(d) Contract debts, borrow money and make and issue evidences of indebtedness, and have a common seal.

(e) Expend the money of the town for all lawful purposes.

(f) Acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein, within or without the town, for any of the purposes thereof and hold, improve, sell, lease, or mortgage the same or any part thereof, including any property now owned by the town.

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

(h) Own, operate, and maintain waterworks, and acquire in any lawful manner, in any county of the Commonwealth, or from the United States government, such water, lands, proper rights and riparian rights as the council of the town deems necessary for the purpose of providing an adequate water supply to the town, and piping or conducting the same; lay all necessary mains and service lines within and without the corporate limits of the town; erect and maintain all necessary dams, pumping stations and other works in connection therewith; make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution, and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the water shed tributary to any such water supply, wherever such lands may be located in this Commonwealth; impose and enforce adequate penalties for the violation of any such rules and regulations, and prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, exer-

cise within the Commonwealth all powers of eminent domain provided by the laws of this Commonwealth.

(i) Own, operate, and maintain electric light and gas works either within or without the corporate limits of the town, and supply gas and electricity, whether they are generated or purchased by the town, to its customers and consumers both within and without the corporate limits of the town, at such price and upon such terms as may be prescribed; to that end, it may contract to purchase electricity and gas from the owners thereof upon such terms as it deems expedient.

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

(k) Establish, enter, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean public streets, highways, alleys, parkways and parks, and alter or close the same; regulate the weight of loads to be hauled or carried over and upon the streets; regulate the use of all such highways, parks, streets, alleys, parkways, and public grounds; prevent the obstruction and destruction, and injury to, any of such streets and highways; require any railroad company operating a railroad at the place where any highway or street is crossed within the town limits to erect and maintain at such crossing any style of gate deemed proper and keep a man in charge thereof, or keep a flagman at such crossing during such hours as the council may require in accordance with the general law of the Commonwealth, and regulate the length of time such crossings may be closed due to any operations of the railroad; regulate the operation and speed of all cars and vehicles upon the streets and highways, as well as the speed of all engines, cars, and trains of railroads within the town; and permit or prohibit poles and wires for electric, telephone and telegraph purposes to be erected and gas lines to be laid in the streets and alleys, prescribe and collect an annual charge for such privilege hereafter granted and require the owner or lessee of any electric light, telephone or telegraph pole or poles or wires now in use or hereafter erected to change the location or move the same, if necessary.

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

(m) Establish, construct, and maintain sanitary sewers, sewer lines, and cisterns and require the abutting property owners to connect therewith; establish, construct, maintain, and operate

sewerage disposal plants, and acquire by condemnation or otherwise, within or without the town, all lands, rights of way, and other rights and easements necessary for the purposes aforesaid; and charge and collect reasonable fees and assessments or costs of service for connecting with and using the same.

(n) Subject to the provisions of the Constitution of Virginia and this charter, grant franchises for public utilities.

(o) Collect and dispose of sewerage, offal, ashes, garbage, carcasses of dead animals and other refuse and make reasonable charges therefor; acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; and contract for, regulate, require and collect for the disposal thereof.

(p) Compel the abatement of all nuisances within the town, or upon property owned by the town beyond its limits, at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be, and collect the expense by suit or motion or by distress and sale; require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or make them so at the expense of the owners or occupants thereof, and collect the expense by suit or motion or by distress and sale; regulate or prevent slaughter houses or other noisome or offensive business within the the town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the town; compel the abatement of smoke and dust, and prevent unnecessary noise; regulate the location of stables and the manner in which they shall be kept and constructed; regulate the location, construction and operation and maintenance of billboards; provide how, when, and under what conditions awnings may project over the streets and sidewalks from buildings, and sidewalks used for advertising and displaying signs and merchandise; generally define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town; and require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice, or snow.

(q) Appoint a board of health for the town and invest it with authority for the prompt and efficient performance of its duties.

(r) Inspect, test, measure, and weigh any commodity or article of consumption for use within the town, and establish, regulate, license, and inspect weights, meters, measures and scales.

(s) Extinquish and prevent fires, and establish, regulate, and control a fire department or division; regulate the size, heights, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected, in such manner as the public safety and conveniences may

require; remove, or require to be removed or reconstructed, any building, structure or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed to, added to, enlarged, or repaired, and direct that any and all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

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

(u) (1936, c. 24; repealed 1999, c. 272)

(v) Provide in or near the town lands to be used as burial places for the dead, providing land for the same may be secured, or provide same as near as may be to the town; improve and care for the same and the approaches thereto and charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein, take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income therefrom used in and about the perpetual upkeep and care of the lot or plot, for which the donation, gift, or bequest was made.

(w) Exercise full police powers and establish and maintain a department or division of police.

(x) Restrain and punish drunkards, vagrants and street beggars; prevent and quell riots, disturbances, and disorderly assemblages; suppress houses of ill-fame and gambling houses; and prevent and punish lewd, indecent and disorderly exhibitions in the town.

(y) License and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of any of them within the town; require every owner of a motor vehicle residing in the town, on a date to be designated by the council, to annually register such motor vehicle and obtain a license to operate it by applying to the treasurer of the town, and require the owner to pay an annual license fee therefor, to be fixed by the council, but the license fee shall not exceed the amount charged by the Commonwealth on the machine.

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

(bb) Prescribe any penalty for the violation of any town ordinance, rule or regulation not exceeding any penalty established by the Commonwealth for a similar offense.

(cc) Prohibit and punish mischievous, wanton, or malicious damage to school property, public property, and private property.

(dd) Prohibit and punish minors frequenting, playing in, or loitering in any public poolroom, billiard parlor or ten-pin alley, and punish any proprietor or agent thereof for permitting same.

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

(ff) Maintain a suit to restrain by injunction the violation of any ordinance, even though punishment may be provided for the violation of such ordinance. (1936, c. 24; 1999, c. 272)

§ 4. The government of said town shall be vested in a town council, which shall be composed of a mayor and six councilmen, each and all of whom shall be residents of, and qualified voters of said town. Vacancies in the office of mayor or councilmen shall be filled for the unexpired term by a majority vote of the remaining members of the council. The mayor shall preside over all meetings of said council, and shall not vote upon any matter before the council except in the case of a tie vote of councilmen voting. The mayor shall be the chief executive officer of the town, and shall have the jurisdiction and authority of a justice of the peace, and shall have exclusive original jurisdiction for the trial of offenses arising under the ordinances of said town. In the absence of the mayor the council shall, by majority vote, select one of its members to act as mayor pro tem. (1936, c. 24)

§ 5. (1936, c. 24; repealed 1980, c. 63)

§ 5A. At the regular municipal election to be held on the first Tuesday in May 1980, six councilmen shall be elected. The three members receiving the highest number of votes in such election shall serve as members of the council for terms of four years each. The remaining three members shall serve for terms of two years each. At the regular municipal election to be held on the first Tuesday in May 1982, and every two years thereafter, three councilmen shall be elected each for a term of four years. All terms shall begin on the first day of July next following the election. Each councilman shall serve until his successor has been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

At the regular municipal election to be held on the first Tuesday in May of 2000, and every four years thereafter, the qualified voters shall elect a mayor to serve for a term of four years or until his successor has been elected and qualified. The mayor shall take office the first day of July next following his election. (1980, c. 63; 1999, c. 272)

§ 6. The officers of the said town, in addition to the mayor and councilmen, shall be a treasurer, a clerk, and a sergeant, who shall be electors of the town; the council may by ordinance provide for such other officers, agents, and employees as it may deem appropriate, prescribe their duties and fix their compensation. The treasurer, clerk, and sergeant shall be elected by the council for a term of two years coincident with that of the council. The office of treasurer and clerk may be filled by the same person, who may by a vote of two-thirds of all the members of the council, be a member of the council. (1936, c. 24)

§ 7. The council shall fix the salaries of the mayor, councilmen, treasurer, clerk, and sergeant, and such other officers or agents as it may employ, which shall not be increased or diminished during the term of office of such officer or agent. (1936, c. 24)

§ 8. The council shall, by ordinance, adopt such rules as it may deem proper for the regulation of its proceedings, and the time of its meetings, and by a three-fourths vote of the whole council may expel a member for good cause. A majority of the council shall constitute a quorum for the transaction of business, but no ordinance or resolution shall be adopted having for its object the levying of taxes or contracting a debt except by a vote of two-thirds of the council. The mayor shall preside at all meetings of the council. All meetings of the council shall be public, unless the council by a recorded affirmative vote of two-thirds of its members shall declare that the public welfare demands an executive session of the council; any citizen may have access to the minutes and records of the council at any reasonable times. (1936, c. 24)

§ 9. The mayor, in addition to his duty in presiding over the council, shall perform such other duties consistent with his office as may be imposed by the council; he shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; he shall be the official head of the town. In times of public danger or emergency he may take command of the police and maintain order and enforce the laws, and for this purpose may deputize such assistant policemen as may be necessary. During his absence or disability his duties shall be performed by another member elected by the council as in this charter set forth. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of the State shall require. (1936, c. 24)

§ 10. The town treasurer shall be the disbursing agent of the town and have the custody of all moneys and all evidences of value belonging to the town, or held in trust by the town. He shall receive all money belonging to and received by the town and keep a correct account of all receipts from all

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

The council may, however, in its discretion and by proper ordinance, require the sergeant or other police officer of the town, instead of the treasurer, to collect the taxes and other revenues of the town and pay the same over to the treasurer. (1936, c. 24)

§ 11. The town clerk shall be the clerk of the council, shall attend all meetings thereof, and shall keep a record of its proceedings. He shall keep all papers, documents, and records pertaining to the town, the custody of which is not otherwise provided for. He shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same, and shall perform such other duties as are required by general law or by the council by ordinance or resolution. (1936, c. 24)

§ 12. The town sergeant shall have the same powers and discharge the same duties as a constable within the corporate limits of the town; he shall perform such duties as may be required of town sergeants by the general law, and such other duties not inconsistent therewith as may be required of him by ordinance or resolution of the council. (1936, c. 24)

§ 13. The council may, by ordinance, create the office of police justice for the town and such police justice may, insofar as is not in conflict with the general laws of the State relating to trial justices, be granted jurisdiction and powers similar to the jurisdiction and powers of police justices in cities of this State. The term of office of such police justice shall not be for a term extending beyond that of the council by which he may be appointed. (1936, c. 24)

§ 14. Licenses may be imposed by ordinance on business, trades, professions and callings, and upon the persons, firms, associations and corporations engaged therein, or doing, or offering to do, business within the boundaries of said town, whose principal office is, or is not, located in said town,

except when prohibited by general law, whether a license may be required therefor by the State or not, and it may exceed the State license if any be required; licenses may also be imposed upon persons, firms, and corporations selling and delivering at the same time at other than a definite place of business goods, wares or merchandise, to licensed dealers or retailers in said town. It is the purpose of this section to give the council of this town the power to tax and license all subjects within its jurisdiction not withheld from taxation by cities and towns by the laws of this State, whether herein specifically enumerated or not.

For every town license issued by the treasurer under this charter he may charge a fee to be prescribed by ordinance, not in excess of seventy-five cents, and for transferring a license the fee shall not be in excess of fifty cents, such fees to be paid by the person obtaining the license or transfer may be withheld until the fees are paid into the town treasury for town purposes, should any such fees be prescribed by town ordinance. (1936, c. 24)

§ 15. A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, assessed thereon from the commencement of the year for which the same were assessed, and the procedure for collecting said taxes, for selling real estate for town taxes, and for the redemption of real estate sold for town taxes shall be the same as provided in the general law of the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now, or hereafter may be granted or permitted under the general law. (1936, c. 24)

§ 16. If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which said judgment shall have been rendered. (1936, c. 24)

§ 17. The enumeration of particular powers and authority in this charter shall not be deemed or held to be exclusive but in addition to the powers herein enumerated, implied hereby, or appropriate to the exercise thereof, the said town shall have and may exercise alt other powers which are now or may hereafter be possessed or enjoyed by towns under the Constitution and general laws of this State. (1936, c. 24)

Herndon, Town of

County of Fairfax

History of incorporation

Incorporated by an 1879 Act of Assembly.

Charter, 1879, c .28; amended 1926, c. 201; repealed 1938, c. 376.
Charter, 1938, c. 376; repealed 1968, c. 646.

Current charter
Charter, 1968, c. 646.

Amendments to current charter
1971, c. 207 (§ 3.1)

1973, c. 356 (§§ 2.2, 3.1, 3.6, 3.10, 4.3, 4.6 [added], 5.1, 5.7 [repealed], 7.4:1 [added])

1975, c. 165 (§§ 2.2, 4.3, 5.1, 5.2, 5.3, 5.5, 5.8 [added], 6.1 through 6.5 [repealed], 6.1:1 through 6.3:3 [added], 7.2)

1980, c. 72 (§§ 3.10, 4.3, 5.1)

1993, c. 356 (§§ 4.3, 4.6, 5.1, 7.4:1)

1995, cc. 718, 787 (§§ 2.3 and 2.4 [added])

1998, c. 137 (§§ 1.2, 2.2, 3.6, 7.2, 7.8)

2002, cc. 494, 534 (§ 3.1)

2016, c. 156 (§ 1.2), c. 157 (§ 3.6), c. 314 (§§ 1.2, 3.6)

2017, c. 570 (§ 1.2), c. 571 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Herndon, as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Herndon, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1968, c. 646)

§ 1.2. Boundaries.

The territory embraced within the Town of Herndon is that territory in the County of Fairfax, Virginia, established in chapter 376 of the Acts of Assembly of 1938, as amended by order entered in a voluntary boundary line adjustment case by the Circuit Court of Fairfax County, Virginia, on December 20, 1988, in "Board of Supervisors of Fairfax County and Town Council of Herndon," Law 85815, recorded in the Clerk's Office of the Circuit Court of Fairfax County, Virginia, on November 6, 1997, as instrument number 97-151937, Deed Book 10166, Page 1311, and as further amended by order entered affirming a voluntary settlement agreement in a boundary line adjustment case by the Special Court sitting in the Circuit Court of Loudoun County, Virginia, on August 21, 2015, in "Town of Herndon, Virginia and the County of Loudoun, Virginia," recorded in the Clerk's Office of the Circuit Court of Loudoun County, Virginia, on October 7, 2015, as instrument number 20151007-0067932

and as further amended by order entered affirming a voluntary boundary line adjustment by the Circuit Court of Fairfax County, Virginia, on February 1, 2016, recorded in the Clerk's Office of the Circuit Court of Fairfax County, Virginia, on February 19, 2016, as instrument number 2016008713.002. (1968, c. 646; 1998, c. 137; 2016, cc. 156, 314; 2017, c. 570)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Herndon shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1968, c. 646)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in Chapters 9 and 11 of Title 15.2 of the Code of Virginia (1950), as amended, and as may be amended from time to time, are hereby conferred on and vested in the Town of Herndon. The powers supplement any other powers specifically or generally conferred on the Town of Herndon or on towns in the Commonwealth. (1968, c. 646; 1973, c. 356; 1975, c. 165; 1998, c. 137)

§ 2.3. Light, ventilation, sanitation and use and occupancy of buildings; inspection warrants.

A. The Town of Herndon may regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding such buildings.

B. In regulating use and occupancy of such buildings, the town, among other powers, may by ordinance limit, restrict, lower, or control the number of people who may reside in or occupy a building or dwelling unit, to discourage or eliminate neighborhood blight caused by excessive occupancy, as defined by the Virginia Uniform Statewide Building Code.

C. The town may provide that the violation of an ordinance adopted under this section constitutes a Class 3 misdemeanor and may enforce this section by suit in equity.

D. In exercising the powers granted by this section, the town may inspect buildings according to (i) the procedures set out in §§ 19.2-393 through 19.2-397 of the Code of Virginia, with necessary changes for administrative enforcement, or (ii) general law of this state for criminal enforcement. (1995, cc. 718, 787)

§ 2.4 Inspection of residential units.

Upon an affirmative finding of the need to protect the public health, welfare, and safety of its citizens, the Town of Herndon may provide by ordinance for the issuance of certificates of compliance with

current building regulations for existing residential rental buildings located in areas of the town subject to neighborhood blight, designated by the town council, after inspections of such buildings upon a termination of the tenancies or when such rental property is sold. Such certificate of compliance shall be issued in accordance with the administrative provisions of the Virginia Uniform Statewide Building Code. (1995, cc. 718, 787)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of council members and mayor.

(a) The Town of Herndon shall be governed by a town council composed of six council members and a mayor, all of whom shall be qualified voters of the town. Candidates for town offices shall not be identified on the ballot by political affiliation. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506 of the Code of Virginia.

(b) The mayor and council members shall be elected on the Tuesday after the first Monday in November of each even-numbered year. The mayor and council members elected under this section shall enter upon the duties of their offices on the first day of January following the election. The mayor and council members shall continue to discharge the duties of their respective offices until their successors have qualified. (1968, c. 646; 1971, c. 207; 1973, c. 356; 2002, cc. 494, 534; 2017, c. 571)

§ 3.2. Vacancies on council.

Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the Council. (1968, c. 646)

§ 3.3. Vacancy in the office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority of the members of the council. (1968, c. 646)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1968, c. 646)

§ 3.5. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1968, c. 646)

§ 3.6. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak and vote therein as members of the town council. He shall be recognized as the head of the town government for all ceremonial and military purposes. He shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. He, or the person acting as mayor, may sign and deliver such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require or authorize. (1968, c. 646; 1973, c. 356; 1998, c. 137; 2016, cc. 157, 314)

§ 3.7. Vice mayor.

The town council shall elect from its members, by a majority of the members present, a vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice mayor may vote as a member of the town council. (1968, c. 646)

§ 3.8. Meetings of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. The council shall keep a journal of its official proceedings and its meetings shall be open. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by four members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (1968, c. 646)

§ 3.9. Rules of order and procedure.

The town council shall establish its own rules of order and procedure, and may take appropriate action against its own members and other persons for violations thereof. (1968, c. 646)

§ 3.10. Council to fix salaries.

The town council shall fix the salaries of the mayor and members of the town council and the appointed officers and employees of the town. The town council is further authorized to establish and fix the salaries of members of boards or commissions of the town. Such salaries shall be subject to the limitations prescribed by all other applicable laws and in no event shall an increase in salaries established for the mayor, council, boards or commissions become effective within that term of the council during which the salaries are fixed. (1968, c. 646; 1973, c. 356; 1980, c. 72)

Chapter 4. Town Manager.

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be called the town manager, fix his salary and delegate to him such administrative duties, powers and responsibilities as it believes to be in the best interest of the town. During his tenure of office the town manager shall reside within the town. The town manager shall serve at and during the pleasure of the town council. (1968, c. 646)

§ 4.2. Duties.

It shall be the duty of the town manager to (a) attend all meetings of the town council, with the responsibility to council and advise but with no voting rights; (b) keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration,, and make such recommendations as he deems desirable; (c) prepare and submit the annual budget to the town council and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit to the town council at a regular meeting in September of each year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year; (e) present adequate financial and activity reports as required by the town council; (f) arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council; and (g) perform such other duties as may be prescribed by this charter or required in accordance therewith by the Mayor or the town council or which may be required of the chief administrative officer of a town by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter. (1968, c. 646)

§ 4.3. Temporary transfer of personnel between departments and removal of personnel.

The town manager shall have the power, whenever the interests of the town require, to assign employees of any department, bureau, office or agency under his supervision to the temporary performance of duties in another department, bureau, office or agency. The town manager shall not have the right or power to appoint, transfer, or remove the town attorney or deputy town attorneys, but the town council may delegate to the town manager the authority to appoint and remove other personnel. (1968, c. 646; 1973, c. 356; 1975, c. 165; 1980, c. 72; 1993, c. 356)

§ 4.4. Relations with boards, commissions and agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance and any other board or commission the town council may designate. (1968, c. 646)

§ 4.5. Acting town manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. (1968, c. 646)

§ 4.6. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. The clerk shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. The clerk shall perform such other duties and keep such other records as the town council, the town manager or the general laws of the Commonwealth require of town clerks. (1973, c. 356; 1993, c. 356)

Chapter 5. Appointive Officers.

§ 5.1. Appointments.

The town council shall appoint a town attorney and deputy town attorneys and may appoint or delegate to the town manager the appointment of such other officers of the town as they deem necessary. The town manager shall be responsible for appointing and supervising the work of the town clerk. Each and every officer appointed by the town council shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the council may prescribe. (1968, c. 646; 1973, c. 356; 1975, c. 165; 1980, c. 72; 1993, c. 356)

§ 5.2. Deputies and assistants.

The town council may appoint or authorize the appointment by the town manager of such deputies and assistants to appointive offices as they may deem necessary. (1968, c. 646; 1975, c. 165)

§ 5.3. Term of office.

Officers and deputy and assistant officers of the town shall serve at and during the pleasure of the town council. The town council may delegate to the town manager the authority to suspend or remove the officers and employees of the town whose appointment has or may be delegated to the town manager. (1968, c. 646; 1975, c. 165)

§ 5.4. Bonds.

Officers and deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1968, c. 646)

§ 5.5. Vacancies in office.

Vacancies in any appointive office shall be filled by the town council or in the manner prescribed by it but not inconsistent with the general laws or the provisions of this charter pertaining to the appointment of town officers. (1968, c. 646; 1975, c. 165)

§ 5.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1968, c. 646)

§ 5.7. (1968, c. 646; repealed 1973, c. 356)

§ 5.8. Residency of appointive officers and employees.

Appointive officers and employees of the town need not reside within the town, except as specifically specified by the provisions of the charter or by general law or unless specifically required by the council. (1975, c. 165)

Chapter 6. Municipal Court. (Repealed)

§§ 6.1 through 6.5. (1968, c. 646; repealed 1975, c. 165)

Chapter 6.1. The Town Attorney.

§ 6.1:1. Powers and duties of the town attorney.

The town attorney shall be the legal advisor of (1) the council, (2) the town manager, (3) all departments, boards, commissions and agencies of the town in all matters effecting the interest of the town and shall (a) upon request, furnish an opinion on any question of law involving the respective official powers and duties; (b) at the request of the town manager or of the council or mayor, prepare ordinances for introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the town is a party or in which it has an interest; (d) represent the town as counsel in any civil case in which it is interested and in criminal cases charging either the violation of town ordinances or the commission of a misdemeanor within the town or in which the constitutionality or validity of any ordinance of the town is brought in issue; (e) with the approval of the council, institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interest of the town; (f) attend in person or assign one of his assistants to attend all meetings of the council; (g) have such other powers and duties as may be assigned to him by ordinance or lawfully required by the council. (1975, c. 165)

§ 6.2:2. Appointment of an assistant town attorney.

The town council may appoint such deputy town attorneys as they may deem necessary and it may appoint special counsel to perform any of the duties imposed upon the town attorney. Such attorneys shall serve at and during the pleasure of the town council. (1975, c. 165)

§ 6.3:3. Qualifications of the attorneys for the town.

The town attorney and his deputies must be licensed to practice law within the Commonwealth of Virginia. (1975, c. 165)

Chapter 7. Miscellaneous.

§ 7.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1968, c. 646)

§ 7.2. Actions against town for damages, etc.

(a) No action shall be maintained against the town for injury to any person or property or wrongful death alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless a written statement by the claimant, his agent or attorney, or representative of the nature of the claim and of the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the town attorney or with the mayor within six months after such cause of action shall have accrued. No officers, agents or employees of the town shall have authority to waive such condition precedent or any of them, except if the claimant during such six-month period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the six-month period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from said injury so as to be able to give such notice.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it is ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, when not primarily liable, shall pay such judgment in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce the said judgment, or any action at law, or scire facias to revive such judgment.

(e) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(f) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town and may delegate by ordinance this power, in whole or in part, to the town manager. (1968, c. 646; 1975, c. 165; 1998, c. 137)

§ 7.3. United States government employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission. (1968, c. 646)

§ 7.4. Board of Zoning Appeals.

The Council shall appoint a Board of Zoning Appeals, consisting of five members, none of whom shall hold any other positions with the town and each of whom shall be a qualified voter of said town. Their term of office shall be for five years each, except that original appointments shall be made for such terms that the term of one member shall expire each year. (1968, c. 646)

§ 7.4:1. Architectural control districts.

(a) Authority of town council to designate. In order to protect and promote the general welfare, and to prevent deterioration of the appearance of the town which would tend to create hazards to public health, safety and morals and destroy opportunity for the development of business and industry, the town council may designate, within any land areas zoned commercial and/or industrial, architectural control districts in which no structure shall be erected, reconstructed, altered or restored until approved by the Board of Architectural Review.

However, any lot, parcel or area of land which is used for other than single family, detached residences, or which is the subject of an application for a use permit or building permit involving any such other use, may be designated as an architectural control district without regard to its zoning classification.

(b) Board of Architectural Review; authority to create; composition; appointment, qualifications and terms of office of members; powers and duties; appeals from actions.--The council may create a board of architectural review. The board shall consist of five members appointed by majority vote of the council for terms not to exceed three years. At least one member of the board shall be an architect registered in Virginia and at least one shall be a member of the Virginia State Bar. All members of the board shall be residents of the Town of Herndon except one architect member who may or may not be a resident of the Town of Herndon. In the event that the one architect member shall not be a resident of the Town of Herndon, his appointment shall be for a period of one year. The council shall prepare and publish appropriate standards, rules, regulations and procedures for the operation of the board and to carry out the purposes and objectives herein set forth; provided, that the council shall not adopt as part of any such standards a specific architectural style; it shall provide for appeals to the town council from any final decision of the board, which appeal shall stay the board's decision pending the outcome of the appeal before the council. The council, on appeal, shall apply the same standards as those established for the board and may affirm, reverse, or modify the decision of the board, in whole or in part. Parties aggrieved by the decision of the town council shall have the right to appeal to the

Circuit Court of Fairfax County for review by filing a petition, at law, setting forth the alleged illegality of the town council's actions, provided such petition is filed within thirty days after the final decision is rendered by the town council. The filing of the said petition shall stay the council's decision pending the outcome of the appeal to the court. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the council.

(c) Board of Architectural Review; purposes. The purpose of the board shall be to assure that all buildings and landscaping erected in the designated architectural control districts conform to accepted architectural standards for permanent buildings, as contrasted with engineering standards designed to satisfy safety requirements only, and exhibit external characteristics as to material, texture, color, lighting, dimensions, line and mass of demonstrated architectural and aesthetic durability; and to prevent the erection in such district of buildings the external characteristics of which are designed to serve as advertisements or commercial displays or buildings which in terms of material, texture, color, dimension, lighting, line or mass exhibit characteristics likely to deteriorate rapidly or to be of short term architectural or aesthetic acceptability, be plainly offensive to human sensibilities or otherwise constitute a reasonably foreseeable detriment to the community. (1973, c. 356; 1993, c. 356)

§ 7.5. Town of Herndon School Board.

The town council shall appoint three citizens of the town to the Town of Herndon School Board, on for a term of one year, one for a term of two years, and one for a term of three years. The Town of Herndon School Board is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested and the income therefrom used to assist persons in obtaining a education or for the educational purposes for which said donation, gift, or bequest shall have been made. (1968, c. 646)

§ 7.6. Exemption of real and personal property used for manufacturing purposes.

The council may, by a two-thirds vote of the body, exempt real and personal property used for manufacturing purposes or other enterprises from all taxes for municipal purposes for a period not exceeding five years if it deem it expedient to do so in order to encourage the establishment of such enterprise therein or thereon. (1968, c. 646)

§ 7.7. Acceptance of federal aid, contributions, etc.

The Town of Herndon shall have the power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the proposes for which such grants and contributions may be made. (1968, c. 646)

§ 7.8. Eminent domain.

The Town of Herndon shall have the powers of eminent domain set forth or referred to in Chapter 19 of Title 15.2 of the Code of Virginia (1950), as amended, and as may be amended from time to time. (1968, c. 646; 1998, c. 137)

§ 7.9. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1968, c. 646)

§ 7.10. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1968, c. 646)

§ 7.11. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1968, c. 646)

§ 7.12. Ordinances in force.

All ordinances now in force in the Town of Herndon, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council. (1968, c. 646)

§ 7.13. Severability of provisions.

If any clause, sentence, paragraph or part of this chapter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1968, c. 646)

Hillsboro, Town of

County of Loudoun

History of incorporation

Incorporated by an 1879-80 Act of Assembly.
Charter, 1879-80, c. 142; repealed 1976, c. 416.

Current charter

Charter, 1976, c. 416.

Amendments to current charter

1990, c. 35 (§§ 3, 4)
1994, c. 132 (§ 6)
2012, c. 514 (§§ 3, 6, 8)

§ 1. The town shall have and may exercise all the powers and privileges conferred upon it by this charter and which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia. (1976, c. 416)

§ 2. The corporate limits of the town until changed in accordance with the statutes of the Commonwealth of Virginia applicable thereto shall be as set out in the survey and plat of record in the Office of the Clerk of the Circuit Court of Loudoun County, Virginia, in Deed Book 6 E's at Pages 300 and 301, dated May 20, 1873, made by James Grubb at the instance of the mayor and council of the town, pursuant to provisions of the town charter. (1976, c. 416)

§ 3. The officers of the town shall be a mayor, five councilmen, a treasurer, a water commissioner, a recorder, a sergeant, and a town attorney. The mayor and councilmen shall be elected by the registered voters of the town in accordance with the election laws of the Commonwealth of Virginia on the first Tuesday following the first Monday in November of every even-numbered year, beginning November, 2010; shall take office on the first day of January following their election; and shall hold office for a term of two years and until their successors are elected and qualify. The mayor and five councilmen shall constitute the town council. The mayor and town councilmen shall be residents of the Town of Hillsboro and qualified voters of the town. (1976, c. 416; 1990, c. 35; 2012, c. 514)

§ 4. The treasurer, water commissioner, recorder, sergeant and town attorney shall be appointed by a majority vote of the council for terms of office concurrent with the terms of the members of the council, and shall perform such duties as may be prescribed by the council. (1976, c. 416; 1990, c. 35)

§ 5. The mayor shall preside at all meetings of the council, and shall be a member of the council with the right to vote on all matters coming before the council. In the absence or disability of the mayor, the council shall appoint from their membership a mayor pro tempore to serve during such absence or disability with the same powers and duties. (1976, c. 416)

§ 6. In the event of a vacancy on the council or in the office of mayor, the same shall be filled for the unexpired term by a majority vote of the remaining members of the council. For the purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those matters set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed. (1976, c. 416; 1994, c. 132; 2012, c. 514)

§ 7. The council may adopt such rules as it may deem proper for the regulation of its proceedings and time and place of its meetings. (1976, c. 416)

§ 8. The powers set forth in Title 15.2 of the Code of Virginia are hereby conferred on and vested in the Town of Hillsboro. (1976, c. 416; 2012, c. 514)

Hillsville, Town of

County of Carroll

History of incorporation

Charter and incorporation, 1878, c. 47; repealed 1888, c. 353.
Charter and incorporation, 1900, c. 760; repealed 1940, c. 64.
Charter, 1940, c. 64; repealed 1992, c. 37.

Current charter

Charter, 1992, c. 37.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Hillsville, as such limitations are now or may hereafter be altered and established by law, shall constitute a body politic and corporate to be known and designated as the town of Hillsville, and such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1992, c. 37)

§ 1.2. Boundaries.

The territory embraced within the town of Hillsville is that territory in Carroll County, Virginia, as set forth in Book 38, page 266 et seq., in the Clerk's Office for the Circuit Court of Carroll County, Virginia. (1992, c. 37)

Chapter 2. Powers.

§ 2.1. The town of Hillsville shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia. (1992, c. 37)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office.

A. The town of Hillsville shall be governed by a town council composed of a mayor and four members, all of whom shall be qualified voters of the town.

B. The council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. The council shall be elected in the manner provided by law, as follows: At the regular municipal election to be held

on the first Tuesday in May 1992, four members shall be elected. Two members, one of which has received the most votes and one of which shall have received the fewest votes, of the newly elected council shall serve as members of council for terms of four years each. The remaining two members shall serve for terms of two years each until the election on the first Tuesday in May 1994, at which time, and every two years thereafter, two councilmen shall be elected each for a term of four years beginning on July 1 following their election. Each councilman elected as hereinabove provided shall serve for the term stated or until his successor shall have been elected and qualified. The council by ordinance shall establish the salary of the mayor and council in accordance with statute. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

C. At the regular municipal election to be held on the first Tuesday in May of 1992, and every two years thereafter, the qualified voters shall elect a mayor to serve for a term of two years or until his successor shall have been elected and qualified. The mayor shall preside at meetings of the council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall have the same powers and duties as other members of council; however, the mayor shall vote only in case of a tie and shall have no veto powers.

D. The mayor shall be elected by the legally qualified voters of the town at large, and the four members of the council shall be elected as follows: One from each of four districts which have a population approximately one-fourth of the population of the town (Laurel Fork, Pipers Gap, Sulphur Springs and Pine Creek) by the legally qualified voters of such districts respectively. (1992, c. 37)

§ 3.2. Vacancies.

Vacancies on the council and in the office of mayor shall be filled for the unexpired term by a majority vote of the remaining members of council. (1992, c. 37)

§ 3.3. Qualification of members.

Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. (1992, c. 37)

§ 3.4. Powers of council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of Virginia and shall have the powers in their discretion to appoint a vice-mayor, town manager, clerk, treasurer, town attorney, and a chief of police, who shall have such duties as are prescribed by statute and ordinance and serve at the pleasure of the council and at such compensation as the council may determine, consistent with general law. (1992, c. 37)

Chapter 4. Miscellaneous.

§ 4.1. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia are hereby conferred upon the town of Hillsville. (1992, c. 37)

§ 4.2. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1992, c. 37)

§ 4.3. Ordinances continuing.

All ordinances now in force in the town of Hillsville, not inconsistent with this charter, shall remain in force until altered, amended, or repealed by the council. (1992, c. 37)

§ 4.4. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one general subject.

The council may adopt such rules of procedure as it deems necessary to administer its affairs that are not in conflict with statutory law. (1992, c. 37)

§ 4.5. Office of town sergeant not to be created.

In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1992, c. 37)

Honaker, Town of

County of Russell

History of incorporation

Established, 1842, c. 190.
Incorporation and charter, 1900, c. 437; repealed 1914, c. 221 (boundary lines too confusing).
Incorporated by order of the Circuit Court of Russell County, September 17, 1919.
Bond issue, 1926 Acts, c. 433; repeals "all provisions of the charter of the town of Honaker in conflict with this act."

Current charter

Charter, 2006, c. 323.

Amendments to current charter

2014, c. 679 (§ 2.2)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Honaker, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a

body politic and corporate, to be known and designated as the Town of Honaker, and such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (2006, c. 323)

§ 1.2. Boundaries.

The boundaries of the town shall be as established by the September 17, 1919, order of the Circuit Court of Russell County, Virginia, and as established by the subsequent orders of said Circuit Court, all of which are incorporated herein by reference and made a part hereof. (2006, c. 323)

Chapter 2. Council.

§ 2.1. Governing body.

The administration and government of the town shall be vested in a council composed of a mayor and six councilmen, all of whom shall be qualified electors of the town. (2006, c. 323)

§ 2.2. Election, qualification and term of office.

The mayor and members of council in office on the effective date of this act shall serve until their successors have been elected and qualified. Municipal elections within the Town of Honaker shall take place on the first Tuesday after the first Monday in November of each even-numbered year and shall coincide with the November general elections. At each such regular municipal election, three council members shall be elected for terms of four years each. Beginning with the regular municipal election in November 2014, the mayor shall be elected for a term of four years. The terms of office for the council members and mayor so elected shall commence on January 1 immediately following such election and shall continue until their successors have been elected and qualified. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of the term or removal of any of its members. (2006, c. 323; 2014, c. 679)

§ 2.3. Vacancies in office.

Vacancies in the office of mayor or council shall be filled for the unexpired term by a majority vote of the remaining members. Any resignation tendered by the mayor or any member of the council shall be effective upon acceptance by a majority of the council. (2006, c. 323)

§ 2.4. Council a continuing body.

The council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (2006, c. 323)

§ 2.5. Compensation.

The council shall fix the compensation of the mayor, members of the council, and all appointed officers and employees of said town at a sum not to exceed any limitations placed thereon by the laws and Constitution of the Commonwealth of Virginia. (2006, c. 323)

§ 2.6. Meetings.

The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the town clerk upon the written request of the mayor or three councilmen. No ordinance, resolution, motion, or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the council. (2006, c. 323)

§ 2.7. Quorum.

The mayor and three members of the council, or four members of the council, shall constitute a quorum for the transaction of business. (2006, c. 323)

§ 2.8. Duties of mayor.

The mayor shall be the administrative and executive head of the town government. He shall have charge and control of the work of the town and of its officers and employees. He shall see that the duties of the officers and employees of the town are faithfully performed and that the ordinances of the town are fully executed, enforced and observed. The mayor shall perform such other duties and exercise such other powers as are or may be imposed and conferred upon mayors of towns by the laws of the Commonwealth, or conferred upon the mayor by the ordinances of the town. In the event the mayor is absent or disabled, the mayor's duties shall be performed by the vice mayor, who shall be appointed by majority vote of the council for that purpose. (2006, c. 323)

Chapter 3. Appointees.

§ 3.1. Appointees.

The council shall appoint a clerk, a treasurer, and a chief of police and may appoint a town attorney and such other officers and assistants as it deems necessary or proper, prescribe their duties and functions, and fix their compensation. Such officers shall hold office at the pleasure of the council and shall give such bonds as the council requires. The same person may be appointed to fill two or more such offices, at the discretion of the council. (2006, c. 323)

§ 3.2. Boards, committees and commissions.

The council may appoint such boards, committees and commissions as it deems necessary. (2006, c. 323)

Chapter 4. Powers.

§ 4.1. General grant of powers.

The Town of Honaker shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the town shall have,

exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (2006, c. 323)

§ 4.2. Specific powers.

The Town of Honaker shall have and may exercise without limitation the following powers:

a. Water works. The town is empowered to acquire, establish, enlarge, maintain, and operate such water works and system as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the council prescribes. The town may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for payment thereof. The town may discontinue water service in the event of noncompliance with any ordinance, rule, or regulation of the town.

b. Sewer works. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the town, which fronts or abuts on any such sewer line, to make connection with and use the same, at such rates for connection and use as the council prescribes. Sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof. The town may discontinue sewer service in the event of noncompliance with any ordinance, rule or regulation of the town.

c. Collections. In the event the fees or charges assessed for the use and service of the public water system or sewage disposal system, by, or in connection with, any real estate shall not be paid when due, interest shall accrue thereon at the legal rate. Such fees and charges, and the interest due thereon, may be recovered by the Town of Honaker by action at law, or suit in equity, and shall constitute a lien against the property, of equal dignity as liens for unpaid town or county taxes.

d. Acquisition, use and sale of property. Subject to and except as otherwise prohibited by the laws of the Commonwealth of Virginia, the town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, and other recreational facilities, and to make reasonable charges for the use of such facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights-of-way from the town to any property acquired by it under any of the provisions of this charter, that lies without its corporate limits, and to construct and maintain upon such rights-of-way, such roads or bridges as may be reasonable necessary for the full enjoyment thereof; and shall also have power to sell such properties

or any of them, or any other property owned by the town, in the manner provided by law, whenever the council deems it expedient to do so.

e. Police powers; ordinances. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals, and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances for the purpose of carrying into effect the powers conferred upon the town by this Charter and the laws of the Commonwealth, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances made and adopted by the council shall become effective 30 days after their passage; unless a different date is specified in any such ordinance, upon which different date the same shall become effective.

f. Encroachments and nuisances. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town by any fence, building, porch, or other projection; and any such encroachment made without the advance consent of the council shall be conclusively deemed a nuisance, which the town may compel to be abated and removed by and through appropriate court action or proceeding, against which right of the town no statute of limitation shall run.

g. Public exhibitions. The town is empowered to regulate the holding of shows, carnivals, fairs, and other similar public exhibitions, and to prohibit the holding of same, or any of them, within its corporate limits. (2006, c. 323)

Chapter 5. Miscellaneous.

§ 5.1. Ordinances continued in force.

All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council. (2006, c. 323)

§ 5.2. Severability.

If any clause, sentence, paragraph, or part of this Charter shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the Charter but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (2006, c. 323)

Hopewell, City of

History of incorporation

Formerly known as Charles City Point and City Point (*Hornbook of Virginia History*).
Established, 1613 (*Hornbook of Virginia History*).
City incorporation, 1916, c. 65.

Current charter
Charter, 1950, c. 431.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter I. Incorporation and Boundaries.

§ 1. The inhabitants of the territory comprised within the limits of the City of Hopewell, as the same now are or may hereafter be established by law, shall be a body politic and corporate under the name of the City of Hopewell and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure. (1950, c. 431)

§ 2. The boundaries of the said City are and shall be, unless and until changed by amendment, annexation, or otherwise, as follows:

Beginning at the mouth of Bailey's Creek at a point determined as that point where the mean low water line on the north side of said Bailey's Creek joins the mean low water line on the west side of the James River; thence in a westerly direction upstream along the mean low water line of Bailey's Creek as it meanders to a point near the lower fork of Cattail Creek where said low water line is intersected by a line projected due true south from a point on an iron pipe, the coordinates of which are 2500 N. and 7072.41 E, said coordinates being given with reference to a certain plat recorded in the Clerk's Office of the Circuit Court of Prince George County in Plat Book 3 at page 135; thence running in a westerly direction up Bailey's Creek, as it meanders, 6770 feet more or less, to a point at the southwestern corner of the subdivision of Dupont Gardens, thence along the property lines of said Dupont Gardens Subdivision N 21° 55' W 1113 feet, more or less; thence N 83° 41' E 245.6 feet, more or less; thence N 6° 19' W 1,027.6 feet, more or less, to a point in the northern right-of-way line of State Route 1324 (City Point Road); thence along the said northern right-of-way line of said State Route 1324 the following courses and distances: S 84° 40' W 97.7 feet; S 80° 04' W 54.38 feet; S 88° 46' W 189.94 feet; S 70° 26' W 204.83 feet; S 70° 58' W 243.86 feet; thence S 68° 46' W 243.20 feet; S 70° 31' W 139.37 feet; S 46° 29' W 50.8 feet; S 45° 22' W 369.7 feet; S 41° 42' W 51.7 feet; S 43° 30' W 128.4 feet; S 52° 43' W 327.6 feet; S 69° 32' W 54.9 feet; S 67° 27' W 453.5 feet; S 69° 58' W 119.0 feet; S 78° 09' W 148.1 feet; S 77° 50' W 59.3 feet; S 74° 02' W 402 feet; S 82° 19' W 83.04 feet; S 77° 23' W 212.2 feet; S 73° 26' W 398.2 feet; S 75° 52' W 97.75 feet; S 61° 20' 30" W 275.93 feet; S 73° 08' W 484.87 feet; S 77° 26' W 93.50 feet; S 79° 33' W 442.06 feet; N 64° 13' W 16.56 feet; S 74° 24' W 161.44 feet; S 62° 48' W 42.0 feet; S 61° 45' 30" W 417.56 feet; S 63° 45' W 52.78 feet; S 61° 20' 30" W 477.4 feet; to a point in the intersection of the said

northern right-of-way line with the eastern right of way line of State Route 648, near its intersection with State Route 36; thence N 10° 55' W, along eastern line of State Route 648, crossing State Route 36, 1154.1 feet, to the southeastern line of the right-of-way of the Norfolk and Western Railway; thence N 45° 07' E along said southeastern right-of-way of said railway 1780.35 feet; thence N 0° 59' E crossing the said railway and along property line with Stephen Heretick, 1981.5 feet; thence S 82° 47' W along property line with said Heretick 100 feet; thence S 68° 11' W 101.0 feet; thence N 87° 54' W 256.1 feet; thence N 74° 14' W 992.4 feet to a point in the eastern right-of-way line of State Route 648; thence along the eastern and southern lines of State Route 648, the following courses and distances: N 23° 12' E 150.12 feet; N 34° 36' E 393.6 feet; N 34° 09' E 351.24 feet; N 26° 04' E 435.44 feet; N 25° 43' 30" E 395.8 feet; N 68° 13' E 58.32 feet; S 84° 51' E 350.3 feet; S 84° 02' E 515.50 feet; N 15° 32' E 1484.1 feet; N 6° 18' E 39.7 feet; to a point in the eastern line of said State Route 648 at the intersection of the southern boundary line of Buren Gardens Subdivision, Section B prolonged eastwardly; thence N 89° 40' W crossing State Route 648 and along southern boundary line of said Buren Gardens Subdivision Section B, 526.70 feet; thence along lines of said Buren Gardens Subdivision Section B, the following courses and distances: N 0° 30' E 150.0 feet; N 89° 30' W 26.84 feet; N 0° 30' E 571.80 feet to a point in the southern line of Sunset Drive; S 69° 34' E along the said southern line of Sunset Drive 45.18 feet; thence N 20° 26' E. crossing said drive and the right-of-way of Seaboard Air Line Railroad-Hopewell Branch, 300.0 feet to a point in the northern right-of-way line of the said railroad; thence along the northern and eastern right-of-way lines of the said railroad the following courses and distances: N 69° 34' W 1036.1 feet; thence along the arc of a curve to the right, the radius of which is 904.93 feet, a distance of 774.39 feet; N 20° 32' 10" W 1754.2 feet; thence along the arc of a curve to the right; the radius of which is 904.93 feet for a distance of 789.70 feet; N 29° 27' 50" E 413.35 feet; thence along the arc of a curve to the left, the radius of which is 1482.40 feet for a distance of 782.22 feet; N 0° 46' 10" W 875 feet, more or less, to a point in the center line of the Appomattox River; thence in an easterly direction along the center line of the said Appomattox River, as it meanders, 6250 feet more or less to a point in the western corporate line of the City of Hopewell, prior to January 1, 1952; thence in a line N 16° 30' 46" E to its intersection with the southern boundary of Chesterfield County, said boundary being the mean low water line on the north side of the Appomattox River; thence in an easterly direction along said mean low water line of the Appomattox River, the boundary of Chesterfield County to a point 150 feet distant from and at right angles to the center line of the Appomattox River bridge on the Richmond-Hopewell highway; thence due true S 11° 32' E, a distance of 435 feet more or less to a point; thence due true N 78° 28' E 117 feet to a point; thence due true S 11° 32' E, a distance of 70 feet to a point in the mean low water line of the south side of the Appomattox River; thence eastwardly along the said mean low water line of the Appomattox River a distance of 66 feet more or less to a point; thence due true N 11° 32' W a distance of 70 feet to a point; thence due true N 78° 28' E, a distance of 117 feet to a point; thence due true N 11° 32' W, a distance of

435 feet more or less to a point in the mean low water line on the north side of the Appomattox River, said point being in the southern boundary of Chesterfield County, and said point being further described as being 150 feet distant and at right angles to the center line of above-mentioned Appomattox River bridge and being in an easterly direction therefrom; thence in an easterly direction along the said low water line of the Appomattox River, following the line of Chesterfield County to a point in the Appomattox River in the said boundary line of Chesterfield County where the said boundary line is intersected by a projection northwardly of the line of the east side of Bermuda Street; thence southerly along said projection of the line of the eastern side of Bermuda Street to a point in the mean low water line on the southern shore of the Appomattox River; thence down the said mean low water line of the Appomattox River to its intersection with the westerly mean low water line of the James River; thence down said mean low water line of the James River to its intersection with the mean low water line on the northerly side of Bailey's Creek, said point being the point of beginning. (1950, c. 431; 1952, c. 426)

Chapter II. Powers.

§ 1. The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and law of the Commonwealth and all other powers pertinent to the conduct of the city government, the exercise of which is not expressly prohibited by the said Constitution and laws and which in the opinion of the council are necessary and desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, maintenance and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers herein shall be held to be exclusive but shall be held to be in addition to this general grant of power. (1950, c. 431)

§ 2. The city shall have the power to raise annually by taxes, licenses and assessments such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city in such manner as the council shall deem expedient, and to appropriate the same to all legal municipal purposes, provided that such taxes, licenses and assessments are authorized by the general laws of the Commonwealth, and provided further that the present outstanding bonds of the city shall not be taxable by the said city. In addition to the other powers conferred by law the city shall have the power to levy, impose and collect, in such manner as the council may deem expedient, a consumer or subscriber tax at a uniform rate of levy as to all such consumers or subscribers upon the amount paid by such consumer or subscriber for the use within the city of water, electricity, gas, telephone and other public utility service or upon the amount paid for any one or more of such public utility service used within the city, and the council may provide that such tax shall be added to and collected with bills rendered consumers for such services. (1950, c. 431; 1962, c. 462; 1989, cc. 20, 155)

§ 3. To acquire property within or without its boundaries for any municipal purposes, in fee simple, or any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, improve and control such property as the interests of the city may require or as shall appear necessary and proper.

Provided, however, that the provisions of § 25-233 of the Code of Virginia, 1950, shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under provisions of this act. (1950, c. 431)

§ 4. To acquire, construct, hold, lease, use, maintain and operate any and all local public utilities and to enact such ordinances and resolutions as may be necessary for the proper protection, maintenance and operation of the same. (1950, c. 431)

§ 5. To fix, establish, enforce and collect, rates and charges for the use of any and all public utilities, whether by inhabitants of the city or those located outside of said city using the same. (1950, c. 431)

§ 6. Subject to the provisions of the Constitution and laws of Virginia, to borrow money and issue evidences of indebtedness. (1950, c. 431)

§ 7. To establish, obtain, close, widen, narrow, extend, improve, construct, maintain, supervise and control streets, roads, lanes, alleys, avenues, boulevards, parks and public squares in the said city. (1950, c. 431)

§ 8. To compel the abatement and removal of all nuisances in the said city or upon property owned by the said city beyond its limits at the expense of the person or persons causing the same, or the owner of said premises, or to remove and abate the same by city means and charge the person or persons causing the same, or the owner with the costs of such removal and/or abatement. (1950, c. 431)

§ 9. To grant franchises for public utilities. (1950, c. 431)

§ 10. To compel the abatement of smoke and dust and unnecessary noises. (1950, c. 431)

§ 11. To prevent the running at large of animals and fowl in said city and to regulate and control the keeping and raising of animals and/or fowl therein. (1950, c. 431)

§ 12. To establish, organize and control public libraries and public schools in said city. (1950, c. 431)

§ 13. To establish and maintain a Board of Public Welfare and to provide for the care, support and maintenance of orphans, aged, sick, insane or poor persons or paupers. (1950, c. 431)

§ 14. To establish and maintain a police department and a fire department in the said city. (1950, c. 431)

§ 15. To provide in or near the city lands to be used as burial places for the dead, to improve and care for the same and the walks, roads and approach thereto and to charge for and regulate the use of

grounds therein; to control the burial of the dead within the said city and to regulate public cemeteries. (1950, c. 431)

§ 16. To regulate and control pursuant to general law the manufacturing, transportation, sale, keeping or storing for sale, advertising or exposing for sale, receiving, giving away or dispensing ardent spirits. (1950, c. 431)

§ 17. To enact and enforce such ordinances, rules, by-laws, regulations or resolutions as may be necessary to enforce the foregoing powers or any other powers granted by this charter. (1962, c. 462)

Chapter III. Elections.

§ 1. Election of councilmen; number, time of holding election, etc.

The city shall be divided into seven election wards, with the qualified voters of the city who are residents of each ward electing one councilman to represent their respective ward. Elections and terms of the councilmen in each of the seven wards of the city shall be as follows:

(a) Beginning with the election held on the first Tuesday after the first Monday in November 2012, the qualified voters of the city who are residents of Wards 4, 5 and 6 shall elect one councilman per ward to represent their respective wards for a four-year term, with subsequent elections to be held every four years thereafter;

(b) Beginning with the election held on the first Tuesday after the first Monday in November 2014, the qualified voters of the city who are residents of Wards 1, 2, 3 and 7 shall elect one councilman per ward to represent their respective wards for a four-year term, with subsequent elections to be held every four years thereafter. (1950, c. 431; 1973, c. 85; 1978, c. 39; 1993, c. 321; 2011, cc. 797, 853)

§ 2. Terms of councilmen.

The terms of the councilmen so elected shall be for a period of four years, beginning on the first day of January next following their election, and ending midnight, December 31, four years later, or until his or their successor or successors shall have been elected or appointed and qualified. (1950, c. 431; 1971, c. 144; 1973, c. 85; 1993, c. 321; 2011, cc. 797, 853)

§ 3. Requirements for nominations.

The requirements for nomination shall be:

(a) Any qualified voter of the city may be nominated by filing not less than sixty days before such election with the clerk of the Circuit Court of the City of Hopewell a petition signed by not less than 125 qualified voters of the city, each signature to which has been witnessed by a person whose affidavit to that effect is attached thereto, together with a notice of candidacy as provided by the general laws of the Commonwealth relating to elections.

(b) The petition shall state the name, street address and ward of residence of the person whose name is presented thereby as a candidate.

(c) A candidate must be a resident of the election ward he seeks to represent. (1950, c. 431; 1978, c. 39; 1993, c. 321)

§ 4. Vacancies in the office of councilmen, from whatsoever cause arising, shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the council, or, if the council shall fail to fill any vacancy in its membership within thirty days of the occurrence of a vacancy, by appointment by the Judge of the Circuit Court of the City of Hopewell. (1950, c. 431)

§ 5. All other city officers required by the laws of the Commonwealth to be elected by the qualified voters of the said city shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of their respective predecessors, and for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. (1950, c. 431)

Chapter IV. Council.

§ 1. Composition; compensation.

The council shall consist of seven members elected as provided in Chapter III. They shall receive in full compensation for their services a salary to be fixed as provided the general laws of the Commonwealth. (1950, c. 431; 1966, c. 114; 1978, c. 39)

§ 2. All powers vested in the city shall be exercised by the council except as otherwise provided herein. (1950, c. 431)

§ 3. The said council shall be a continuing body and no measure pending before the council shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of the council, or any of them. (1950, c. 431)

§ 4. Appointment and terms of president (ex officio mayor), vice-president (ex officio vice-mayor) and members of boards and commissions; quorum; journal; etc.

(a) On the first Tuesday in January next following the regular municipal election, or as soon thereafter as may be practicable, the newly elected council shall proceed to appoint by majority vote of all the members thereof one of their number to be president, who shall be ex officio mayor, and another as vice-president, who shall be ex officio vice-mayor, of the council, each of whom shall serve for a period of two years from the first day of the January next following the regular municipal election and until their successor or successors as mayor or vice-mayor have been appointed and qualified.

(b) Appointment of boards and commissions; enumeration, term. The school board, library board, and dock commission shall each consist of five members of the board of such regional free library system

as are permitted under the inter-jurisdictional contract establishing the regional library system as that contract may be amended from time to time.

The council shall appoint the members of such boards and commissions as are provided for in this charter, or as may be established by the council or by general law on a date and for such terms as may be established by ordinance.

The members of the boards and commissions shall serve until their successors have been appointed and qualified.

(c) Elections to be by viva voce vote; rules of procedure; punishment of members for misconduct, etc.; quorum; eligibility of members for other office; journal of proceedings. All elections by the council shall be viva voce and the vote recorded in the journal of the council.

The council may determine its own rules of procedure; in the absence of established rules of procedure, Robert's Rules of Order shall prevail. Council may punish its members for misconduct and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a journal of its proceedings. A majority of all the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

No person, now a member or who may hereafter be elected to the council, shall during his tenure of office, or during the term for which he was elected as such member, be eligible to any office to be filled by the council by election or appointment. (1950, c. 431; 1952, c. 426; 1962, c. 462; 1978, c. 39; 1979, c. 317; 2009, c. 484; 2011, cc. 797, 853; 2019, cc. 109, 207)

§ 5. The president of the council shall preside at meetings of the council, and perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. He may use the title of mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from general laws of the Commonwealth may so require; but this shall not be construed as conferring upon him the administrative or judicial functions, or other powers or functions, of a mayor, under the general law of the Commonwealth. In time of public danger or emergency, he may, with the consent of the council, take command of the police and maintain order and enforce the laws, and for this purpose may deputize such special policemen as may be necessary. During his absence or disability his duties shall be performed by the vice-president of the council.

The powers and duties of the president of the council shall be such as are conferred upon him by this charter, and by general law, together with such others as may be conferred by the council in pursuance of the provisions of general law and of this charter. (1950, c. 431)

§ 6. The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council, which shall not be less frequently than one in each month. They shall also provide for the calling of special meetings by the mayor, the city manager, or any member of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meetings except by the unanimous consent of all members of the council.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public, and except motions to adjourn, to fix the time and place of adjournments, and other motions of a purely procedural nature, and except where the public interests may require executive sessions.

No member of the council shall participate in the vote on any ordinance, resolution, motion or vote in which he, or any person, firm or corporation for which he is attorney, officer, director, or agent, has a financial interest other than as a minority stockholder of a corporation, or as a citizen of the city. (1950, c. 431)

§ 7. All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may by the affirmative vote of five of its members pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or regulating the rates to be charged for any public utilities shall be so passed. (1950, c. 431; 2016, cc. 154, 313)

§ 8. Legislative procedure. Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the City of Hopewell." No ordinance unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than one week apart, or the requirement of such reading has been dispensed with by the affirmative vote of five of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the

proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the members. No member shall be excused from voting except on matters involving the consideration of his official conduct, or where his financial or personal interests are involved.

In authorizing the making of any public improvement, or the acquisition of real estate or any interest therein, or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of indebtedness (except temporary loans in anticipation of taxes or revenues or of the sale of bonds lawfully authorized), or authorizing the sale of any property or rights in property of the City of Hopewell, or granting any public utility, franchise, privilege, lease or right of any kind to use public property or easement of any description or any renewal, amendment or extension thereof, the council shall act only by ordinance; provided, however, that after any such ordinance shall have taken effect, all subsequent proceedings incident thereto and providing for the carrying out of the purposes of such ordinance may, except as otherwise provided in this charter, be taken by resolution of the council. (1950, c. 431; 2016, cc. 154, 313)

§ 9. A record of all ordinances and resolutions shall be kept by the city clerk and authenticated by the signature of the presiding officer and of the said clerk, and when so made shall be prima facie evidence of the terms thereof and may be read as evidence in all legal and other proceedings in which the same shall be necessary. (1950, c. 431)

Chapter V. City Manager.

§ 1. City manager.

There shall be a city manager who shall be the chief executive officer of the city and shall be responsible to the council for the proper administration of the city government. He shall be appointed by the council for an indefinite term, and shall be chosen solely on the basis of his executive and administrative qualifications. He shall receive such compensation as the council may provide by ordinance or resolution, and shall be bonded as the council may deem necessary. (1950, c. 431)

§ 2. The city manager shall appoint for an indefinite term and remove, subject to the provisions of this charter and except as herein provided, the heads of all departments and all other officers, (except executive officers), and employees of the city. He shall have the power to remove any officer or employee appointed by him for good cause and, pending final action, may suspend any such officer or employee from duty for not more than sixty days. (1950, c. 431)

§ 3. In the event of such appointment, suspension or removal the city manager shall report the same to the council at the next meeting thereof. (1950, c. 431)

§ 4. It shall be the duty of the city manager to

(a) Attend all meetings of the council with the right to speak but not to vote.

(b) Keep the council advised of the financial condition and the future needs of the city, and all matters pertaining to its proper administration, and make such recommendations as to him may seem desirable.

(c) Prepare and submit the annual budget to council and be responsible for its administration after its adoption.

(d) Perform such other duties as may be prescribed by this charter or be required of him in accordance therewith. (1950, c. 431)

§ 5. The council may designate some properly qualified person to perform the duties of the city manager in case of a vacancy or the absence or disability of the said city manager. (1950, c. 431)

Chapter VI. City Clerk and Director of Finance (1975, c. 332).

§ 1. There shall be appointed by the city council as hereinbefore provided a city clerk whose qualifications shall be such, who shall receive such compensation, and who shall perform such duties as the council, by ordinance or resolution may provide. (1950, c. 431; 1975, c. 332)

§ 2. The city manager may, if authorized by the city council, appoint a director of finance whose qualifications shall be such and who shall perform such duties as the city manager may direct. (1975, c. 332)

Chapter VII. City Attorney.

§ 1. City attorney; appointment; qualifications; compensation; duties. There shall be a city attorney appointed by the council for an indefinite term, who shall be qualified to practice law in the Commonwealth of Virginia. The city attorney shall receive such compensation and have such qualifications as the council may provide by ordinance or resolution.

The city attorney shall be the chief legal advisor of the council and to the chief administrative officer. As designated by council, the city attorney also shall serve as the chief legal advisor to other departments, boards, commissions, and agencies of the city in all matters affecting the interests of the city. The city attorney also shall perform particular duties and functions as assigned by the council.

The city attorney shall have the power to appoint and remove legal assistants, or any other employees as shall be authorized by the council, and said employees shall be under the sole direction and authority of the city attorney. The city attorney also shall be authorized to engage any assistant or special counsel to perform any of the duties imposed upon the city attorney in this charter or under general law subject to budgetary appropriation by the council. (1950, c. 431; 1973, c. 85; 1978, c. 39; 2011, cc. 797, 853)

Chapter VIII. Circuit Court.

§ 1. The Circuit Court of the City of Hopewell as now established and created by law shall continue and shall have and exercise the jurisdiction and powers as now constituted by general law. (1950, c. 431)

§ 2. (1950, c. 431; 1952, c. 426; repealed 1978, c. 39)

Chapter IX. Civil and Police Justice and Substitute Civil and Police Justice. (Repealed)

§ 1. (1950, c. 431; 1954, c. 248; repealed 1978, c. 39)

§ 2. (1950, c. 431; 1952, c. 426; 1960, c. 143; 1968, c. 120; repealed 1978, c. 39)

Chapter IXA. Assessment and Reassessment of Real Estate.

§ 1. The city council may, in its discretion, in lieu of the means and methods now prescribed by law, provide by ordinance for the annual, biennial, triennial, or quadrennial assessment and reassessment and equalization of assessments of real estate for local taxation, and to that end may establish a city real estate assessment office or authorize the city manager to establish a city real estate assessment office and appoint as assessors one or more persons whose duty it shall be to assess and reassess for taxation the real estate within the city, to equalize such assessments, to perform those duties in connection with such assessments and reassessments imposed by general law upon the commissioner of the revenue, and to discharge such other duties in connection therewith as may be prescribed. (1986, c. 18)

Chapter X. Bailing Justices. (Repealed)

§ 1. (1950, c. 431; 1960, c. 143; 1962, c. 462; repealed 1978, c. 39)

Chapter XI. Juvenile and Domestic Relations Court. (Repealed)

§ 1. (1950, c. 431; repealed 1978, c. 39)

§ 2. (1950, c. 431; repealed 1978, c. 39)

Chapter XII. Clerk of the Civil, Police and Juvenile and Domestic Relations Court. (Repealed)

§ 1. (1950, c. 431; repealed 1978, c. 39)

Chapter XIII. Police Department.

§ 1. There shall be a police force composed of a superintendent or chief of police and of such officers, patrolmen and other employees as the city manager may deem necessary for the proper enforcement of the law. (1950, c. 431)

§ 2. The superintendent or chief of police shall have the immediate direction and control of the said force, subject to the supervision of the city manager. (1950, c. 431)

§ 3. The qualifications of the said superintendent or chief of police, police officers, and other employees shall be such as the council may prescribe, and their duties shall be such as the city manager may direct. (1950, c. 431; 1973, c. 85; 1989, cc. 22, 156)

Chapter XIV. Fire Department.

§ 1. There shall be a fire department composed of a chief and such other officers, firemen and employees as the city manager may deem necessary for the proper operation of the said department. (1950, c. 431)

§ 2. The chief of the said fire department shall have immediate direction and control of the said force, subject to the supervision of the city manager. (1950, c. 431)

§ 3. The qualifications of the said chief, other officers, firefighters, and employees shall be such as the council may prescribe, and they shall perform such duties as the city manager may direct, and they shall have such authority as is provided by the general laws of the Commonwealth of Virginia. (1950, c. 431; 1973, c. 85; 1989, cc. 22, 156)

Chapter XV. City Treasurer.

§ 1. There shall be elected as hereinbefore provided, a city treasurer, who shall give bond as the council may prescribe, and whose duties and obligations shall be such as is provided by the general law of the Commonwealth and as shall be prescribed by the council. (1950, c. 431)

Chapter XVI. Commissioner of Revenue.

§ 1. There shall be elected as hereinbefore provided a commissioner of revenue, who shall give such bond as the council may prescribe, and whose duties and obligations shall be such as is provided by the general law of the Commonwealth of Virginia. (1950, c. 431)

Chapter XVII. Budget.

§ 1. At least sixty days before the end of each fiscal year the city manager shall prepare and submit to the council an annual budget for the ensuing fiscal year. (1950, c. 431)

§ 2. The said budget shall contain such information as the council may desire, and in all other respects, both with reference to the preparation and publication of the said budget, the same shall be governed by general law. (1950, c. 431)

Chapter XVIII. Bond Issues.

§ 1. Bonds, within the limits provided by general law, shall be issued by the City of Hopewell upon the affirmative vote in a referendum of voters pursuant to §§ 15.2-2610 and 15.2-2611 of the Code of Virginia of 1950, as amended. (1950, c. 431; 1986, c. 17; 2009, c. 484)

§ 2. Exemption.

The following bonds shall be exempted from the requirement to be approved by a referendum of voters:

(a) Bonds issued for the construction, improvement, expansion, or replacement of existing public buildings or facilities. The city may replace existing buildings or facilities on an alternative site;

(b) Bonds not exceeding $10 million, as adjusted for inflation based upon increases in the annual All Items Consumer Price Index for Urban Consumers, as published by the U.S. Bureau of Labor Statistics, issued for economic development purposes as determined by the city council;

(c) Revenue bonds;

(d) Refunding bonds; and

(e) Tax and revenue anticipation obligations that mature within one year from the date of their issue.

Such bonds so exempted may be issued upon an affirmative vote of a majority of all members of city council. (2009, c. 484; 2020, cc. 596, 608)

§ 3. The issuance, execution, and terms of such bonds shall be governed by Chapter 26 (§ 15.2-2600 et seq.) of Title 15.2, of the Code of Virginia of 1950, as amended. (2009, c. 484)

Chapter XIX. Sinking Fund.

§ 1. There shall be a sinking fund for the payment, retirement or amortization of the outstanding bonds of the said city. It shall consist of the cash and securities in the sinking fund at the effective date of this charter, the sums hereinafter required to be paid into the said fund and the interest earned on investments. There shall be paid into the said fund annually the sum determined by the city council. The said fund may be invested only in bonds or other direct obligations of the city, the Commonwealth or the United States.

The management of the said fund from the effective date of this charter shall be entrusted to a sinking fund commission which shall consist of the president of the council, the city treasurer and the city

manager, who shall submit to the council reports as to the condition of the said fund as the council may require. (1950, c. 431)

Chapter XX. Tax Anticipation Loans.

§ 1. The council may from time to time borrow money, in anticipation of the collection of the revenues for the then current year, and to issue from time to time, certificates, bonds, notes or other obligations therefor, provided, that the certificates, bonds, notes or other obligations mature within one year from the date of their issue, and the total issue of said certificates, bonds, notes or other obligations does not exceed the estimated revenue for such year. (1950, c. 431)

Chapter XXI. School Board.

§ 1. There shall be a school board of the City of Hopewell, which shall consist of five trustees who shall be residents of the City of Hopewell, who shall be appointed by a majority vote of the whole membership of the city council as hereinbefore provided. (1950, c. 431)

§ 2. Any vacancy occurring in said school board by expiration of term of office or other reason shall be filled by a majority vote of the said city council. The said school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of Virginia. (1950, c. 431)

§ 3. The said school board shall make such reports to the city manager as the said city manager and council may require. (1950, c. 431)

Chapter XXII. Library Board.

§ 1. At the election of city council, (i) a library board of the City of Hopewell that shall consist of five members, who shall be residents of the City of Hopewell, shall be appointed by a majority of the city council as hereinbefore provided, whose qualifications shall be such and who shall perform such duties as the city council may prescribe, or (ii) the City of Hopewell shall join and participate in a regional free library system pursuant to §§ 42.1-37 to 42.1-45, inclusive, of the Code of Virginia of 1950, as amended. (1950, c. 431; 2009, c. 484)

Chapter XXIII. City Planning and Zoning Commission. (Repealed)

§ 1. (1950, c. 431; repealed 1978, c. 39)

§ 2. (1950, c. 431; repealed 1978, c. 39)

§ 3. (1950, c. 431; 1973, c. 85; repealed 1978, c. 39)

§§ 4 through 7. (1950, c. 431; repealed 1978, c. 39)

§ 8. (1950, c. 431; 1954, c. 248; repealed 1978, c. 39)

§ 9. (1950, c. 431; 1954, c. 248; repealed 1978, c. 39)

§ 10. (1950, c. 431; 1954, c. 248; repealed 1978, c. 39)

§ 11. (1950, c. 431; repealed 1978, c. 39)

§ 12. (1950, c. 431; repealed 1978, c. 39)

§ 13. (1950, c. 431; repealed 1978, c. 39)

Chapter XXIV. Public Recreation and Parks Commission. (Repealed)

§§ 1 through 7. (1950, c. 431, repealed 1979, c. 317)

Chapter XXV. Dock Commission.

§ 1. There shall be a dock commission, whose number, qualifications, period of service, compensation and duties shall be such as the said council may prescribe. (1950, c. 431)

§ 2. The said dock commission shall consist of five members, who shall be residents of the City of Hopewell, and who shall be appointed by a majority vote of the whole membership of the city council as hereinbefore provided. (1950, c. 431)

§ 3. It shall be the duty of the said dock commission to develop, govern and maintain a port and harbor for the said city, and to that end:

(a) To delimit and fix the harbor and port lines, having regard to the acts of Congress of the United States pertaining thereto, and in so doing to have regard for the depths and widths of the James and Appomattox Rivers, to the probable future growth of commerce, the location of terminals, piers, wharves and docks.

(b) To fix and determine head and bulkhead lines, having regard to Federal regulations governing the same.

(c) To acquire all necessary land or property for the purpose of developing port facilities.

(d) To improve, maintain and operate municipal wharves, docks, terminals, slips, warehouse elevators, tracks and railroad and steamship facilities.

(e) To fix the rates of, to charge and collect reasonable wharfage fees, tolls or dues for the use of municipal terminals, warehouses or facilities.

(f) To appoint a harbor master for the port or harbor of the City of Hopewell, whose qualifications, tenure of office and compensation shall be such as the council may ordain, and whose duties,

powers and responsibilities shall be such as is provided by the general law of the Commonwealth. (1950, c. 431)

Chapter XXV (A). Hopewell Regional Wastewater Treatment Facility Commission. (Repealed)

§ 1. (1973, c. 85; repealed 1975, c. 454)

Chapter XXV (A.1). Hopewell Water Renewal Commission.

§ 1. Created; general function; composition; appointment and terms of members.

There shall be a regional wastewater treatment facility commission which shall be known as the Hopewell Water Renewal Commission (hereinafter in this chapter referred to as the "Commission"), which shall act on behalf of the City of Hopewell as hereinafter provided, with respect to a regional wastewater treatment facility owned by the City of Hopewell to provide treatment for disposal of sanitary and industrial waste from the City of Hopewell and vicinity. The Commission shall consist of up to nine members who need not be residents of the city and who shall be appointed by a majority of city council. Up to six members shall be from nominees submitted by manufacturers (each nominating with respect to one membership) which provide assistance in the planning and financing for the regional wastewater treatment facility or which are or will be users of said facility. Each new nominating manufacturer, meaning manufacturers or their predecessors having not previously submitted nominations to the Commission, shall provide a capital contribution in an amount determined by the city council upon recommendation by the Commission. Three additional members shall be a city councilor, the city manager, and the city attorney. Any vacancy in the appointive membership of the Commission, however occurring, shall be promptly filled by the city council for the unexpired term in the same manner and from the same source as the original appointment to the vacated position. (1975, c. 454; 1979, c. 317; 2016, cc. 154, 313; 2017, cc. 214, 391)

§ 2. The City of Hopewell may contract with manufacturers as provided in § 1 above for appointment of members of the Commission from the nominees of such manufacturers and for maintenance of their majority representation. Any such contract within the scope of this chapter shall be valid and enforceable. (1975, c. 454)

§ 3. Powers and duties.

The Commission shall help and assist in the maintenance and expansion of the facility. The Commission shall exercise full authority and responsibility in the operation, maintenance, improvement and repair of the facility, subject, however, to overrule of any of its actions by the city council. The Commission shall have such further duties as the city council may from time to time direct. (1975, c. 454; 2017, cc. 214, 391)

Chapter XXVI. Working Prisoners.

§ 1. Subject to the general law of the Commonwealth regulating the working of those convicted of offenses against the Commonwealth, the council shall have the power to provide by ordinance for the employment or the working, either within or without the city limits, or within or without any city prison or jail, of all persons sentenced to confinement in said prison or jail for the violation of the laws of the Commonwealth of Virginia or the ordinances of the City of Hopewell. (1950, c. 431)

Chapter XXVII. Pension Funds.

§ 1. The council of said city shall establish a fund or funds for the relief or pensions of persons in the service of the city; to receive gifts, devises and bequests of money or property for the benefit of such fund or funds; to make contributions of public moneys thereto on such terms and conditions as it may see fit; and, subject to the provisions of this chapter, to make rules and regulations for the management and administration of such fund or funds. (1950, c. 431; 1960, c. 143; 1962, c. 462)

§§ 2 through 15. (1960, c. 143; repealed 1962, c. 462)

Chapter XXVIII. Transitional Provisions.

§ 1. All ordinances of the city and all rules, regulations and orders legally made by any department, board, commission or office of the city in force at the effective date of this charter insofar as they, or any portion thereof, are not consistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1950, c. 431)

§ 2. Except where this charter otherwise provides, the city bureaus, divisions and other units of the city shall remain in full force and effect until altered or amended in accordance with the provisions of this charter.

All acts and parts of acts in conflict with this charter are hereby repealed insofar as they affect the provisions of this charter and former charters and all amendments thereto for the City of Hopewell are hereby repealed; provided, however, that nothing contained in this act shall be construed to invalidate or in any manner affect the present existing indebtedness and liabilities of the City of Hopewell, whether evidenced by bonded obligations or otherwise. (1950, c. 431)

Editor's note: Complete amendments listing for the City of Hopewell:

Current charter
Charter, 1950, c. 431.

Amendments to current charter
1952, c. 426 (Ch. I, § 2; Ch. IV, § 4; Ch. VIII, § 2; Ch. IX, § 2)

1954, c. 248 (Ch. IX, § 1; Ch. XXIII, §§ 8, 9, 10)
1960, c. 143 (Ch. IX, § 2; Ch. X, § 1; Ch. XXVII, § 1, §§ 2-15 [repealed])
1962, c. 462 (Ch. II, § 2; Ch. II, § 17 [added]; Ch. IV, § 4; Ch. X, § 1; Ch. XXVII, § 1, §§ 2-15 [repealed])
1966, c. 114 (Ch. IV, § 1)
1968, c. 120 (Ch. IX, § 2)
1971, c. 144 (Ch. III, § 2)
1973, c. 85 (Ch. III, §§ 1,2; Ch. VII, § 1; Ch. XIII, § 3; Ch. XIV, § 3; Ch. XXIII, § 3; Ch. XXV (A), § 1 [added])
1975, c. 332 (Ch. VI, §§ 1, 2 [added])
1975, c. 454 (Ch. XXV (A), § 1 [repealed]; Ch. XXV (A.1), §§ 1-3 [added])
1978, c. 39 (Ch. III, §§ 1,3; Ch. IV, §§ 1,4; Ch. VII, § 1; Ch. VIII, § 2 [repealed]; Ch. IX, §§ 1 and 2 [repealed]; Ch. X, § 1 [repealed]; Ch. XI, §§ 1 and 2 [repealed]; Ch. XII, § 1 [repealed]; Ch. XXIII, §§ 1 through 13 [repealed])
1979, c. 317 (Ch. IV, § 4; Ch. XXIV, §§ 1 through 7 [repealed]; Ch. XXV (A.1), § 1)
1986, c. 17 (Ch. XVIII, § 1)
1986, c. 18 (Ch. IXA, § 1 [added])
1989, cc. 20, 155 (Ch. II, § 2)
1989, cc. 22, 156 (Ch. XIII, § 3; Ch. XIV, § 3)
1993, c. 321 (Ch. III, §§ 1, 2, 3)
2009, c. 484 (Ch. IV, § 4; Ch. XVIII, §§ 1, 2 [added], 3 [added]; Ch. XXII, § 1)
2011, cc. 797, 853 (Ch. III, §§ 1, 2; Ch. IV, § 4; Ch. VII, § 1)
2016, cc. 154, 313 (Ch. IV, §§ 7, 8; Ch. XXV (A.1), § 1)
2017, cc. 214, 391 (Ch. XXV (A.1), §§ 1, 3)
2019, cc. 109, 207 (Ch. IV, § 4)
2020, cc. 596, 608 (Ch. XVIII, § 2)

Hurt, Town of

County of Pittsylvania

Current charter

Charter, 1966, c. 40.

Amendments to current charter

1975, c. 94 (§ 4)
1977, c. 117 (§ 4)
2009, cc. 130, 155 (§§ 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 [repealed])

§ 1. The inhabitants of the territory in Pittsylvania County within the boundaries prescribed and set forth in § 2 hereof, and as may be incorporated herein by reference, be, is and shall henceforth continue to be a body politic and corporate, in fact and in name, under and by the name of the town of Hurt; and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter here granted shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to towns pursuant to the general law and Constitution of this Commonwealth. The said town of Hurt, as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1966, c. 40)

§ 2. The boundaries of the town of Hurt shall be as follows:

Beginning at the southwestern corner of the property of the new Altavista filter plant; thence in a northern direction along a fence 715.54 feet to a point in the center of the Staunton River; thence upstream following the center line of said Staunton River as it meanders a distance of 8124 feet to a point; thence leaving the center line of said Staunton River in a southwestern direction along the line of C. A. Arthur, crossing the Virginia Railroad right-of-way and continuing in a straight line along the lines of C. A. Arthur, Herman Parrish and John L. Hurt Estate to a point in the center of Sycamore Creek, which point is 1885 feet from the center line of Staunton River; thence up the center line of said creek as it meanders 1150 feet to a point; thence leaving the center of said creek in a southeastern direction following the line of the Burlington Mills property a distance of 1720 feet to a point; thence in an eastern direction following the property line of the Burlington Mills property a distance of 3791.46 feet to a point in the western margin of the right-of-way of U. S. highway 29; thence along the western right-of-way line of said U. S. Highway 29 as it meanders in a southwestern direction a distance of 4184.7 feet to a point, which point is 1033.20 feet northeast of a concrete monument in the highway right-of-way line at the corner of the Virginia State Highway Roadside Park; thence leaving the right-of-way of said highway in a southeastern direction, crossing said highway and crossing the right-of-way of the Southern Railroad Company along the lines of the church lot and the property lines of the John L. Hurt Estate to a point, which is 1334.7 feet from the western margin of U. S. Highway 29; thence following the property lines of the John L. Hurt Estate and Monk Hubbard 785 feet to a point; thence with Booth and Hubbard 640 feet to a point; thence following the property lines of the Altavista Country Club as it meanders a total of 3444.5 feet to a point on the western margin of State Route 637; thence along the margin of State Route 637 as it meanders in a southern direction 457 feet to a point; thence leaving the western margin of said State Route 637 and crossing the same a distance of 3215.95 feet along the lines of M. A.

Woolridge and F. A. Dowdy to a point in the center line of the gas transmission line of the Virginia Pipe Line Company; thence along the same 434.10 feet to a point on the western margin of State Route 634; thence continuing along the approximate center line of the said gas transmission line to a point in the eastern margin of the right-of-way of the Virginia Electric and Power Company easement; thence in a northern direction along the eastern margin of said electric right-of-way easement as it meanders a distance of 7989.4 feet to a point in the center line of Reed Creek; thence continuing along the center line of said creek, crossing State Route 668, 2833.94 feet to a point near the new Altavista filter plant; thence leaving said creek a distance of 155.53 feet to an iron at the point of beginning, containing approximately 1749 acres, all as shown on a map of Hurt, Virginia, dated November 1955, prepared by Hayes, Seay, Mattern & Mattern, Architects and Engineers, Roanoke, Virginia, and revised and traced by E. L. Moore, C.L.S., December 1965, to which is added the area described in an order of the Circuit Court of Pittsylvania County entered on April 25, 2008, and recorded in the Clerk's Office of the Circuit Court of Pittsylvania County as Instrument Number 080002953 and 080002954. (1966, c. 40; 2009, cc. 130, 155)

§ 3. The town of Hurt shall have and may exercise all powers which it now has or which may hereafter be conferred upon or delegated to it under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of the affairs and functions of the municipal government, the exercise of which is not expressly prohibited by the Constitution and the general laws of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the inhabitants of the municipality and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the municipality and the inhabitants thereof, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the municipality, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

In addition to the foregoing, the powers set forth in §§ 15.2-1100 through 15.2-1131, inclusive, of Chapter 11 of Title 15.2 of the Code of Virginia as now exists, and is hereinafter amended, are hereby conferred on and vested in the town of Hurt. (1966, c. 40; 2009, cc. 130, 155)

§ 4. Administration and government.

(1) The administration and government and all powers and authority connected therewith, of any pertaining to the town of Hurt shall be vested in the council of the town of Hurt and such boards or officers as hereinafter mentioned or may otherwise be provided by the council or general law. The council shall consist of a mayor and six council members, all elected as provided hereinafter.

(2) The mayor and the six council members shall be elected at large by the qualified voters of the town, and shall be elected on the Tuesday following the first Monday in November of even years.

At the municipal election to be held in November, 2010, and every two years thereafter three council members shall be elected for terms of four years each. At the municipal election to be held in November, 2012, and every four years thereafter the mayor shall be elected for a term of four years. The mayor and council members elected in the election of 2008 shall serve out their terms through 2012.

Terms of office shall commence on the first day of January next following their election and the council members and mayor shall continue in office until their successors have been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of the members of said body or any of them. Every person elected shall take an oath faithfully to execute and discharge the duties of his or her office to the best of his or her judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this act to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he or she is elected or appointed, shall vacate the said office, and the council shall proceed and are hereby vested with power to fill such vacancy in the manner herein prescribed.

(3) The council of the town shall judge the election, qualification and return of its members; may fine them for disorderly conduct, and with concurrence of two-thirds vote of the council, expel a member. If any person returned, be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be ordered by the council and held on such day as it may designate by ordinance. Any other vacancy occurring during the term of any member of the council shall be filled by the council by the appointment of any one eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to such office.

(4) For the transaction of business by the council, four members of whom the mayor may be counted as one, shall constitute a quorum.

(5) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner, as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of three hundred ($300.00) dollars per annum; the mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of six hundred ($600.00) dollars per annum.

(6) The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his or her office. The mayor shall have no right to vote in the council except that in case of a tie vote then the mayor shall vote.

(7) The council shall, as soon as practicable, after qualification, choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his or her absence or disability, and in event of a vacancy for any reason in the office of mayor, he or she shall serve until a mayor is

duly appointed by the council or is elected. The said vice-mayor shall continue to have all rights, privileges, powers, duties and obligations of a council member while performing the duties of mayor during the absence or disability of the mayor of the town. In the absence of the mayor or vice-mayor, the mayor may designate a member of the council to perform his or her duties.

(8) The council shall, by ordinance, fix the time for their meetings, but shall have at least one meeting each month. Special meetings shall be called by the clerk at the instance of the mayor or any three members of the council, in writing; no business shall be transacted at the special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require closed sessions pursuant to the laws of the Commonwealth.

(9) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(10) The council may adopt rules for regulating its proceedings, but no tax shall be levied or corporate debt contracted except by a vote of two-thirds of the council, four votes being counted as two-thirds, which vote shall be taken by yeas and nays, and recorded in the minute book. It may appoint such committees as may be deemed proper for the transaction of business, and may compel attendance of absent members.

(11) The council may require the mayor to communicate to it annually as soon after the close of the fiscal year, or oftener, if necessary, a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he or she may deem proper. He or she shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine such officer on oath. He or she shall have power to suspend all officers appointed by the council until the next regular meeting of the council, but such suspension shall in all cases be for misconduct in office or neglect of duty, to be specified in the order of suspension. In case of suspension of any officer the mayor shall submit a written report of the same to the council at its next regular meeting, or any meeting called for that purpose, specifically designating the charge against the officer and reasons for dismissal, and in case of suspension by the mayor, he or she shall have power to appoint some other person in his or her place to hold such office and perform the duties thereof until the next regular meeting of the council. (1966, c. 40; 1975, c. 94; 1977, c. 117; 2009, cc. 130, 155)

§ 5. Town clerk.

There shall be appointed by the council a clerk, who shall serve at the pleasure of the council. The clerk shall attend all meetings of the council, and shall keep a permanent record of its proceedings as hereinbefore set out; he or she shall be custodian of the town seal, and shall affix the same to all documents and instruments requiring a seal, and shall attest the same; he or she shall keep all papers,

codes, documents, and records pertaining to the town, the custody of which is not otherwise provided for in this charter. He or she shall give all notices to all parties, presenting petitions or communications to the council of the final action of the council on such petitions or communications; he or she shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct, and; he or she shall perform such other acts or duties as the council may, from time to time, require. (1966, c. 40; 2009, cc. 130, 155)

§ 6. Town treasurer.

(1) There shall be appointed by the council a treasurer, who shall serve at the pleasure of the council. Before entering upon the discharge of his or her duties the treasurer shall give bond with sufficient surety to be approved by the council, in the penalty of such amount as may be fixed by the council from time to time, payable to the town of Hurt, conditioned for the true and faithful performance of the duties of his or her office. The treasurer shall be responsible for the collection of all taxes, licenses, and levies and charges for services furnished by the public utilities of the town. The council shall have the authority to place in the hands of a town collector to be designated by it, the collection of any taxes, licenses and other levies at any time if in the discretion of the council it shall be proper so to do.

(2) The town treasurer shall receive all moneys belonging to the town which it is his or her duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him or her, and pay the same out as ordinances of the town may prescribe; to keep all such moneys safely, and account therefor; and to pay all drafts and orders made on him or her in conformity with ordinances of the town.

(3) The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks may be required to give security in such sum or sums as the council shall fix. He or she shall keep books showing accurately the date of his or her accounts and the money of the town shall be kept distinct and separate from his or her own money, and he or she is prohibited expressly from using directly or indirectly the town's money for his or her own benefit, or the benefit of any other person or persons whomsoever, and any violation of this provision shall subject him or her to immediate removal from office and criminal prosecution.

(4) The town treasurer shall, when required by the council, render an account to the council showing the state of the treasury and balance of money on hand. He or she shall also, when required by the council, accompany such account with a statement of all moneys received by him or her on what account with a list of checks paid by him or her during the month closed, and shall furnish such other information as the council may direct, and at all times the accounts and books of the treasurer shall be open to inspection by the mayor and council, and to any other person or persons appointed by the council to inspect the same.

(5) All taxes, levies and other sums of money received by the town treasurer belonging to the town of Hurt, shall be credited on the books of the treasurer, and paid out by him or her only on a warrant of the clerk of the council, countersigned by the mayor, or vice mayor in absence of the mayor.

(6) The treasurer shall perform such other duties as may be required by the council, not inconsistent with the general laws of the State, and he or she shall receive for his or her services such compensation as the council may deem proper. (1966, c. 40; 2009, cc. 130, 155)

§ 7. The clerk of the council and the treasurer of the town may be one and the same person in the discretion of the council. (1966, c. 40)

§ 8. Sinking fund.

(1) The council may provide for a sinking fund for the purpose of paying off as it matures any indebtedness of the town and may make an additional levy therefor, said sinking fund to be set aside and invested as provided for hereinafter.

(2) When taxes on real and personal property are collected for the year, the town treasurer shall take therefrom the necessary amount of any additional sum, if any, so set apart and deposit the same in a separate account to the credit of the sinking fund in such bank or banks as the council may designate. All sinking funds shall be used exclusively in the payment or purchase and redemption of outstanding bonds of the town, and when such funds are not required or may not within a reasonable time be required for payment of any bond of the town or cannot be used to advantage in purchasing and redemption of any bonds of the town which might at any time be outstanding, the same shall be securely invested in interest bearing municipal State or government bonds, or invested in any security approved by the general laws of the State of Virginia for investment of such funds, or deposited in bank on a reasonable rate of interest. Such sinking funds may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council.

(3) The town council shall act as the sinking fund commission or committee and shall provide for the investment, deposit and application of the funds in conformity to the provisions of this charter; and may require any bank or banks receiving on deposit its revenues or any of its sinking fund a fidelity bond or other security. (1966, c. 40)

§ 9. Taxes.

(1) In addition to all other powers mentioned in this charter and granted by general law, the town council shall have power to raise annually by taxes and assessments in the said town on all subjects of taxation which are not forbidden by general law to incorporated towns, such sums of money as the council may deem necessary for the purpose of the town, and in such manner as the council shall deem expedient, in accordance with the Constitution and laws of this State and of the United States.

(2) The town council may levy a tax or license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever, within the

boundaries of the town, whether a license may be required therefor by the State or not, and may exceed the State license, if any be required, except when prohibited by general law.

(3) Any payment of delinquent taxes made by the tenant, unless under express contract contained in his or her lease, shall be a credit against the person to whom he or she owes rent.

(4) The council may require owners of motor vehicles, trailers, semi-trailers, and other vehicles of any kind, residing in the town, licenses for the privilege of operating such vehicle in the town, such license to be issued and the fee therefor fixed by the town council.

(5) All goods and chattels found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes.

(6) The council may add penalties for failure of any person or firm or corporation to pay taxes or licenses at the time provided for by ordinance of the council, and there shall be a lien for all taxes assessed which may be enforced as provided by general law of the State.

(7) The council may, by a two-thirds vote of the body, exempt real and personal property used for manufacturing purposes or other enterprises from all taxes for municipal purchases for a period not exceeding five years, if it deem it expedient to do so in order to encourage the establishment of such enterprise therein or thereon.

(8) The assessment of real and personal property in the town, for the purpose of municipal taxation, shall be the same as the assessment of such property for the purpose of county or State taxation, where there is a county or State assessment of such property.

(9) The council, in the name of and for the use of the town, may contract loans, incur indebtedness and cause certificates of debt or bonds to be issued, whenever two-thirds of its members by a recorded vote decide that it is to the interest of the town so to do, but such council may only borrow money to the extent prescribed by the Constitution and laws of this State. But the council shall issue no bonds or certificates of debt, except in anticipation of current revenue, until it shall have first submitted to the qualified voters of said town the question of whether or not such bonds shall be issued and a majority of the qualified voters voting at any election held for such purpose shall have voted for such issue. Such election shall be held under the provisions of the general laws of this State, except the council shall have power to call such election and fix the date thereof by ordinance, copy of which shall be published at least five days beforehand in some newspaper published in said town or having general circulation therein. The publisher of the newspaper shall certify to the publication thereof, which certification shall be recorded in the minute book of the town. The judges conducting any such election shall certify the returns to the clerk of the circuit court of Pittsylvania County and to the said council, not to the judge of the circuit court of said county.

(10) A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling of real estate for town taxes, and for the redemption of real estate sold for town taxes, shall be the same as provided in the general laws of the State, to the same extent as if herein fully set out. The said town and its treasurer shall have the benefit of all other additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted by and under the general law. (1966, c. 40; 2009, cc. 130, 155)

§ 10. Actions against town for damages, etc.

(1) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs, or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(2) If it be ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(3) If the town, when not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that the said judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce the said judgment, or an action at law, or scire facias to revive the said judgment.

(4) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(5) The council of said town is authorized and empowered to compromise any claim for damages or any suit or action brought against said town. (1966, c. 40; 2009, cc. 130, 155)

§ 11. Dedication of streets and plats thereof.

(1) No plat showing a new street or highway within the town shall be filed or recorded in the office of the clerk or of any county until such plat shall have been approved by the council or its designated agent. The council shall not approve any such plat unless the streets and highways provided for

therein are of sufficient width, of proper grades and suitable located to meet the probable traffic needs, to afford adequate light, air, and access of the fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets or highways. The council may, in appropriate cases, require that a plat before being approved shall provide adequate open space for parks, playgrounds, or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use.

(2) Before approving any such plot the town council may, at its discretion, require the owner of such land to grade the streets and alleys thereon, according to grade or grade lines approved by the council. By the acceptance of any such plat, street, alley or highway as above set out, there shall be no liability upon the town to surface such street, or to install any sewage, water, gas, lights or other improvements, until in the judgment of the council the same is required. (1966, c. 40; 2009, cc. 130, 155)

§ 12. (1) Whenever under the provisions of this charter any officer of the town or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice mayor, such officer or member shall continue to hold office until his or her successor is appointed and qualified.

(2) All ordinances of the county of Pittsylvania, and all rules, regulations and orders legally made by any duly constituted authority empowered to pass such ordinances, and make such rules and regulations, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter.

(3) The town of Hurt and all the officers thereof elected or appointed in accordance with the provisions of this act shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this act. (1966, c. 40; 2009, cc. 130, 155)

§ 13. (1966, c. 40; repealed 2009, cc. 130, 155)

Independence, Town of

County of Grayson

History of incorporation

Incorporated by a 1906 Act of Assembly.
Charter, 1906, c. 278.
Charter, 1934, c. 225; repealed 1993, c. 362, except § 2, as amended (Boundaries).

Current charter

Charter, 1993, c. 362.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Independence, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Independence (the "Town"), and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1993, c. 362)

§ 1.2. Boundaries.

The boundaries of the Town until altered, are those established in § 2 of Chapter 225 of the Acts of Assembly of 1934, and the amendment of such section contained in Chapter 92, Acts of Assembly of 1952, and the Circuit Court of Grayson County by Order dated July 29, 1977, in Chancery Case No. 2392. (1993, c. 362)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the Town shall have, exercise and enjoy all rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the Town as a municipal corporation. (1993, c. 362)

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of this Charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.1-837 through 15.1-907, including subsequent amendments thereof. (1993, c. 362)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for council.

The Town shall be governed by a town council composed of six council members, all of whom shall be qualified voters in the Town and shall be elected by the qualified voters of the Town in the manner provided by law from the Town at large. The council in office at the time of the adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. At the next general election for the election of members to the town council held on the first Tuesday in May 1994, the three candidates receiving the greatest number of votes shall be elected for a four-year term and the three candidates receiving the next greatest number of votes shall be elected for a two-year term. Elections shall be held on the first Tuesday in May every two years thereafter, and the council members shall thereafter be elected for a term of four years, or

until their successors are elected and qualified. The term of each person elected under this section shall begin on July 1 next following their election. (1993, c. 362)

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the Town by a majority vote of the remaining members of the council. (1993, c. 362)

§ 3.3. Council.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council member. (1993, c. 362)

§ 3.4. Election, qualification, and term of office for mayor.

The mayor shall be the chief executive officer of the Town, who shall be a qualified voter in the Town and shall be elected by the qualified voters of the Town in the manner provided by law from the Town at large. The mayor in office at the time of the adoption of this charter shall continue in office until the expiration of the term for which he was elected or until his successor is elected and qualified. An election for mayor shall be held on the first Tuesday in May 1994. Elections for mayor shall be held on the first Tuesday in May every four years thereafter. The mayor shall serve for a term of four years, or until his successor is elected and qualified. The term of a person elected under this section shall begin on July 1 next following his election. (1993, c. 362)

§ 3.5. Vacancies.

A vacancy in the office of the mayor shall be filled for the unexpired term from among the qualified voters of the Town by a majority vote of the members of the council. The mayor shall have and exercise all of the privileges and authority conferred by the general law not inconsistent with the charter. He shall preside over the meetings of the town council and shall have the right to speak therein, without the power to vote except in circumstances when the vote of the council is tied or deadlocked, in which case the mayor may cast a vote. He shall be the head of the town government for all its ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1993, c. 362)

§ 3.6. Vice-mayor.

The town council shall, by a majority of all its members, elect a vice-mayor from its membership at its first meeting to serve for a term of two years. In the absence of or during the disability of the mayor, the vice-mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. Vacancies hereunder shall be filled for the unexpired term by council from its membership. The vice-mayor shall vote as a member of the council. (1993, c. 362)

§ 3.7. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduct of its business except where inconsistent with the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor or any four members of the council, provided that the members of council are given reasonable notice of such meetings. No business shall be transacted at the special meeting except that for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived. (1993, c. 362)

§ 3.8. Compensation.

Compensation for the mayor and council members shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and the council members shall not be effective until July 1 following the local election after the council approves such increases. (1993, c. 362)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The town council shall appoint the following officers:

A. Town treasurer. A town treasurer, whose duties shall be to receive all money belonging to the Town, to keep correct accounts of all receipts from all sources and of all expenditures, to be responsible for the collection of all license fees, taxes, levies, and charges due to the Town, to disburse the funds of the Town as the council may direct, and other such duties as prescribed by the council.

B. Town clerk. A town clerk whose duties shall be to record the minutes of the town council meetings and such other duties as council may designate.

C. Town attorney. A town attorney who shall be an attorney at law licensed under the laws of the Commonwealth. The town attorney shall receive such compensation as provided by the council and shall have such duties as prescribed by council.

D. Other officers. The council may appoint other officers that the council deems necessary and proper, designate their duties and establish their compensation and benefits.

E. General. All officers shall serve at the pleasure of the council and be compensated as provided by council, including benefits. The council may fill any vacancy in any office appointed by it. (1993, c. 362)

Chapter 5. Financial Provisions.

§ 5.1. Fiscal year.

The fiscal year of the Town shall begin on October 1 of each year and end on September 30 of the year following. (1993, c. 362)

Chapter 6. Miscellaneous.

§ 6.1. Ordinance continued in force.

All ordinances now in force in the Town, not inconsistent with the charter, shall be and remain in force until amended or repealed by council. (1993, c. 362)

§ 6.2. Severability of provision.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1993, c. 362)

Iron Gate, Town of

County of Alleghany

History of incorporation

Incorporation, 1890, c. 143.
Charter, 1896, c. 285.
Charter, 1906, c. 276; repealed 1940, c. 99.

Current charter

Charter, 1940, c. 99.

Amendments to current charter

1970, c. 483 (Ch. III, § 6 [amended subject to referendum; referendum defeated])
1977, c. 405 (Ch. III, §§ 1 (a) [repealed], 6)
1997, c. 533 (Ch. III, § 6)
2006, c. 15 (Ch. III, § 6)

Chapter I.

§ 1. The town corporate.

The inhabitants of the territory comprised within the present limits of the town of Iron Gate, as such limitations are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Iron Gate, and as such shall

have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive and shall have, exercise and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and the said town of Iron Gate, as such, shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1940, c. 99)

§ 2. The town boundary.

The corporate limits of the town of Iron Gate, Alleghany County, Virginia, shall be, as follows:

Beginning at a point in the middle of Jackson River near the old stage road ford; thence proceeding along a line bearing south forty-two degrees fifty minutes west, passing above tannery pump house twenty-eight (28) feet and crossing railroad and route 220, a distance of six hundred fifty (650) feet to an iron monument four and one-half (4 1/2) feet north of a large white oak tree; thence south fifty-four degrees thirty-two minutes west eight hundred (800) feet to an iron stake on top of the hill; thence south nine degrees fifty minutes west one thousand three hundred eight and one-half (1308 1/2) feet with center line of Park Avenue to Showalter line passing an iron stake at a road intersection at three hundred eighty-nine and one-half (389 1/2) feet and an iron stake measured thirty (30) feet from the northwest eave corner of the present town pump house; thence north eighty degree east one hundred sixty (160) feet with the Showalter line and the north line of block fifty (50); thence from the corner of block fifty (50) south fifteen degrees ten minutes east one thousand six hundred eighty-five (1685) feet to an iron stake in the side of a hollow, passing the corner of block sixty-two (62) and with the south line of block seventy-three (73) to the intersection with the Botetourt County line; thence with the said Botetourt County line south eighty degrees fifty-five minutes east a distance of two thousand nine hundred eighty (2980) feet and passing near the corner of block one hundred nine (109), crossing route 220 and the Chesapeake & Ohio Railway right-of-way to a point in the middle of Jackson River, passing a large white oak tree in the front of lot eight (8), block one hundred nine (109); thence up and with the several courses of Jackson River five thousand four hundred fifty-two (5452) feet to the point of beginning. (1940, c. 99)

Chapter II.

§ 1. Powers of the Town of Iron Gate.

(1) To raise annually, by the levy of taxes and assessments in the said town, on all such property, real and personal, as is now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council thereof shall deem necessary for the purpose of the said town, in

such manner as the said council shall deem expedient in accordance with the Constitution of this State and of the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(2) To impose special or local assessments for local improvements and to force payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments.

(3) To impose a tax not exceeding one dollar per annum on all persons residing in said town above the age of twenty-one years, not exempt from the payment of State capitation tax.

(4) (a) The town may, in the name of and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(b) Pending the issuance and sale of any bonds, notes or other obligations by this act authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of the said bonds, notes or other obligations or from the town taxes and revenues, as the case may be.

(c) The credit of the town shall not, directly or indirectly, under any devise or pretense whatsoever, be granted to or in aid of any person, firm, association, or corporation.

(d) Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; provided, however, if there shall be omitted from this act any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of said town, the provisions of general law with reference to similar bonds shall supply said omission.

(e) Any bonds issued by the town under this act shall be signed by the mayor and attested by the clerk under the seal of the town, and shall be made payable in the office of the town treasurer or such other place in or out of the State as the council may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds may be advertised by the mayor and sold by the town treasurer, as may be provided in such ordinance, under supervision of the mayor and clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the town treasurer.

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

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

(7) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without the corporate limits of the said town for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town and to charge and collect water rents thereof; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the water shed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

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

(9) To inspect, test measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license, and inspect weights, meters, measures and scales.

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

(11) May require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council of the said town, to issue said license, and to require the said owner to pay an annual

license fee therefor to be fixed by the council; provided that the said license fee shall not exceed the amount charged by the State on the said machine.

(12) To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town; and to acquire by condemnation or otherwise, all lands, riparian and other rights, and easements necessary for such improvements, or any of them; either within or without the town, and to construct, maintain or aid therein, roads, and bridges to any property owned by the said town and situate beyond the corporate limits thereof, and to acquire land necessary for the aforesaid by condemnation or otherwise.

(13) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants; and in event such rates and charges shall be assessed against a tenant then the council may by ordinance, require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant.

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

(15) To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town, to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate, or prevent slaughter houses or other noisome or offensive business within the said town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, advertising, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetic, safety, convenience and welfare of the inhabitants of the

town, and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow.

(16) To extinguish and prevent fires, and to establish, regulate and control a fire department or division, to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and conveniences may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged, or repaired and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

(17) To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene oil or other like materials; to regulate the exhibition of fireworks, the discharge of firearms, and the making of bonfires in the streets and yards.

(18) To authorize and regulate the erection of party walls and fences, and to prescribe how the cost thereof shall be borne by coterminous owners.

(19) To provide for regular and safe construction of houses in the town for the future, and to provide a building code for the town, to provide setback lines on the streets beyond which no building may be constructed, to require the standard of all dwelling houses be maintained in residential section in keeping with the majority of residences therein, and to require the standard of all business houses be maintained in business sections in keeping with the majority of the business houses therein.

(20) To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

(21) To prevent fowls and animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

(22) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

(23) To provide in or near the town, lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground

therein; to cooperate with any nonprofit corporation in the improvement and care of burial places and the approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot, for which the said donation, gift, or bequest shall have been made.

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

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

(26) To make and enforce ordinances, insofar as permitted by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

(27) To prohibit and punish for mischievous, wanton, or malicious damage to school and public property, as well as private property.

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

(29) To offer and pay rewards for the apprehension and conviction of criminals.

(30) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction of such violation.

(31) Insofar as not prohibited by general law, to pass and enforce all by-laws, rules, regulations and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all powers, authority, capacity, or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court, or officers thereof, or which may be necessarily incident to a municipal corporation

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

(33) To prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding five hundred dollars or twelve months' imprisonment in jail, or both.

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

(35) To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

(36) Except when prohibited by general law, the town may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may provide penalties for any violation thereof.

(37) A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, together with all penalties and interest due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law of the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law.

(38) All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon.

(39) The enumeration of specific powers, privileges, and authority in this charter shall not be deemed exclusive, but in addition to the powers and privileges herein mentioned, implied or appropriated, the said town shall have and may exercise, all other powers, which are or may hereafter be, possessed, or enjoyed, by any towns under the Constitution and laws of the Commonwealth of Virginia, or not denied by the same, as fully and completely as if herein set out at length. (1940, c. 99)

Chapter III.

§ 1. Administration and government.

(a) (1940, c. 99; repealed 1977, c. 405)

(b) The administration and government of the town of Iron Gate shall be vested in one body to be called the council of the town of Iron Gate, which shall consist of seven (7) members, six (6) of whom shall be known as councilmen and one to be known as mayor, all of whom shall be residents and qualified voters of the said town. The council may create, appoint, or elect such departments, bodies, boards, and other officers, or assessors or attorneys as are hereinafter provided for, or as are permitted, or required by law to be appointed by the council, or as may be deemed necessary or proper, and may fix their compensation and define their duties.

(c) At the regular municipal election to be held in the town in 1978 there shall be elected three councilmen for a period of four years and a mayor and three councilmen for a period of two years. All councilmen thereafter shall serve four-year terms. At each municipal election in 1980 and each two years thereafter there shall be elected a mayor and three councilmen. The three councilmen elected in 1978 that receive the highest number of votes shall serve four-year terms and the remaining three councilmen shall serve two-year terms. The terms of office shall begin on the first day of July next succeeding their election, each of whom shall serve until his successor shall have been elected and qualified. (1940, c. 99; 1977, c. 405)

§ 2. The mayor.

(a) The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. He shall be recognized as the official head of the town for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In time of public danger or emergency, he shall maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall be entitled to vote and his vote in case of a tie only shall have the same weight and effect as the vote of a councilman. (1940, c. 99)

§ 3. The council.

(a) The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office, or removal of the members of said body or any of them. Vacancies in the council or any office therein shall be filled within thirty days after such vacancy occurs for the unexpired term by a majority vote of the remaining members, except where otherwise inconsistent with the provisions of this charter.

(b) The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the clerk of the council upon the request of the mayor, or any three members of the council; no business shall be transacted at a special meeting but that for which it shall be called, unless the

council be unanimous. The meetings of the council shall be open to the public, except when the public welfare shall require executive sessions.

(c) If any member of the said council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired term shall be filled according to the provisions of this act. (1940, c. 99)

§ 4. Town clerk.

The town clerk shall be appointed by the council, and shall attend the meetings of the council and shall keep permanent records of its proceedings; he shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he shall keep all papers, codes, documents, and records pertaining to the town, the custody of which is not otherwise provided for in this charter; he shall give notice to all parties, presenting petitions, or communications to the council of the final action of the council on such communications or petitions; he shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contracts or agreements; he shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he shall perform such other acts and duties as the council may, from time to time, allow or require. (1940, c. 99)

§ 5. Town treasurer.

(a) The town treasurer shall be elected by the town council for a term of office not exceeding the term of the council by whom he is elected, and shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in a penalty of such amount as may be fixed by the council from time to time, payable to the town of Iron Gate, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses and levies and charges for services furnished by the public utilities of the town.

(b) The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as the ordinances of the town may prescribe; to keep such moneys safely and account therefor; and to pay all drafts or orders made on him in conformity with the ordinances of the town.

(c) The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct. He shall keep books showing accurately the state of his accounts and the money of the town shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly or indirectly the town's money, checks or warrants in his custody and keeping for his

own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

(d) The books and accounts of the town treasurer and all papers relating to the accounts and transactions of the town, shall be, at all times subject to the inspection of the mayor, the town council, and such other persons as the council may appoint, to examine the same, and all such books and accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment, or delivered up as the council may at any time require.

(e) The town treasurer shall, when required by the council, render an account to the council showing the state of the treasury and the balance of money on hand. He shall also, if required so to do by the council, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts and statements as the town council may direct.

(f) The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the State.

(g) The town treasurer shall receive for his services such compensation, if any, as the council may deem proper. (1940, c. 99)

§ 6. Chief of police.

The town council may, by a majority vote, appoint a chief of police. The chief of police shall qualify by taking the oath prescribed by the Code of Virginia and give bond in such amount as the council may require. He shall be vested with powers of a conservator of the peace, and shall have the same powers and discharge the same duties as a constable within the corporate limits of the town and to a distance of one mile beyond the same, and shall perform such other duties as may be from time to time prescribed by the council. (1940, c. 99; 1977, c. 405; 1997, c. 533; 2006, c. 15)

Chapter IV. General Provisions.

§ 1. All contracts and obligations heretofore or hereafter made by the council of the town of Iron Gate, while in office, not inconsistent with this charter, or the constitution, or the general laws of this State shall be, and are hereby declared to be valid and legal. (1940, c. 99)

§ 2. The present bonded indebtedness of the town of Iron Gate in the principal amount of fifteen thousand five hundred dollars ($15,500.00), represented by bonds dated December 31, 1936, issued for the establishment of a water supply system for the town is hereby ratified, confirmed and approved, and the town of Iron Gate is authorized to refinance or refund said bonded indebtedness by the issuance of new bonds of the town of Iron Gate, in the principal amount of fifteen thousand five hundred dollars ($15,500.00), by bonds numbered consecutively from one (1) to sixteen (16), bonds numbered one (1) to fifteen (15) of which shall be in the principal amount of one thousand dollars ($1,000.00)

each, and bond number sixteen (16) to be in the amount of five hundred dollars ($500.00), with bond number one (1) maturing on the thirty-first day of December, 1941, and the remaining bonds maturing annually and consecutively, in their order, on the thirty-first day of December, in each year thereafter, with bond number sixteen (16) in the amount of five hundred dollars ($500.00) maturing on the thirty-first day of December, in 1956, which bonds shall bear interest at the rate of four and one-half per centum from their dates, and shall contain such other provisions as to the council of the town of Iron Gate may seem proper; however, the town of Iron Gate shall have authority to issue its bonds for this purpose, in the total principal amount of fifteen thousand five hundred dollars ($15,500.00), in other denominations and with other maturity dates than as herein prescribed, provided all of the bonds issued hereunder mature within twenty (20) years from the date that this act shall become effective and shall contain such other rate of interest or provision or provisions and terms as to the town council may seem proper and expedient. (1940, c. 99)

§ 3. All ordinances now in force in the town of Iron Gate, not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council of the said town. (1940, c. 99)

§ 4. If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not effect, impair or invalidate the remainder of the said act, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1940, c. 99)

§ 5. This act may for all purposes be referred to or cited as the Iron Gate charter of 1940. (1940, c. 99)

§ 6. All acts or parts of acts in conflict with this charter, insofar as they affect the provisions of this charter, and all former charters and amendments thereto for the town of Iron Gate, Virginia, are hereby repealed. (1940, c. 99)

§ 7. An emergency existing, this act shall be in force from its passage. (1940, c. 99)

Irvington, Town of

County of Lancaster

History of incorporation

Incorporated by Circuit Court, Lancaster County, June 30, 1955.

Current charter

Charter, 1958, c. 366.

Amendments to current charter

1962, c. 119 (Art. III, § 2)
2019, cc. 113, 694 (Art. II, § 1; Art. III, §§ 2, 7, 11, 13, 15)

Article I. The Town Corporate.

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Irvington, in Lancaster County, Virginia, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Irvington, and as such shall have and may exercise all powers which are now, or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein. No enumeration of particular powers by this charter shall be held to be exclusive.

The town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1958, c. 366)

Article II. Corporate Limits.

§ 1. The territory embraced within the limits of the town of Irvington is as follows:

Beginning at a point on the westerly side of Virginia State Highway # 3 (renumbered as Virginia State Highway 200), which leads from the Town of Irvington to the Town of Kilmarnock, Virginia, where the land now or formerly belonging to the Leland estate corners with the land of Thomas Banks, which said point of beginning is designated by a cement corner stone; thence running along the line separating the property of the Leland Estate from the Banks property South 82° 20' 20" West 340.11 feet to an old axle; thence continuing along said line South 81° 45' 50" West 153.14 feet to a pipe; thence continuing along said line South 81° 32' 50" West 749.20 feet to an old pipe; thence continuing along said line separating the said Leland and Banks properties South 80° 39' 50" West 940.52 feet to a marked Poplar tree, thence continuing along said line South 79° 54' 20" West 414.11 feet to a cement marker; thence continuing along the same course a distance of approximately 180 feet to the center of Church Branch of Carters Creek; thence running in a Southerly direction down the center of said Branch by the Leland property, property of Dew and Henderson, property of E. A. Stephens and others to a point opposite the property of Warner Moore; thence running in an easterly direction along with center line of the eastern branch of Carters Creek by a Black buoy, the old ferry slip, by the Yarbrough property, the James property to a point in the center of said Creek opposite the property of M. J. Alga; thence running in a Northerly direction along the center of said Eastern Branch of Carters Creek by the lands of Crosby Miller, T. D. McGinnes, through the center of a certain bridge located on Virginia State Highway # 3 (renumbered as Virginia State Highway 200) which leads from the Town of Irvington to the Town of White Stone,

Virginia, and continuing in a Northerly direction up the center of said Branch, known as Old Mill Cove, and continuing in a general Northerly direction up the center of said swamp by the S. A. Buchan estate to the Southern boundary of the land of Earl M. Pittman; thence running North 85° 29' 30" West approximately sixty feet to a cement marker; thence continuing North 85° 20' 30" West 2948.16 feet to another cement marker on the Eastern edge of Virginia State Highway # 3 (renumbered as Virginia State Highway 200) which leads from the Town of Irvington to the town of Kilmarnock, Virginia, thence continuing same course approximately 110 feet across said highway to the Leland property; thence running along the western edge of Virginia State Highway # 3 (renumbered as Virginia State Highway 200) in a northerly direction approximately 955.50 feet to a cement marker, the point of beginning, the said property embraced within the Town of Irvington being shown on a certain plat of survey made by T. D. Wilkinson, III, Certified Surveyor, dated the 3rd day of May, 1956, which said plat is of record in the Clerk's Office of the Circuit Court of Lancaster County, Virginia, Instrument number 180001509, and also shown on a certain plat of survey of a portion of the boundary of Irvington, made by Robert C. Buckley, Jr., Certified Surveyor, dated October 28, 1994, which said plat is of record in the Clerk's Office of the Circuit Court of Lancaster County, Virginia, Instrument number CLR 940000938. (1958, c. 366; 2019, cc.113,694)

Article III. Administration and Government.

§ 1. The present mayor and councilmen of the Town of Irvington shall continue in office until the expiration of the term for which they were elected, or until their successors are duly elected and qualified. (1958, c. 366)

§ 2. On the first Tuesday in May 2020, and every four years thereafter, there shall be elected by the qualified voters of the town one elector of the town who shall be denominated the mayor and three other such electors, all of whom shall serve terms of four years. On the first Tuesday in May 2022, and every four years thereafter, there shall be elected by the qualified voters of the town an additional three electors, who shall serve terms of four years. The six electors other than the mayor shall constitute the town council. They shall enter upon the duties of their offices on the first day of July next succeeding their election and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment and the mayor shall take the oath prescribed by the law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate such office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed. (1958, c. 366; 1962, c. 119; 2019, cc.113,694)

§ 3. There shall be appointed for the town a registrar and officers of election in the manner provided for by general law. All elections held in the town shall be conducted in accordance with general law; the electorate shall be that prescribed by general law. (1958, c. 366)

§ 4. The council shall be judge of the election, qualification and return of its members, subject to review by the Circuit Court of Lancaster County; may fine them for disorderly conduct and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council prescribes. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. In the event of the failure of the council to fill such vacancy within fifteen days, the Circuit Court of Lancaster County shall make such appointment to fill the vacancy. A vacancy in the office of mayor shall be filled by the council from the electors of the town and any member of the council may be eligible to fill such vacancy. (1958, c. 366)

§ 5. A majority of the members of the council shall constitute a quorum for the transaction of business. (1958, c. 366)

§ 6. Each member of the council may receive a salary to be fixed by the council, payable at such time and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of one hundred twenty dollars per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of five hundred dollars per annum. (1958, c. 366)

§ 7. The mayor shall preside at the meetings of the council, voting only in case of a tie, and perform such other duties as are prescribed by this charter and by general law and such as may be imposed by the council consistent with his office. He shall take care and see that the by-laws, ordinances, acts and resolutions of the council are faithfully executed and obeyed. He shall be ex officio conservator of the peace within the town and within one mile of its corporate limits. He shall see that peace and good order are preserved and that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of the Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town. (1958, c. 366; 2019, cc.113,694)

§ 8. The council shall, as soon as practicable after qualification, and biennially thereafter following the regular town election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor shall perform the duties and be vested with all the power, authority and jurisdiction of the mayor; in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and

obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town. (1958, c. 366)

§ 9. The council shall, by ordinance, fix the time and place for their regular meetings, which shall be held at least once a month. Special meetings may be called by the Clerk at the instance of the mayor or any three members of the council in writing; no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when, in the judgment of the council, the public welfare requires executive meetings. (1958, c. 366)

10. The council shall keep a minute book, in which its Clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed. (1958, c. 366)

11. The council shall appoint at its first regular meeting in July after its election, a clerk of the council who shall hold office at the pleasure of the council. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish reports and ordinances as are required to be published and shall perform such other duties as the council may require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council. (1958, c. 366; 2019, cc.113,694)

§ 12. The council may adopt rules for regulating its proceedings, but no tax shall be levied, or corporate debt contracted, except by a recorded two-thirds vote of all the members elected to the council or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council. (1958, c. 366)

§ 13. The council shall appoint at its first meeting in July, or as soon as practicable thereafter, a treasurer who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct. The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at such times as the council may direct, such examination and audit to be reported to the council. (1958, c. 366; 2019, cc.113,694)

§ 14. The council may designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart and not commingled with any personal or other accounts. (1958, c. 366)

§ 15. The council may appoint at its first regular meeting in July or as soon as practicable thereafter, a town sergeant, who shall also be chief of police and have all the powers vested in town sergeants by general law. He shall hold office at the pleasure of the council. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council. (1958, c. 366; 2019, cc.113,694)

§ 16. The council may appoint a police justice for the town pursuant to § 16.1-7 of the Code of Virginia, who shall be a resident of Lancaster County, and who shall serve a term of two years or until his successor is appointed and qualified. The police justice is hereby invested with the right and authority to issue warrants, summon witnesses and try cases involving violations of town ordinances; and he shall be compensated in such manner and amount as the council may provide.

The conduct of all proceedings and trial and disposition of cases by or before the police justice and the fees and costs assessed by him shall be the same as provided by general law relating to County Courts. All fees, costs and fines imposed and collected by the police justice shall be paid into the town treasury unless the council by ordinance directs some other disposition thereof. Appeals from the decisions of the police justice shall be allowed and taken in the manner provided by general law for appeals from County Courts, and shall be to the Circuit Court of Lancaster County.

The council shall provide a courtroom for the conduct of such proceedings and trials, and for necessary records, equipment and supplies incident thereto. The council may appoint a police court clerk to serve at the pleasure of the council, to assist the police justice and who shall after appointment and qualification be empowered to grant bail in matters within the trial jurisdiction of the police justice.

If there be appointed a police justice, the council may also appoint a substitute police justice for the town who shall have the same residence qualifications as the police justice, and whose appointment, qualification and term shall be the same as the police justice. In the event of the disability of the police justice to perform the duties of his office due to sickness, absence, unavailability, vacation, or otherwise, the substitute police justice shall be vested with and may exercise all the rights and authority of the police justice, and he shall be compensated in such manner and amount as the council may provide.

Notwithstanding the provisions of this section for the appointment of a police justice and a substitute police justice, the council by ordinance may invest the mayor as such with all or any part of the rights, authority, duties and functions prescribed for the police justice, to exercise the same and act when the office of the police justice is vacant, or in the event of the disability of the police justice and the substitute police justice, if there be one, to perform the duties of his office due to sickness, absence, unavailability, vacation or otherwise. In any such event, the clerk mentioned above in this section shall have the same duties and powers as there specified. (1958, c. 366)

§ 17. In addition to the officers of the town specifically provided for herein, the council may appoint such other officers, including a town clerk who may be the same person as the clerk mentioned in § 11 of this article, as it may deem necessary, and define the duties, fix the compensation, set the qualifications and terms of office and require proper bonds of each. The council may provide for the payment of bond premiums for the official bond of any of its officers. (1958, c. 366)

§ 18. All ordinances, resolutions and by-laws passed by the council shall take effect at the time indicated in such ordinances, resolutions or by-laws, but in event no effective date shall be set forth in any such ordinances, resolutions or by-laws passed by the council, the same shall become effective thirty days from passage. (1958, c. 366)

Article IV. Taxation and Finances.

§ 1. The town council shall have control of taxation and finances for municipal purposes. It shall have the following powers:

(1) To prepare or cause to be prepared annually a budget showing estimated receipts and proposed expenditures for town purposes as required by general law, and to publish the same.

(2) To raise annually by levy and collection of taxes and assessments in the town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the town in such manner as the council deems expedient in accordance with this charter and the laws of this State; provided, however, that it shall impose no taxes on the bonds of said town.

(3) To impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the laws of the Commonwealth, as may be in force at the time of the imposition of such special or local assessments.

(4) To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes and other obligations, within the limitations prescribed by the laws of this State concerning bonds issued by the town upon credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(5) To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

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

(7) To levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the State or not, and may, If permitted by general law, exceed the State license if any be required and may provide penalties for any violation thereof.

(8) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and other similar shows or fairs, or prohibit the holding of the same, or any of them, within the limits of the town; and may assess a license fee for holding any of the foregoing within one mile of the town which shall only be sufficient to provide regulation and protection. This section shall not be construed to prohibit a resident mechanic or artists from exhibiting any production of his own art or invention without compensation, nor shall any license be required of any industrial arts exhibit nor of any agricultural fair or the shows exhibited within the grounds of such fair or fairs, during the period of such fair, whether an admission be charged or not, nor of resident persons performing in a show or exhibition for charity or other benevolent purposes, nor of exhibitions of volunteer fire companies whether an admission be charged or not. Whenever such show, exhibition, or performance is given, whether exempted by the terms hereof or licensed, those engaged therein and operating under either such license or exemption, shall be exempt from a license tax for performing or acting thereat; provided, however, that this shall not be construed to allow without license a performance for charitable or benevolent purposes by a company, association or persons, or a corporation, who makes it their business to give exhibitions, no matter what terms of contract may be entered into or under what auspices such exhibition is given by such company, association or persons, or corporation, for benevolent or charitable purposes, it being the intent and meaning of this section that every company, association or persons, or corporation, which makes its business that of giving exhibitions for compensation, whether a part of the proceeds are for charitable or benevolent purposes or not, shall pay the license tax required by law.

(9) To impose licenses by ordinance upon business, trades, professions or callings and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in the town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

(10) For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

(11) A lien shall exist on all real estate within the corporation limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of the Commonwealth. The council shall have the benefit of all other remedies for the collection of

town taxes which are now or may hereafter be permitted under the general laws of the Commonwealth, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1958, c. 366)

Article V. Property.

§ 1. The town council shall have the following powers:

(1) To acquire by purchase, gift, devise, condemnation, or otherwise, property, real or personal, or any estate therein within the town, for any purpose of the town, not inconsistent with the general law, and to hold, improve, sell, lease, mortgage, or pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(2) To acquire by gift, purchase, exchange or by the exercise of power of eminent domain within this State lands or any interest or estate in lands, rock quarries, gravel pits, sandpits, water and water rights and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto and to operate the same for producing material required for any and all purposes of the town.

(3) To acquire and operate parks, playgrounds and public grounds within the corporate limits of the town and to acquire and operate the same without said corporate limits by purchase, gift or devise and to place on the same, either within or without the corporate limits of the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character and charge admission thereto, and to rent out or lease the privileges of the same.

(4) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(5) To acquire by purchase, gift or devise in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(6) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, water, gas and electric systems, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of various departments of the town and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements or any of them and within the town to construct, maintain or aid therein roads and bridges to any property owned by the said town and situated beyond the corporate limits thereof. The right of eminent domain herein granted shall be exercised without the town only for the purposes of acquiring, constructing and maintaining a water or a sewerage disposal system. (1958, c. 366)

Article VI. Utilities.

§ 1. The town council shall have the following powers:

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

(2) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights and riparian rights as the council of the town may deem necessary for the purpose of providing an adequate water supply to the town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the town, and to require abutting property owners within such corporate limits of the town to connect therewith for the distribution of water to its customers and consumers, within the corporate limits of town and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over the land comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof, and to carry out the powers herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To establish, construct and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain and operate sewage disposal plants, and to acquire by condemnation or otherwise within or without the town limits, all land, rights of way, riparian and other rights and easements necessary for said purposes and to charge and assess and collect reasonable fees, rentals, assessments of costs of service for connection with and using the same.

(4) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(5) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(6) To establish, impose and enforce the collection of water and sewage rates and rates and charges for public utilities or other services, products or conveniences, operated, rented, or furnished by the town and to assess or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the building or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(7) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time have the power to construct, own, operate, manage, sell, encumber or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services therefor, if permitted by any existing franchises; provided that such public utilities are primarily for the purpose of serving the town. (1958, c. 366)

Article VII. Streets.

§ 1. The town council shall have the following powers:

(1) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain and clear public highways, streets, sidewalks, bottleyards, parkways, alleys, and to alter, vacate or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets, alleys, and highways; to regulate the operation and speed of cars and vehicles within the streets and highways within the town, subject to provisions of general law; and to do all other things whatsoever, adapted to make the streets and highways safe, convenient and attractive.

(2) To give names to or alter the names of the streets and to designate by number all lots and buildings thereon. (1958, c. 366)

Article VIII. Building Regulations.

§ 1. The town council shall have the following powers:

(1) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience

may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure or other causes is dangerous to life or property, or which may be erected contrary to law.

(2) To provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide set-back lines on the streets beyond which no building may be constructed if permitted by general law; to require the standard of all dwelling houses to be maintained in residential sections in keeping with the majority of residences therein and if permitted by general law, to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) To make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, or within one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record or recorded in the office of the clerk of the Circuit Court of Lancaster County, Virginia; provided that control of subdivision of land without the town shall be subject to general law.

(4) To issue or refuse (in case of noncompliance with the building requirements of the town) to issue, permits for the construction of buildings, fences, walls and other structures in the said town; and provide for the punishment of any person, firm or corporation failing to secure such permit prior to the beginning of said construction or other work. (1958, c. 366)

Article IX. Additional Powers.

§ 1. In addition to the powers elsewhere mentioned in this charter the town shall have the following powers:

(1) To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof and to collect said expense by suit or motion or by distress and sale; to regulate or prevent noisome or offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation and maintenance of billboards and signs; and generally to define,

prohibit, abate, suppress and prevent all things detrimental to health, morals, safety, convenience and welfare of the inhabitants of the town and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow and any obstruction.

(2) To extinguish and prevent fires and to establish, regulate and control a municipal fire department or division; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to or enlarged and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; to enact laws for securing the safety of persons from fire in halls and buildings used for public assemblages, entertainments or amusements.

(3) To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms and the making of bonfires within the corporate limits of the said town.

(4) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in the town of any article or thing intended for human consumption which is adulterated, impure or otherwise dangerous to health and to condemn, seize and destroy or otherwise dispose of such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases and prevent and suppress disease generally; to provide and regulate hospitals within the town limits, and if necessary to the suppression of disease to enforce the removal of persons affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for the town with authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the State and the United States.

(5) To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

(6) To provide and maintain either within or without the town charitable, recreative, curative, corrective, detentive or penal institutions.

(7) To regulate poultry or other fowl, hogs, dogs or other animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

(8) To prevent the riding or driving of horses or other animals at an improper speed, to prevent the flying of kites, throwing of stones, the setting off of fireworks or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

(9) To establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs and other green groceries and the trade of hucksters and junk dealers as may be deemed advisable. (1958, c. 366)

§ 2. The town shall have the following further powers:

(1) To prevent any person having no visible means of support, paupers and persons who may be dangerous to the peace and safety of the town from coming to town from without the same; and to expel therefrom any such person who has been in the town less than twelve months.

(2) To exercise full police powers and establish and maintain a department of police.

(3) To restrain and punish drunkards, vagrants and street beggars; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame and gambling houses and punish operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the town; to prevent and punish lewd, indecent and disorderly exhibitions in the town; to prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct and public swearing and cursing within the town.

(4) To prohibit persons under 18 years of age from and punish them for frequenting, playing or loitering in public poolrooms, billiard parlors, or bowling alleys, and to punish any proprietor or agent thereof for permitting same.

(5) To prohibit and punish mischievous, wanton or malicious damage to school, church and public property, as well as to private property.

(6) To compel persons sentenced to confinement in jail for any violation of the laws or ordinances of the town to work on the public streets, parks or other public works of the town; and on the requisition of the mayor, it shall be the duty of the sergeant of the town to deliver such person to the duly authorized agent of the town for such purposes from day to day as he may be required. For the purpose of carrying into effect the police regulations of the town, the town shall have the use of the county jail of Lancaster County for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the town.

(7) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

(8) To pass and enforce all by-laws, rules, regulations and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of

its affairs, the peace and comfort, convenience, order, morals, health, and protection of the citizens and their property and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers, authority, capacity or jurisdiction which is or shall be granted to or vested in the town, or in the council, court or officers thereof, or which may be necessarily incident to a municipal corporation.

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

(10) To offer and pay rewards for the apprehension of criminals.

(11) To provide by ordinance a system of meat and milk inspection and appoint milk and meat inspectors, agents or officers to carry the same into effect; to prevent, license, regulate, control and locate slaughterhouses within the corporate limits of the town, and for such service of inspection to make reasonable charges; and to provide reasonable penalties for the violation of such ordinances. (1958, c. 366)

§ 3. The town shall have the further power:

(1) To establish, organize, administer or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State.

(2) To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town, and to establish, regulate, license and inspect weights, meters, measures and scales.

(3) To make and enforce ordinances, insofar as are not prohibited by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and the use of alcoholic beverages.

(4) To require every owner or operator of motor vehicles residing in the town on a date to be designated by the council to annually register such motor vehicle and to obtain a license to operate the same by making application to the treasurer of the town or such other person as may be designated by the council; to issue such license and to require the owner to pay the annual license fees therefor to be fixed by the council, provided that the license fees shall not exceed the amount charged by the State on such vehicles. Such license plate shall be attached on a conspicuous part of the motor vehicle for which issued and kept thereon in plain view for common observation. The council may prorate such license fee over periods of not less than three months.

(5) Insofar as not prohibited by general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles, upon the streets, to regulate the routes in and

through the town to be used by motor vehicle carriers operating in and through the town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare and safety.

(6) To make and enforce ordinances, not inconsistent with the laws of this State.

(7) To put in force and effect by ordinance any and all of its powers and to prescribe punishment for the violation of any town ordinance, rule, or regulation, or any provision of this charter, the penalty not to exceed five hundred dollars fine or twelve months in jail or both, provided such penalties do not exceed those prescribed by the State for a similar offense.

(8) The town council may exercise all powers which, under the Constitution and laws of the Commonwealth, it would be competent for this charter specifically to enumerate. (1958, c. 366)

Article X. Actions against the Town.

§ 1. No actions shall be maintained against the town for damages for any injury to any person or property, or for wrongful death, alleged to have been sustained by reason of the negligence of the town or any officer, agent or employee thereof unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received shall have been filed with the mayor or any attorney appointed by the council for the purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis or the injured party dies within such sixty days, such statement may be filed within one hundred and twenty days, and no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1958, c. 366)

Article XI. Miscellaneous.

§ 1. Nothing contained in this act shall he construed to invalidate or to, in any manner, affect the present existing indebtedness and liabilities of the town of Irvington, whether evidenced by bonded obligations or otherwise. (1958, c. 366)

§ 2. All ordinances in force in the town of Irvington not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council. (1958, c. 366)

§ 3. This act may for all purposes be referred to or cited as the Town of Irvington Charter of 1958. (1958, c. 366)

§ 4. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered. (1958, c. 366)

Ivor, Town of

County of Southampton

History of incorporation

Incorporated by order of the Circuit Court of Southampton County, October 19, 1908 (Court Order Book 9, p. 123).

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

In Term: In the Circuit Court of Southampton County, Virginia, this 19th day of October, 1908.
Upon the application of sundry citizens praying to have incorporated the town of Ivor, in the County of Southampton, in the State of Virginia;
This day came B. F. Bell, Thos. L. Bain, T. A. Saunders, W. E. Johnson, B. F. Babb, T. J. Faircloth, C. W. West, H. E. Branch, B. H. Lane, Pettaway Barrett, John W. Hall, R. A Hart, A. L. Alfertae, J. F. B. Kea, A. F. Cobb, R. M. Herrin, F. B. Richardson, L. C. Pulley, J. S. Gale, Jr., E. N. Johnson, C. W. Rawls, R. P. Bell, R. P. Rawls, J. W. Preerow, J. L. Pulley, F. D. Taylor, B. L. Raikes, J. L. Dales, A. W. Chappelle, and W. T. Darden, electors of the unincorporated town of Ivor, in the County of Southampton, and presented their petition to this Court, setting forth the meets and bounds of the said town. That the number of inhabitants thereof is about four hundred (400), and praying that such community be incorporated as a town. It appearing to the Court from the evidence introduced that the said petition has been published in the Tidewater News, a newspaper published in said County, once a week for four successive weeks, ending August 21, 1908, and posted at the front door of the Court House of this County for a like period of time; and the Court being satisfied that it is to the best interest of the inhabitants of the said locality, to be hereinafter described, and that the general good of the community will be promoted by the incorporation of said town, it doth order and decree that the said town of Ivor be, and the same is hereby incorporated as a town by the name and style of "The Town of Ivor," the bounds of which town are more particularly described by meets and bounds as follows:

Beginning at the cattle guard on the Norfolk and Western Railway, northwest of Ivor, a distance of 3260.4 feet from Ivor depot, and running south-westerly, at right angle to the railroad, a distance of 3010 feet, thence in a southeasterly direction and parallel with the railroad, a distance of 6996 feet; thence in a north-easterly direction a distance of 3010 feet; to a cattle guard in the railroad, which is 3735.6 feet south easterly from the Ivor depot; thence across railroad, in same direction as former line, a distance of 1465 feet; thence in a north-westerly direction and parallel with the railroad a

distance of 6996 feet; thence in a south-westerly direction, and at right angle with the railroad, a distance of 1465 feet to point of beginning:

The Court doth further order and decree that the inhabitants within such bounds shall be a body politic and corporate, with all the powers, privileges and duties conferred upon, and appertaining to towns under the general laws of the State of Virginia.
The Court doth designate Tuesday, the 17th day of November, 1908, between the hours of nine o'clock A.M. and six o'clock P.M. of that day, as the time for holding the first election of town officers; said election to be held in J L. Pulley & Company's ware-house, in said town.
And the Clerk of this Court is hereby directed to enter this in the Common Law Order Book, and also on the book kept in his office for which charters are recorded, known as the "Charter Book."

James City, County of

Current charter
Charter, 1993, cc. 779, 798.

Amendments to current charter
1995, c. 348 (§ 6.7)
1996, c. 359 (§ 3.8 [added])
2007, c. 329 (§§ 6.2, 6.12 [added])
2015, c. 198 (§ 7.4)
2019, c. 508 (§ 7.5 [added])

Chapter 1. Charter and Boundaries.

§ 1.1. Charter.

The General Assembly hereby charters the County of James City, a political subdivision of the Commonwealth of Virginia, as a county within the Commonwealth of Virginia and as such shall have perpetual succession and all other powers and responsibilities granted by this charter or general law. (1993, cc. 779, 798)

§ 1.2. Transition to charter form of government.

Upon granting of this charter, the County of James City shall be liable for the bonded indebtedness and current debts and obligations of the County of James City as such obligations exist immediately preceding existence of the charter. The chartered County of James City shall succeed in right and title to all assets, properties, contracts and rights of every nature then possessed by the county, including all money belonging to the county and its books, records, papers and all other things of value. All ordinances, rules, regulations, policies and orders made by the County of James City and all Special Acts of the General Assembly, in force at the effective date of this charter insofar as they, or any por-

tion thereof, are not inconsistent herewith, shall remain in full force and effect until amended or repealed in accordance with the provisions of this charter and general law.

All the county levies and taxes, both current and delinquent, and all school and other funds held by the Commonwealth to the credit of the County of James City shall be turned over to the chartered County of James City. The tax levy and assessments made for the current and ensuing year or years shall stand as the levy and assessment of the county. All contracts entered into by the county for materials or supplies or construction work in force on the date of chartering shall thereby become the contracts of the chartered county. (1993, cc. 779, 798)

§ 1.3. Transition of office holders.

Upon granting of the charter, the persons holding office as members of the board of supervisors of the county immediately preceding the granting of a charter shall become members of and shall constitute the Board of Supervisors of the County of James City and shall continue to constitute such board until the election and qualification of their successors subject to the following specific requirements and qualifications:

As members of the new board of supervisors, they shall continue to have and exercise all of the rights, powers and privileges conferred on such board and shall be subject to all of the duties, liabilities and restrictions now imposed by law on the government of counties using the nonoptional form of government and as vested in members of the board by the provisions of this charter. Members of the board of supervisors shall continue to be elected for staggered terms as immediately prior to the adoption of a charter.

Those persons who shall hold office as Attorney for the Commonwealth, Clerk of the Circuit Court, Sheriff, Treasurer and Commissioner of the Revenue, immediately preceding the granting of a charter, shall by virtue of such chartering become respectively the Attorney for the Commonwealth, Clerk of the Circuit Court, Sheriff, Treasurer and Commissioner of the Revenue of the chartered County of James City and shall continue to hold office until the expiration of the respective terms for which they were elected or appointed and until their successors have been elected and have qualified. Such officers and their successors shall have and exercise all of the rights, powers and privileges conferred upon them and shall be subject to all of the duties, liabilities and restrictions imposed by law upon such officers of counties of the Commonwealth. (1993, cc. 779, 798)

§ 1.4. Effective date.

This charter shall be in effect from July 1, 1993, and thereafter until repealed or amended as provided by law. (1993, cc. 779, 798)

Chapter 2. Powers of County.

§ 2.1. General grant of powers.

The powers set forth in Title 15.1 of the Code of Virginia and all other powers which are now or may be conferred upon or delegated to counties under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a county are hereby specifically conferred upon the County of James City, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. There is hereby specifically conferred upon James City County without further act all of the powers contained in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as now and hereafter to be amended not inconsistent with this charter. All such power and authority shall be exercised insofar as they are consistent with the provisions of this charter. All powers granted by this charter shall be liberally construed so as to best effectuate the use of such powers. (1993, cc. 779, 798)

§ 2.2. Additional powers.

In addition to the powers granted by other sections of this charter and general law, the county shall have the power to raise annually by taxes and assessments as permitted by general law such sums of money as the board shall deem necessary to pay the debts and defray the expenses of the county in such manner as the board shall deem expedient. In addition to, but not as a limitation upon, this general grant of power, the county shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes on hotel and motel rooms as provided by general law; to levy and collect business taxes, local general retail sales and use tax as provided by law; to levy and collect taxes on prepared food and beverages as provided by general law and such tax shall apply also to food prepared on premises and sold to take out, such tax is subject to limitations as may be imposed by general law; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation or callings without such a license and require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the board be reached by the ad valorem system; to franchise any business or calling so as to protect the public interest; and to require licenses of all owners of vehicles as provided by general law.

In addition to the other powers conferred by law, the County of James City shall have the power to impose, levy and collect, in such manner as its board may deem expedient, a consumer tax upon the amount paid for the use of water, gas, electricity, telephone, cable television, and any other public utility service within the county or upon the amount paid for any one or more of such public utility services, subject to provisions of general law and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. (1993, cc. 779, 798)

§ 2.3. Acquisition of real estate.

In addition to the powers granted by other sections of this charter, the county may acquire property within or without its boundaries for any of its facilities or functions, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or eminent domain for property within the county and may sell,

lease, hold, manage and control such property as the county's interest may require. No judicial process need precede the exercise of these powers except acquisition of property by eminent domain. (1993, cc. 779, 798)

§ 2.4. Special districts.

The county, in addition to any other authority provided by law, may by ordinance create special districts or areas within the county if those areas desire additional or more complete governmental services than are desired in the county as a whole. The board of supervisors shall have the power to levy a higher tax in such areas and the proceeds therefrom shall be so segregated as to enable the same to be expended in the areas in which raised. Any sanitary districts in existence shall continue to exist as immediately prior to the issuance of a charter. (1993, cc. 779, 798)

Chapter 3. Board of Supervisors.

§ 3.1. Magisterial district.

There shall be one magisterial district to be known as the James City County Magisterial District. The boundaries of such district shall be contiguous with and identical to the boundaries of the county. (1993, cc. 779, 798)

§ 3.2. Composition and election.

The County of James City shall be divided into five election districts, which shall comprise the five election districts of the County of James City as existing immediately preceding the effective date of this charter and shall be known as the Districts of Berkeley, Jamestown, Roberts, Powhatan and Stonehouse. The board of supervisors shall consist of five members and shall be elected one from each district. The board members shall qualify and be elected as provided by general law for members of county boards of supervisors elected for staggered terms. The board may redistrict or change the number, form of the membership or manner of electing board members in accordance with general law without the necessity of amending the charter.

Vacancies in the office of supervisor, for whatever cause, shall be filled within 30 days for the unexpired portion of the term by a majority vote of the remaining members of the board; however, if any supervisor is elected from an election district, the vacancy shall be filled by a qualified voter residing in the same election district. If a vacancy is not filled by the board within 30 days as provided herein, the vacancy shall be filled in accordance with general law. Members of the board of supervisors shall act in accordance with the Virginia Comprehensive Conflict of Interests Act, as now written or as amended. (1993, cc. 779, 798)

§ 3.3. Compensation.

The board members shall receive as compensation for their services such amounts as the board may determine, in accordance with general law, provided that no salary increase approved by the board shall be effective during the term of such board. The salary in effect upon chartering shall remain in

effect until changed by the board. In addition to a salary, members of the board may receive reimbursement for reasonable expenses incurred in the conduct of county business as provided by law. (1993, cc. 779, 798)

§ 3.4. Board of supervisors chair and vice chair.

The board at its first meeting in January and annually thereafter, unless otherwise provided by the board, shall elect one of its members, who shall have the title of chairman, preside at meetings of the board, and be recognized as head of the county government for all official ceremonial purposes. The chairman shall serve for a term of one year or until his replacement is elected. The board shall elect a new chairman when a vacancy occurs in that office. The board shall also elect a vice chairman annually who shall act as chairman during the absence or disability of the chairman. The chairman shall have the same powers and duties as other members of the board and shall have a vote, but no power of veto. (1993, cc. 779, 798)

§ 3.5. Procedural powers.

The board shall have the power, subject to the provisions of this charter, to adopt its own rules of procedure and other guidelines controlling the actions of its members. Such rules shall provide for the time and place of holding regular meetings of the board which shall be not less frequently than once a month. The procedure for calling special meetings shall be as provided by general law in the Code of Virginia. A majority of the board shall constitute a quorum for the transaction of business. (1993, cc. 779, 798)

§ 3.6. Powers.

The board of supervisors shall be the policy determining body of the county and shall be vested with all rights and powers conferred on governing bodies by general law not inconsistent with this charter. All powers vested in the county by this charter, and to counties generally by the Code of Virginia, shall be exercised by the board collectively except as otherwise provided in this charter or in the Constitution of Virginia. In addition to the foregoing, the board shall have the following powers:

1. To control and manage the fiscal affairs of the county and all property, real and personal, belonging to the county.

2. To provide revenue for the county and appropriate the revenue for expenses; to provide annual assessments of taxable persons and property in the county; and it may adopt such ordinances, orders and bylaws relating to the powers of this charter as it shall deem proper and necessary.

3. To adopt such ordinances, bylaws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in it:

a. To provide for the preservation of the general health, safety and welfare of the inhabitants of the county.

b. To require and compel the abatement and removal of all public nuisances within the county at the expense of the person or persons causing the nuisance or the occupant or owner of the ground upon which the nuisance is located.

c. To preserve public peace and good order; to prevent and quell riots, disturbances, disorderly assemblages, environmental hazards and shortages; and the board shall also have the power to adopt such additional ordinances as it may deem necessary for the general welfare of the county.

4. To create, alter or abolish departments, bureaus, divisions, offices or agencies except where such departments, bureaus, divisions, offices or agencies are specifically required by this charter or general law.

5. To create, alter and abolish commissions and advisory boards to assist the county in accomplishing its statutory responsibilities except where such commissions and advisory boards are specifically required by this charter or general law.

6. To provide for the number, title, qualifications, powers, duties, classification and compensation for all officers and employees of the county.

7. To provide for the form of oaths, who shall administer oaths and the amount and condition of surety bonds to be required of certain officers and employees of the county.

8. To make or cause to be made such investigation relating to the financial affairs and internal operations of the county government as it may deem necessary.

9. As a collective body, to make appointments to boards, commissions and other bodies as provided by law or board action.

Nothing contained herein shall be construed to deprive the board of supervisors or county of any of the powers conferred upon it either by general or special laws of the Commonwealth of Virginia, except insofar as the same may be inconsistent with the provisions of this charter. (1993, cc. 779, 798)

§ 3.7. County clerk.

The board of supervisors may appoint a county clerk who shall serve at the pleasure of the board. The clerk of the board shall also serve as custodian of the corporate seal of the county and shall have such other public duties as prescribed by general law or as the board may prescribe. The clerk shall in addition:

1. Record the proceedings of the board in a book to be provided for that purpose.

2. Preserve and file all accounts and papers acted upon by the board with its action thereon.

If the board chooses not to appoint a county clerk, such duties and responsibilities shall be performed by the county administrator. (1993, cc. 779, 798)

§ 3.8. Additional powers; consolidation of sheriff's office.

The board of supervisors may, in concurrence with the city council of the City of Williamsburg, petition the circuit court asking that a referendum be held in accordance with the provisions of § 15.1-40.2 of the Code of Virginia on the question of whether the two localities may share the office of sheriff; provided, rather than by a petition of qualified voters, the petition may be initiated by the two governing bodies upon the written concurrence of the sheriffs of James City County and the City of Williamsburg and following a public hearing and adoption by each governing body of a resolution in favor of the consolidation of the two offices. (1996, c. 359)

Chapter 4. County Administrator.

§ 4.1. Appointment of county administrator.

The board shall appoint a county administrator who shall be the administrative head of the county government and who shall be responsible for the proper administration of the government as reflected by the legislative and policy directions of the board and general law. The county administrator shall serve at the pleasure of the board and shall enforce the laws of the county and, where applicable, the Commonwealth and shall ensure the faithful performance of all administrative duties required by the board. The board may enter into an employment agreement with the county administrator, defining terms of employment. (1993, cc. 779, 798)

§ 4.2. Duties and responsibilities.

The county administrator shall have all the responsibility and shall carry out all the duties prescribed by § 15.1-117 of the Code of Virginia, as now and hereafter may be amended, and in such other duties and responsibilities as may be established by the board of supervisors.

The county administrator shall devote full time to the work and services of the county under the direction of the board of supervisors to whom the county administrator shall be accountable. The county administrator need not be a resident of the county at the time of appointment, but shall become an actual resident of the county within a time prescribed by the board.

In the absence or disability of the county administrator, the assistant county administrator shall perform the duties of the office.

In addition, it shall be the duty of the county administrator:

1. To execute and enforce all lawful resolutions and orders of the board concerning any department in the county government and to ensure that all laws of the Commonwealth required to be enforced through the board are faithfully executed.

2. To make reports to the board in regard to matters of administration and keep it fully advised as to the financial condition of the county.

3. To appoint qualified officers and employees to head the administrative departments of the county and to dismiss, suspend and discipline, in accordance with duly adopted personnel regulations, all officers and employees in such departments, except as otherwise specifically provided by law or this charter. Department heads who are appointed by the county administrator shall serve at the pleasure of the county administrator. An assistant county administrator may be appointed by the county administrator.

4. To perform or cause to be performed by some other officer or employee the duties of any office or position of the administrative service under the county administrator's control which is vacant or which lacks administration due to the absence or disability of the incumbent.

5. To recommend to the board appropriate ordinances to carry out the policies of the board.

6. To assign any employee of the county to any department requiring services in accordance with duly adopted personnel regulations.

7. To prescribe such rules and regulations necessary or expedient for the conduct of administrative departments or agencies subject to the county administrator's authority; the county administrator shall have the power to revoke, suspend or amend any rule or regulation of any such department or agency, promulgated by any officer or employee subject to the county administrator's control so long as such rules or regulations are not promulgated by the board of supervisors.

8. To conduct or have conducted an administrative investigation into the affairs or operation of any department, division or agency of the county.

9. To attend and address the board at any meeting thereof.

10. To direct any department, division or agency of the county to perform work for any other department, division or agency of the county and may, subject to the county administrator's retention of general supervision and control, delegate any powers and duties conferred upon the county administrator by this charter to any other officer or employee who is subject to the county administrator's supervision. (1993, cc. 779, 798)

Chapter 5. Budget and Accounting.

§ 5.1. Fiscal year.

The fiscal year of the county shall begin on the first day of July of each year and shall also constitute the budget and accounting year. The provisions of Title 15.1 of the Code of Virginia shall control the preparation, consideration, adoption and execution of the budget of the county. (1993, cc. 779, 798)

§ 5.2. Submission of budget.

In preparing, approving and adopting a budget for the county, the county administrator and the board of supervisors shall be governed by general law, specifically the provisions of Chapter 4 of Title 15.1 of the Code of Virginia. (1993, cc. 779, 798)

§ 5.3. Borrowing.

The board of supervisors may incur indebtedness by issuing bonds, notes or other obligations for the purposes, in the manner and to the extent provided for by the Constitution of Virginia and the Code of Virginia. The term indebtedness shall not include contractual appropriations of the county, lease/purchase agreements subject to annual appropriations and revenue bonds payable solely from revenue producing properties. (1993, cc. 779, 798)

Chapter 6. Administration.

§ 6.1. Creation of departments and divisions.

The following administrative departments are hereby created:

1. Department of County Attorney.
2. Department of Financial and Management Services.
3. Department of Police.
4. Department of Fire.
5. Department of Development Management.
6. Division of Planning.
7. Department of Community Services.
8. Division of Social Services.
9. Department of Human Resource.

The board of supervisors may create new departments or divisions, or combine or abolish existing departments or offices and distribute the functions thereof or establish temporary departments for special work. (1993, cc. 779, 798)

§ 6.2. Responsibilities of division, office and department heads.

There shall be a director at the head of each division and a manager at the head of each department. The director or manager of each administrative division or department, except the county attorney, shall be appointed by the county administrator. Such directors or managers shall serve in accordance with applicable personnel policies and may be removed by the county administrator. (1993, cc. 779, 798; 2007, c. 329)

§ 6.3. Responsibility of division or department directors and managers to the board and county administrator.

The director or manager of each administrative department or division shall be responsible to the county administrator and board for the administration of his respective department or division, and his advice may be required by the board on all matters affecting his department or division. (1993, cc. 779, 798)

§ 6.4. Personnel rules and regulations.

The personnel system shall be established by the board of supervisors for county administrative officials and employees and set forth in a policies and procedures manual. The system shall be based on merit and professional ability without regard to race, national origin, religion, sex, age, disability, or political affiliation. The personnel system shall include a classification plan, a uniform pay plan and procedure for resolving grievances for employees of the county as provided by general law. Employees of constitutional officers and other agencies may participate in the personnel system at the discretion of the board and upon the concurrence of the constitutional officer or agency head. (1993, cc. 779, 798)

§ 6.5. Department of county attorney.

The county attorney shall be the chief civil legal advisor of the board of supervisors, the county administrator and of all departments, boards, commissions and agencies of the county in all matters affecting the interests of the county and shall represent such departments and their employees in all civil litigation arising out of the provision of services. In addition to the duties of the county attorney provided by general law, the county attorney shall perform such other appropriate responsibilities as are assigned by the board. The county attorney shall be appointed by the board and shall serve at its pleasure. The county attorney shall devote full time to the work and services of the county. The board of supervisors may authorize the employment of assistant county attorneys as needed. (1993, cc. 779, 798)

§ 6.6. Department of financial and management services.

The manager of financial and management services shall be responsible for carrying out the fiscal and financial affairs of the county as defined by the board of supervisors.

The manager of financial and management services shall perform such accounting, budgeting and financing responsibilities as are directed by the county administrator, so long as such responsibilities are not in conflict with general law. (1993, cc. 779, 798)

§ 6.7. Department of police.

The police department shall be composed of a chief of police and such officers, patrol officers and other employees as the board of supervisors may determine. The powers and duties set forth in § 15.1-138 of the Code of Virginia shall apply to the police force. The chief of police shall be responsible for the immediate direction and control of the department. The chief of police shall promulgate

rules and regulations for the department subject to state and county law, personnel policies of the county and Commonwealth, and generally accepted policy practices of the board of supervisors.

The chief of police shall be appointed by the county administrator. (1993, cc. 779, 798; 1995, c. 348)

§ 6.8. Department of fire.

The fire department shall be composed of a chief and such other officers, firefighters and employees as the board of supervisors may determine. The fire chief shall have immediate direction and control of the department. The chief shall be appointed by the county administrator and shall serve subject to the same terms and conditions applicable to other department heads. The members of the fire department shall be appointed and may be removed in accordance with established personnel policies. (1993, cc. 779, 798)

§ 6.9. Division of social services.

The division of social services shall consist of the director of social services, a social services advisory board, and such officers and employees organized in such manner as directed by the county administrator. The division shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to public assistance and relief of the poor and such other powers and duties as may be assigned by the board of supervisors. The director of social services shall be appointed by the manager of community services and shall have general management and control of the division. The director shall report to and cooperate with the manager of community services to ensure the provision of social services is fairly coordinated with the provision of other governmental services. The social services advisory board shall consist of members appointed in the same fashion as existed prior to the adoption of a charter. The social services advisory board shall have such authority as is vested in it by general law and may recommend necessary rules and regulations not in conflict with this charter or general law concerning the social services division. (1993, cc. 779, 798)

§ 6.10. Department of development management.

The department of development management shall be composed of the manager of development management and such additional employees as the board of supervisors may determine. The manager of development management shall have immediate direction and control of the department. The manager shall be appointed by the county administrator. The manager shall have general management responsibilities for such aspects of community planning, code enforcement, environmental management, and facilities planning as are directed by the county administrator, so long as such responsibilities are not in conflict with general law. (1993, cc. 779, 798)

§ 6.11. Department of human resource.

The human resource department shall consist of a manager and such employees as the board of supervisors may determine. The department shall develop and maintain personnel rules and regulations. (1993, cc. 779, 798)

§ 6.12. Department of general services.

The department of general services shall consist of a manager and such employees as the board of supervisors may determine. (2007, c. 329)

Chapter 7. Planning and Zoning.

§ 7.1. Planning commission.

There shall be a county planning commission which shall consist of no fewer than seven nor more than nine residents who shall be appointed and organized as provided by general law. (1993, cc. 779, 798)

§ 7.2. Functions of planning commission.

The planning commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a comprehensive plan, long-range planning, zoning, and subdivision regulations. It shall have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors. (1993, cc. 779, 798)

§ 7.3. Board of zoning appeals.

There shall be a board of zoning appeals appointed as provided by law and with those powers granted by general laws. (1993, cc. 779, 798)

§ 7.4. Division of planning.

The planning division shall be composed of a director of planning and such employees as the board of supervisors may determine. The planning division shall perform such responsibilities as are imposed by general law and as may be assigned by the planning commission and board of supervisors. (1993, cc. 779, 798; 2015, c. 198)

§ 7.5. Additional planning powers.

The board of supervisors may, by ordinance, exercise those powers granted to certain localities pursuant to § 15.2-905 of the Code of Virginia. Such powers shall only be exercised on property two acres in area or smaller. (2019, c. 508)

Chapter 8. Education.

§ 8.1. Composition.

The educational department shall consist of the county school board, the superintendent of schools, and the officers and employees thereof. The county school board and the superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law in a manner consistent with this charter. (1993, cc. 779, 798)

§ 8.2. Joint school system.

The county and the city have elected to operate a joint school system under a contract entitled, "An Amended and Restated Contract for the Joint Operation of Schools, the City of Williamsburg and County of James City, adopted October 9, 1980," as amended. Upon the granting of a charter, the powers, duties, and responsibilities under the contract shall continue as immediately prior to the adoption of a charter. (1993, cc. 779, 798)

Chapter 9. Miscellaneous Provisions.

§ 9.1. Immunity from liability.

The county and all its officers, employees and agents shall retain all immunities from liability available to counties in the Commonwealth of Virginia. No actions or claims shall be instituted against the county unless the claimant shall have complied with all procedural prerequisites to such actions or claims as are contained in the Constitution and general laws of the Commonwealth. (1993, cc. 779, 798)

§ 9.2. Retention of funding.

Unless revised or changed by this charter, the County of James City shall continue to receive state and federal funds in the same manner as if the County of James City had no charter. (1993, cc. 779, 798)

§ 9.3. Amendments to charter.

This charter may be amended upon approval of any amendments by the Virginia General Assembly in accordance with the Constitution and general laws of the Commonwealth. (1993, cc. 779, 798)

§ 9.4. Transition savings clause.

All ordinances, resolutions and orders of the board of supervisors and all rules and regulations made by it or by any department, board, commission or officer of the county, in force at the effective date of this charter, insofar as they or any part thereof are not inconsistent with the provisions of this charter, shall remain in full force and effect until amended or repealed in accordance with this charter or the general laws of the Commonwealth.

All assets and liabilities of the county existing as of the effective date of this charter shall continue to be assets and liabilities of the county from and after the effective date of this charter. (1993, cc. 779, 798)

§ 9.5. Severability.

Should any part of this charter be declared unconstitutional by a court of competent jurisdiction, such action shall have no effect on the constitutionality or validity of any other part of this charter. (1993, cc. 779, 798)

Jarratt, Town of

Counties of Greensville and Sussex

History of incorporation

Incorporated by order of the Circuit Court of Sussex County, June 20, 1938 (Common Law Order Book 10, p. 339).

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

This day came J. H. Batte, R. E. Jarratt, T. F. Jarratt, W. B. Owen, Susie F. Jarratt, Elvira Miller, J. H. Velvin, T. W. Parson, O. O. Reaman, J. M. Browder, T. E. Reese, C. C. Ivey, H. D. Harrup, Mrs. W. E. Lemon, C. P. Brown, H. L. Wheeler, J. D. Brown, W. A. Grigg, Mrs. B. K. Spiers, J. F. Batte, M. E. Brown, W. T. Harrison, Kathleen S. Harrison, R. L. Burrus and H. F. Hamilton, Jr., and presented, in open Court their petition, praying for the incorporation of the unincorporated Town, or thickly settled community, of Jarratt, which is situated partly in the County of Sussex, Virginia, and partly in the County of Greensville, Virginia, by and under the name of the Town of Jarratt, as provided by, and under and in pursuance of, Section 2881 of Michie's Virginia Code of 1936; praying that the metes and bounds of said town be designated and declared to be as set out in said petition and that the inhabitants within said metes and bounds, and in said town, be declared to be a body politic and corporate, and vested with all the powers, privileges and duties conferred upon and appertaining to towns under the general law of the State of Virginia, and for general relief.

And, it appearing to the Court from an inspection of said petition, that the same is signed by more than twenty (20) qualified voters of the said unincorporated town, or thickly settled community, who reside within the limits of the said proposed incorporated town, as described by the said metes and bounds, as set out in said petition, and hereinafter again set forth, and it being duly and legally shown to the Court, by proof satisfactory to the Court, that the said petition, with notice attached of the time and place that said petition will be presented, has been published once a week for four successive weeks, in the Sussex-Surry Dispatch, a newspaper published in the Town of Waverly, Sussex County, Virginia, and that said petition, with like notice attached, has been posted at the front door of the Court House of the said County of Sussex for four weeks; the said County of Sussex, Virginia, being the County in which the greater part of said proposed incorporated town is situated;

And it being made further to appear to the Court, by proof satisfactory to the Court, and the Court being satisfied that it will be to the interest of the inhabitants of said proposed Town; that the prayer of said petition is reasonable; that the general good of the community will be promoted; that the number of inhabitants of the said town exceeds two hundred and does not exceed five thousand (5000), and that the area of land designed to be embraced within the town in[is] not excessive, the Court doth order and decree and here enter upon the law order book of said Court;

First: That the unincorporated Town of Jarratt, situated in the Counties of Sussex and Greensville, Virginia, be, and the same is hereby, incorporated by and in pursuance of Section 2881 of Michie's Virginia Code of 1936.

Second: That the metes and bounds of said Town of Jarratt shall be as follows:

Starting at a point being the intersection of the northwest side of the right of way of Allen's road known as Route #608 and the south side of the right of way of the Virginian Railroad; running thence N 77° - 52' - 00" W, 2032.30 feet, along the south side of the right of way of the Virginian Railroad to a point on the south side of the right of way of the Virginian Railroad; thence S 13° - 57' - 40" E. 1197.10 feet, to a point near the north side of the right of way of Allen's Road; thence S 48° - 41' - 50" E, 5673.00 feet, to a point near the west side of the right of way of the Atlantic Coast Line Railroad; thence S 85° - 52' - 50" E, 1707.69 feet, to a point on the west side of the right of way of state highway known as Route #301; thence along the following courses, these being the west side of the right of way of state highway #301, N 16° - 04' - 50" E, 2152.75 feet; thence N. 19° - 50' - 00" E, 357.24 feet; thence N 22° - 08' - 20" E, 1168.03 feet, to a point being the intersection of the west side of the right of way of state highway #301 and the center line of the right of way of the Virginian Railroad; thence along the following courses, these being the west side of the right of way of state highway #301; N 22° - 08' - 10" E, 2262.52 feet; thence N 23° - 58' - 40" E, 288.78 feet; thence N 32° - 31' - 00" E, 321.72 feet; thence N 38° - 39' - 50" E, 246.97 feet, to a point on the west side of the right of was[way] of state highway #301; thence N 39° - 19' - 20" W, 1308.45 feet, to a point near the intersection of the west side of the right of way of the Atlantic Coast Line Railroad and Allen's road (abandoned) known as Bailey's crossing; thence N 68° - 59' - 50" W, 1109.14 feet, to a point on or near the right of way of Allen's road (abandoned); thence S 69° - 09' - 10" W, 800.81 feet, to a point on or near the right of way of Allen's road (abandoned); thence S 62° - 54' - 50" W, 1012.29 feet to a point on or near the right of way of Allen's road (abandoned); thence S 53° - 00' - 50" W, 1558.18 feet, to a point being the intersection of the northwest side of the right of way of Allen's road and the southwest side of the right of way of county highway #630; thence along the following courses, these being the west side of the right of way of Allen's road, known as Route #608 S 53° - 26' - 00" W, 705.01 feet; thence S 55° - 51' - 00" W, 539.13 feet; thence S 53° - 15' - 00" W, 301.20 feet; thence S 52° - 04' - 00" W, 892.84 feet, to a point or place of beginning; containing 808.80 acres, of which 453.30 acres is situated in the County of Sussex, Virginia, and 355.50 acres of which is situated in the County of Greensville, Virginia, all of which is duly shown on a certain plat of survey thereof, made by H. A. Pantaenius, C. E. dated May 4, 1938, which said plat is this day hereby filed; [recorded in Plat Book 5, p. 22]

Third: That the inhabitants of said Town, and included within the metes and bounds, be, and they hereby are made and declared to be a body politic and corporate, and vested with all the powers, privileges, rights and duties conferred upon and appertaining to towns under the general law.

And it is further ordered that there shall be held on Tuesday, July 12, 1938, an election of town officers for said Town, which shall be the first election of town officers for said town, and that the place of holding the said election shall be in the storehouse formerly occupied by Jarratt Drug Company;
And it is further ordered that the Clerk of this Court shall forthwith mail a certified copy of this order to the Chairman of the Electoral Board of the County of Sussex, Va, that he may have due notice of the calling of this election in order that the said Chairman of the Sussex County Electoral Board may immediately call a meeting of the board for the purpose of appointing the registrar and three judges of election, in accordance with Section 2882 of Michie's Virginia Code of 1936, and that said Board may otherwise provide for said election as provided by law;
And it is further ordered that the plat, herein referred to, shall be, by the Clerk of this Court, duly recorded in the current Map Book in the Clerk's Office of this Court.

Jonesville, Town of

County of Lee

History of incorporation

Established, 1794, c. 44.
Incorporation and charter, 1835, c. 183; repealed 1867, c. 130.
Charter, 1867, c. 130; repealed 1901, c. 107.

Current charter

Charter, 1901, c. 107.

Amendments to current charter

1910, c. 20 (§ 6)
1928, c. 108 (§ 6)
1962, c. 296 (§ 4-a [added])
1974, c. 8 (§ 6)
1979, c. 271 (§§ 2, 3)
2018, c. 413 (§§ 2, 3)

§ 1. Be it enacted by the general assembly of Virginia, That the town of Jonesville, in the county of Lee, as the same has been heretofore laid off into lots, streets and alleys, and the additional land and lots included in the following boundary--to-wit: Commencing in the Harlan road at a point directly west of the northwestern corner of Henry Martin's barn; thence due west to the division line between the lands of W. E. Wynn and J. W. Orr; thence with said Wynn's west line southwardly to the town branch; thence up said branch to the northwest corner of W. B. Andis' lot; thence with said Andis' west line to his southwest corner; thence eastwardly to a point one hundred yards southeast of C. T. Duncan's residence; thence due north to the Fincastle road; thence northwestwardly to the southeastern corner of J. N. Cridlin's land; thence northwardly to the southeastern corner of the lands of Lavina Graham; thence a straight line to the Crockett spring; thence a straight line to the beginning, is made a town

corporate by the name of Jonesville, and by that name may sue and be sued, and shall have and exercise the powers conferred upon towns by, and be subject to, the provisions of, the laws of Virginia, so far as they are consistent with this act, and shall be subject to, and governed by, all the laws now in force or which may hereafter be enacted for the government of towns containing less than five thousand inhabitants. (1901, c. 107)

§ 2. Beginning July 1, 2018, the government of said town shall be vested in a mayor and seven councilmen, and beginning in 2018 the elections under this charter for mayor and councilmen shall be held on the first Tuesday in May and every four years thereafter, and those persons so elected shall qualify and enter upon the duties of their respective offices on the first day of July following their election. Any person registered to vote in the town shall be entitled to vote in elections under this act of incorporation. All officers of said town shall take the oath of office before an officer authorized to administer oaths, and should any of the officers who may be elected, refuse or fail to accept and qualify then it shall be the duty of a majority of such town council as may accept and qualify, to fill such vacancy or vacancies and any vacancy or vacancies thereafter occurring by appointment. The council shall designate the time of its meetings. (1901, c. 107; 1979, c. 271; 2018, c. 413)

§ 3. The mayor and the councilmen shall constitute the council of said town, a majority of whom shall constitute a quorum to do business, and all the corporate powers of said town shall be exercised by said council or under its authority, except when otherwise provided by law. The mayor shall be president of the council, and shall have all the rights, powers and privileges such office confers under the general laws governing towns within this State, but the mayor shall have no vote in the council, except in case of a tie. In case of sickness, absence, refusal or inability of the mayor at any time to act, the council shall designate some one of their number to act in place of said mayor, and who shall have the powers conferred upon said mayor by this charter. Beginning July 1, 2018, the mayor and the councilmen shall hold their respective offices for four years from the first day of July succeeding their election, and until their successors are elected and qualified. (1901, c. 107; 1979, c. 271; 2018, c. 413)

§ 4. The council shall have the power to elect a treasurer, a clerk, a sergeant and any other officers they may deem necessary for said town, to regulate their compensation, prescribe their duties, remove them from office, and require bonds with approved security for the faithful performance of their respective duties. The council shall also have the power to pass all by-laws and ordinances for the government of said town which they may deem proper, and which is not in conflict with the constitution and laws of this state and the constitution and laws of the United States; to lay off streets, walks and alleys; to alter or change the same, to keep the same in order, and for which purposes shall have the same powers and jurisdiction for condemning land for streets, alleys and sidewalks that the county court has for condemning lands for roads in said county; to prevent riding or driving horses or other animals at an improper or dangerous speed along the streets, or to prevent riding or driving horses or other animals across or along said sidewalks; to prevent the engaging in any sport or employment in

said town dangerous or annoying to the citizens thereof; to restrain and punish drunkenness, vagrancy and begging in said town; to prevent vice and immorality; to preserve peace and good order; to quell disturbances and disorderly conduct and assemblages; to suppress houses of ill-fame and gambling; to prevent lewdness or unbecoming and immoral conduct in said town; to prevent swearing, cursing or other unbecoming and immoral language in said town; to make regulations in reference to contagious diseases; to abate nuisances, and to punish all violations of the ordinances and by-laws of the incorporation with fine and imprisonment, or either. (1901, c. 107)

§ 4-a. The council shall have the power to adopt and enforce ordinances with respect to property owned by the town immediately adjacent to the town but outside the town in all respects as if such property were in the town. (1962, c. 296)

§ 5. For the purposes of taxation the council shall provide for the annual assessment of all real and personal property within the corporate limits of said town so that said assessment be not higher than that made for state purposes, and such assessment shall be the basis of taxation. (1901, c. 107)

§ 6. The council shall have the power to levy and collect annually a tax not exceeding three dollars on the one hundred dollars of assessed value, on all real estate and tangible personal property within the corporate limits of the town, and such tax as may be authorized by the general law of the State, on intangible property owned by residents of the town, for the purpose of raising such sums of money as the council may find necessary to defray the general expenses of the town government, and the upkeep of its properties.

The council shall also have the power to impose such license tax as it may deem reasonable and proper, on any person, firm or corporation, for the privileges of engaging in any business, occupation, trade, calling or profession within the corporate limits of the town, for which a license tax may be imposed within the limits of the Constitution, and general law, whether the principal office or place of business of such person, firm or corporation be in said town, or elsewhere; and the council may refuse to issue a license for the carrying on of any business or occupation which would, in its opinion, be inimical to the public welfare of the town. (1901, c. 107; 1910, c. 20; 1928, c. 108; 1974, c. 8)

§ 7. In the taxation of real estate provided for by this charter, all lots, tracts or parcels of land which lie partly within and partly without the incorporate limits, that part of the same lying within the incorporate limits shall be properly taxable by said incorporation. (1901, c. 107)

§ 8. All taxes assessed upon property, real and personal, within the corporate limits of said town, under this charter, are hereby declared a lien upon said property. (1901, c. 107)

§ 9. The council may prevent hogs, dogs, horses, cattle or other animals from running at large within the corporate limits of said town, and may subject the same to such regulations and restrictions as it may deem proper. (1901, c. 107)

§ 10. In all offenses, which by the general laws of the state are made misdemeanors, the mayor shall have power in like offenses to impose like penalties, when the offense is committed in his jurisdiction, and in all other cases, which is in violation of an ordinance or by-law of said town, the mayor shall impose the penalty prescribed by said ordinance or by-law, so that the same be not less than one nor more than twenty dollars, or thirty days' imprisonment, or both, as to him may seem proper, and he may commit the offender to the jail of Lee county until his judgment be satisfied, so that said commitment does not exceed sixty days. (1901, c. 107)

§ 11. For the purpose of carrying into effect the police regulations of said town, the town shall be allowed the use of the county jail for the safe-keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances and by-laws of said town; and all persons so confined shall be under the custody and charge of the jailer of the county, who shall receive, keep and discharge the same in the manner prescribed by the ordinances and by-laws of said town, or otherwise discharged by due course of law: provided, that said council may, if it deem expedient, require all persons sentenced to jail, or committed thereto in default of the payment of fines assessed against them, to work on the streets of said town, under such regulations and restrictions as said council may prescribe. (1901, c. 107)

§ 12. Said town and the persons and property therein shall be exempt and free from the payment of any and all county and district road tax, and for which exemption the said town shall keep its own streets in order and shall not be embraced in any road district of said county of Lee. And this provision shall apply to the assessment of taxes for the year 1901. (1901, c. 107)

§ 13. The mayor and councilmen of said town shall serve without compensation, further than that the mayor shall be entitled to, and may receive such fees as are now allowed by law, when he acts in the capacity or exercises the jurisdiction of a justice of the peace: provided, that from and after two years from the passage of this act, the town council may fix the compensation or salary which the mayor and councilmen are to receive during their term of office. (1901, c. 107)

14. The following-named persons are hereby appointed to fill the following offices until their successors are duly elected and qualified--namely: mayor, R. L. Pennington; councilmen, H. C. Joslyn, C. E. Couk, C. A. Russell, W. E. Orr, J. O. Gibson, L. T. Hyatt, and A. M. Goins. Said persons are to take the oath of office and to enter upon the discharge of their duties as soon after the passage of this act as practicable, which oaths may be taken before a justice of the peace or other person authorized by law to administer oaths. (1901, c. 107)

15. All other acts and parts of acts in reference to the incorporation of the town of Jonesville are hereby repealed. (1901, c. 107)

16. This act shall be in force from its passage. (1901, c. 107)

Accomack County

History of incorporation
Incorporated by order of Circuit Court in 1951.
Granted a charter by the 1993 General Assembly.

Current charter
Charter, 1993, c. 400.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Keller, Accomack County, as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Keller, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure. (1993, c. 400)

§ 1.2. Boundaries.

The boundaries of the town are those established in the petition for incorporation issued by the Circuit Court of Accomack County and recorded in Common Law Register Book 1950-54, Page 61, recorded February 15, 1951, in the Accomack County Circuit Court Clerk's Office. (1993, c. 400)

Chapter 2. Powers.

§ 2.1. Powers.

The town shall have all powers conferred upon towns under the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 18 (§§ 15.1-837 through 15.1-907) of Title 15.1 of the Code of Virginia, are hereby specifically conferred upon the Town of Keller. (1993, c. 400)

Chapter 3. Governing Body.

§ 3.1. Council.

A. The town shall be governed by a council composed of six members elected at large.

B. The members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they are elected, or until their successors are duly elected and qualified.

C. In 1994 and every two years thereafter, on the dates specified by general law for municipal elections, six members of the council shall be elected for terms of two years each. The persons so elected shall qualify and take office on July 1 following their election, and they shall continue to serve until their successors are duly elected, qualify and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman.

E. A vacancy on the council shall be filled for the unexpired term by a majority vote of the remaining members of the council. All vacancies shall be filled within 60 days. Any person qualified for the office of councilman may be chosen to fill a council vacancy. (1993, c. 400)

§ 3.2. Mayor.

A. Concurrent with the election for members of council, on the date specified by general law for municipal elections, a mayor of the town shall be elected for a term of two years. The person so elected shall so qualify and take office on July 1 following his election. The mayor shall continue to serve until his successor is duly elected, qualifies and assumes office.

B. Any person qualified to vote in town elections shall be eligible for the office of the mayor.

C. A vacancy in the office of mayor shall be filled for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the town. The vacancy shall be filled within 60 days.

D. The mayor shall be president of the council, but he shall have no vote except in case of a tie. He shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall perform such other duties as may be assigned to him by the council not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth or the provisions of this charter.

E. The town council at its first regular meeting in July following a general election shall elect one of its members as vice-mayor of the town, whose term shall run concurrently with that of the mayor, and who shall exercise all the powers and duties of the mayor in the event of the absence of the mayor.

The member of the council who is chosen vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor. (1993, c. 400)

Chapter 4. Miscellaneous.

§ 4.1. Ordinances continuing.

All ordinances now in force in the town not inconsistent with this charter shall remain in force until altered, amended, or repealed by the council. (1993, c. 400)

§ 4.2. Legislative procedure, etc.

A. Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, each ordinance or resolution shall be confined to one general subject. Four members of council shall constitute a quorum.

B. The council shall, by ordinance, fix the time for its stated meetings, provided that the council meets at least once each month. Special meetings shall be called by the clerk of the council upon the request of the mayor, or any four members of the council; no business shall be transacted at a special meeting except that for which it is called, unless the council is unanimous. The meetings of the council shall be open to the public, except when the public welfare requires executive sessions.

If any member of the council is voluntarily absent from three consecutive regular meetings of the council, his seat may be deemed vacant by resolution of the council, and thereupon his unexpired term shall be filled according to the provisions of this charter. (1993, c. 400)

§ 4.3. Town officers.

A. At its organizational meeting held following the qualifications of the mayor and members of council, the council may, in its discretion, appoint a town manager who shall serve as the chief administrative officer of the town.

B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. The council shall further provide the terms of each officer or, if there are no terms, shall indicate that the officers serve at the pleasure of the appointing authority.

C. Each officer shall have such duties and shall receive such compensation as specified by the appointing authority not inconsistent with the Constitution of Virginia, general laws of the Commonwealth and this charter.

D. The same person may be appointed to more than one office. (1993, c. 400)

Kenbridge, Town of

County of Lunenburg

History of incorporation

Charter, 1908, c. 353; repealed 1912, c. 141.
Charter, 1912, c. 141; repealed 1942, c. 364.

Current charter

Charter, 1942, c. 364.

Amendments to current charter

1977, c. 170 (§§ 7, 8)
1995, c.163 (§§ 4, 7, 9)
2001, c.11 (§ 7)
2019, c.313 (§§ 4, 5, 6, 7, 8, 9, 11)
2022, c. 122 (§§ 4, 7)

§ 1. The inhabitants of the Town of Kenbridge, in Lunenburg County, as its boundaries are described by section two hereof, or as its boundaries may be hereafter established, be and continued to be a body politic and corporate, in part and in name, to be known and designated as the Town of Kenbridge, and as such shall have and may exercise all powers which are now, or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1942, c. 364)

§ 2. The territory contained within the limits of the said town is described as follows.

Start at a point marked by a white oak tree, which point is the intersection of two lines as follows: A line run from the north corner of the Bank of Lunenburg building of the magnetic reading of north fifty-five degrees west and a line from the southeast corner of the Farmers Union Warehouse of the magnetic bearing of north two degrees east.

Beginning at said white oak, and using magnetic reading as of nineteen hundred and twelve, and running as follows: North one and one-half degrees east, one hundred and seventy-five feet; thence north one degree east, seven hundred and forty-five feet; thence south eighty-eight degrees east, two thousand and forty-six feet; thence south fifty-two degrees east, one hundred feet; thence north fifty-four and one-half degrees east, four hundred feet; thence south thirty-five and one-half degrees east, five hundred feet; thence south fifty-four and one-half degrees west, eight hundred feet; thence south thirty-five degrees east, seven hundred and sixty feet; thence south thirty-six and one-half degrees east, one thousand, nine hundred and fifty-five feet; thence south forty degrees west, two hundred and eighty feet; thence south fifty degrees east, three thousand and ninety feet; thence south forty degrees west, one thousand one hundred and eighty-four feet to a point in the south line of the Virginian Railroad's right of way; thence along this line of right of way north fifty-two degrees west, five thousand one hundred and eighty feet; thence south forth degrees west, two thousand and six hundred feet; thence north sixty-five degrees west, eight hundred feet to a point in Cox Road or now Broad Street; thence south forty degrees west, five hundred and ninety-five feet; thence north fifty degrees west, three hundred and seventy-five feet; thence north forty degrees east, two thousand one hundred and forty-five feet; thence north fifty-four and one-half degrees west, four hundred and eight feet; thence north twelve and one-half degrees west, five hundred and thirty feet; thence south seventy-seven and one-half degrees west, two hundred and thirty-five feet; thence north twelve and one-half degrees west, two hundred feet; thence south seventy-seven and one-half degrees west, two hundred and seventy feet; thence north twelve and one-half degrees west, ninety feet; thence south seventy-seven and one-half degrees west, four hundred and eighty-five feet; thence north twelve and one-half degrees east, three hundred and fifty-nine feet; thence north twenty-six degrees east, twelve hundred and fifty feet to a point in the north line of the Vir-

ginian Railroad's right of way; thence south fifty-four degrees east, six hundred and fifteen feet; thence a straight line to the point of the beginning. (1942, c. 364)

§ 3. Creation of council.

There is hereby created a council which shall have full power and authority, except as herein otherwise stated, to exercise all powers conferred upon the town, and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the State and of this charter. (1942, c. 364)

§ 4. Composition of council and vacancies.

The council shall consist of a mayor and six other electors of the town, who shall be denominated the council of the town. The mayor and council members shall be elected for a term of four years at a general election held for that purpose on the first Tuesday of May, and the persons so elected shall enter upon the duties of their office on the first day of July next succeeding their election and shall continue in office until their successors are qualified. However, beginning with the nunicipal election to be held in 2022, the mayor and council members shall be elected at the time of the November general election and shall enter upon the duties of their office on the first day of January next succeeding their election. Beginning with the municipal election to be held in 2024, the mayor shall be elected for a term of two years.

Every person elected a council member of the town, shall, on or before the day on which he enters upon the performance of his duties, qualify by taking and subscribing an oath faithfully to execute the duties of his office to the best of his judgment, and the person elected mayor shall take and subscribe the oath prescribed by law for State officers.

Any such oath of council members and mayor may be taken before any officer authorized by law to administer oaths and shall, when so taken and subscribed, be forthwith returned to the clerk of the town, who shall enter the same on record in the minute book of the council.

The council shall be the judge of the election, qualification, and returns of its members; may fine members for disorderly behavior; and, with the concurrence of two-thirds of its membership, expel a member. If any person returned is adjudged disqualified or is expelled, a new election to fill the vacancy shall be held in the town on such date as the council may prescribe, except that where there shall be vacancies in the majority of the council the circuit court of Lunenburg County shall fill such vacancies. Any vacancy occurring otherwise during the term for which any of the persons have been elected may be filled by the council by the appointment of anyone eligible for such office. A vacancy in the office of the mayor may be filled by the council from the electors of the town.

The mayor and council serving at the time of the passage of this act shall continue in office until their successors are elected and qualified. An election shall be held in November of 2022, and every four years thereafter, to elect three council members. An election shall be held in November of 2024, and

every four years thereafter, to elect three other council members. An election shall be held for mayor in November of 2024 and every two years thereafter. The council shall declare by ordinance or resolution which three council member seats are up for election in 2020 and which three council member seats are up for election in 2022. (1942, c. 364; 1995, c.163; 2019, c.313; 2022, c. 122)

§ 5. Qualification of mayor and council members.

Any person qualified to vote in the town in the election in which he or she offers shall be eligible to the office of mayor or council member. (1942, c. 364; 2019, c.313)

§ 6. Disqualification of mayor and council members.

Any member of the council who shall have been convicted of a felony while in office shall forfeit his or her office. (1942, c. 364; 2019, c.313)

§ 7. Organization of meetings of council.

At the regularly scheduled town council meeting immediately following a regular municipal election, the council shall meet at the usual place for holding its meetings, at which time any newly elected mayor and council members shall take the oath of office. On Januay 1 immediately following a regular municipal election, such mayor and council members shall assume the duties of their offices. At its first meeting the council shall elect from its members a person to serve as vice-mayor for the following two years. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. The mayor or any three members of the council may call special meetings of the council at any time after giving at least twelve hours written notice to the other members of the purpose, place, and time of such special meeting. Special meetings may also be held at any time without notice, provided all members of the council attend.

A majority of all members shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absentees.

The council shall fix the compensation of its members and of all other officers and/or agents and employees of the town. (1942, c. 364; 1977, c. 170; 1995, c.163; 2001, c.11; 2019, c.313; 2022, c. 122)

§ 8. Powers of mayor.

The mayor shall be the chief executive officer of the town. He or she shall control the police of the town, and may appoint special police officers when he or she deems it necessary.

All bylaws and ordinances, before they become valid and operative, shall have his or her signature, but the mayor shall vote only in cases where the vote is a tie.

In the absence or disability of the mayor, or in the event of the death or resignation of the mayor, his or her duties shall be performed by the vice-mayor.

In addition to the powers and duties herein specifically enumerated, the mayor shall be vested with all such other powers and charged with all such other duties, not in conflict herewith, as are provided the Constitution and general laws of the State. (1942, c. 364; 1977, c. 170; 2019, c.313)

§ 8A. Powers, etc. of vice-mayor.

Except as provided for in this section and in § 8 the vice-mayor shall have no powers other than those of a member of council. In the event of the death or resignation of the mayor the vice-mayor shall succeed to the office of the mayor for the remainder of the mayor's unexpired term and council shall proceed to elect from its members a new vice-mayor for the unexpired portion of the term. (1977, c. 170)

§ 9. Law-enforcement officers.

There shall be a chief of police for the town who shall be elected by the council, and who shall serve at the will and pleasure of the council.

The police chief shall be the chief police officer of the town and shall perform such duties and be invested with such authority as is provided by the general law for sergeants or police chiefs of towns, and shall perform such other duties and be invested with such other authority as the council may prescribe. (1942, c. 364; 1995, c.163; 2019, c.313)

§ 10. Other officers.

The council may create, appoint, or elect such other officers, assessors, attorneys, or agents, departments, bodies or boards for the town as may be deemed necessary or proper, and may fix their compensation and define their duties, and require such bond as may seem necessary. (1942, c. 364)

§ 11. Powers of the town.

A. The Town of Kenbridge shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive and shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation.

B. The powers set forth in §§15.2-1100 through15.2-1133 of the Code of Virginia, as amended, are hereby conferred on and vested in the Town of Kenbridge.

C. The powers of eminent domain as set forth in Titles 15.2 and 25.1 of the Code of Virginia, as amended, are hereby conferred upon the Town of Kenbridge.

D. In addition to the powers mentioned in this section and in § 1 of this charter, the said Town of Kenbridge shall have the following powers:

First: To raise annually by taxes and assessments in said town such sums of money as the council thereof shall deem necessary for the purposes of said town, and in such manner as said council

shall deem expedient, in accordance with the Constitution of this State and the United States, and of the general laws of the State in pursuance thereof.

Second: To impose special or local assessments for local improvements and enforce payment thereof, subject however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

Third: To contract debts, borrow money, and make and issue evidence of indebtedness.

Fourth: To expend the money of the town for all lawful purposes.

Fifth: To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without said town for any of the purposes of the town; and to hold, improve, sell, lease, or dispose of the same or any part thereof, including any property now owned by the town.

Sixth: To own, operate, and maintain water works and to acquire within or without said town such water lines, property rights, and riparian rights as the council of said town may deem necessary for the purpose of providing an adequate water supply for said town, and of piping or conducting the same into the town; to lay all necessary mains and service lines, either within or without the corporate limits of said town with which to distribute said water, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations, filter plants, or other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and to do all things necessary in order to provide an adequate public water system for the town.

Seventh: To establish, construct, and maintain sanitary sewers, sewer lines, sewerage disposal plants and systems, and to require the owners or occupiers of real estate within the corporate limits of the town, which may front or abut on the line of any such sewer system to make connection therewith, and to use such sewer facilities as may be furnished by the town, under such ordinances and regulations as the council may deem necessary or proper for the proper disposal of sewerage and to improve and secure sanitary conditions; to charge, assess and collect reasonable fees, rentals, or assessments or costs of service for connecting with and using such sewers, and to make regulations for the use, enjoyment, protection, and care of such sewers and sewer systems; and the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties for noncompliance thereof, as other fines and penalties for violation for the ordinances of the town are collected.

Eighth: In every case where a street, alley, park or public property of the town has been, or shall be, occupied or encroached upon by a fence, building, porch, projection, or otherwise, without first having obtained consent thereto from the town council or a franchise thereof, such occupancy or encroachment shall be deemed a nuisance, and the owner or occupant of the premises

encroaching, upon conviction of so doing, shall be fined not less than five ($5.00) nor more that fifty ($50.00) dollars, and each day's continuance of the said occupancy or encroachment shall constitute a separate offense, such fine to be recovered in the name of the town and for its use, and the town council may require the owner of the premises encroaching, if know, or if not known, the occupant thereof, to remove the encroachment within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed and collect from the owner, or if the owner be not know, the occupant, all reasonable charges therefor with costs, by the same process that they are authorized by law to collect taxes.

No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to, or confer any rights upon the person claiming thereunder, as against the town.

Ninth: To issue bonds in such manner and for such purposes as are provided by general law.

Tenth: To inspect, test, measure, and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license, and inspect weights, meters, measures and scales.

Eleventh: To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them, within the town or within one mile thereof.

Twelfth: To require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council of the said town to issue said license and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided that the said license fee shall not exceed the amount charged by the State on the said machine.

Thirteenth: To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town; and to acquire by condemnation or otherwise, all lands, riparian and other rights, and easements necessary for such improvements, or any of them, either within or without the town, and to construct, maintain, and aid therein roads and bridges to any property owned by the said town and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid purposes, by condemnation or otherwise.

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

Fifteenth: To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots, or other premises within the town, to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate, or prevent slaughter houses or other noisome or offensive business within the said town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, advertising, and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetic, safety, convenience, and welfare of the inhabitants of the town, and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow.

Sixteenth: To provide for regular and safe construction of houses in the town for the future, and to provide a building code for the town, to provide setback lines on the streets beyond which no building may be constructed, to require the standard of all dwelling houses to be maintained in residential sections in keeping with the majority of residences therein, and to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

Seventeenth: To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety of the town, from coming to said town from without the same; and also to expel therefrom any such person who has been in said town less than twelve months.

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

Nineteenth: To offer and pay rewards for the apprehension and conviction of criminals.

Twentieth: To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction of such violation.

Twenty-first: In so far as not prohibited by general law, to pass and enforce all by-laws, rules, regulations and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens of their property and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all powers, authority, capacity, or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court, or officers thereof, or which may be necessarily incident to a municipal corporation.

Twenty-second: To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town, or its inhabitants.

Twenty-third: To prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding five hundred dollars fine or twelve months' imprisonment in jail, or both.

Twenty-fourth: To own, operate and maintain electric light works, either within or without the corporate limits of the town and to supply electricity whether the same be generated or purchased by said town, to its customers and consumers both without and within the corporate limits of said town, at such price and upon such terms as it may prescribe, and to that end it may contract and purchase electricity from the owners thereof upon such terms as it may deem expedient.

Twenty-fifth: To exercise the power of eminent domain within this State with respect to lands and machinery, equipment or improvements thereon, for any lawful purposes of the said town.

Twenty-sixth: Except when prohibited by general law, the town may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may provide penalties for any violation thereof.

Twenty-seventh: A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, together with all penalties and interest due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the State, to the same extent as if the provisions of said general law were herein set out at length. The said town shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law.

Twenty-eighth: To extinguish and prevent fires, and to establish, regulate and control a fire department or division, to regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such a manner as the public safety and

convenience may require; to remove and require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other cause may be dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged, or repaired and to direct that any or all buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron, or other fireproof material; to construct dams across any of the streams within said town for the purpose of providing an adequate supply of water with which to combat fires, and to prohibit the release of water contained in such dams within said town as may be now owned or hereafter constructed by others, in times of drought, in order to provide an adequate supply of water with which to combat fires; and to enact such laws as may be necessary to provide for the protection of the citizens and property of the town from fire, or for securing the safety of persons from fires in halls and buildings used for public assemblies.

Twenty-ninth: To regulate the keeping of gunpowder, nitro-glycerin, or other explosive or combustible substances; and to regulate or prohibit the exhibition or possession of fireworks, the discharge of fire arms, and the making of bonfires within the said town.

Thirtieth: To prohibit from and punish minors for frequenting, playing in, and loitering in any public pool room, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same.

Thirty-first: Except when prohibited by general law, to prohibit any person, firm, or corporation from pursuing or conducting any trade, business, profession, occupation, employment, or calling within the boundaries of the town on the Sabbath.

Thirty-second: Except when prohibited by general law the said town shall have the power to regulate the speed and manner in which all vehicles, motordriven or otherwise, shall operate in the said town. (1942. c. 364; 2019, c.313)

§ 12. The present mayor and council, and other officers of the Town of Kenbridge shall continue in office until the expiration of the term for which they were respectively elected. (1942, c. 364)

§ 13. If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1942, c. 364)

§ 14. All contracts and obligations heretofore or hereafter made by the Town of Kenbridge, not inconsistent with this charter or the Constitution or the general laws of the State, shall be, and are hereby declared to be valid and legal; and all ordinances, rules or regulations now in force in said town, not

inconsistent with this charter, the Constitution or the general laws of this State shall be and remain in force until altered, amended, or repealed by the council of the town. (1942, c. 364)

Keysville, Town of

County of Charlotte

History of incorporation

Incorporated by an 1887 Act of Assembly.
Charter, 1887, c. 427; repealed 1952, c. 561.
Charter, 1952, c. 561; repealed 1975, c. 352.

Current charter

Charter, 1975, c. 352.

Amendments to current charter

1998, c. 170 (§ 3.1)
2019, c. 727 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. The inhabitants of the territory comprised within the present limits of the town of Keysville as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Keysville. (1975, c. 352)

§ 1.2. The territory embraced within the town of Keysville is that territory in the county of Charlotte, Virginia, as set forth by plat recorded in the clerk's office of the Circuit Court of Charlotte County, Virginia, in Common Law Order Book 18, page 83, which is incorporated herein by reference. (1975, c. 352)

Chapter 2. Powers.

§ 2.1. The town of Keysville shall have all powers, now existing or hereafter enacted, that are granted or authorized to towns. (1975, c. 352)

Chapter 3. Council and Mayor.

§ 3.1. (a) The town shall be governed by a town council composed of six councilmembers and a mayor. Beginning in 2020, three councilmembers and the mayor shall be elected by the qualified voters of the town on the Tuesday following the first Monday in November. In 2022, the mayor and the three remaining councilmembers shall be elected by the qualified voters of the town on the Tuesday following the first Monday in November. The councilmembers shall serve a term of four years, or until their successors are duly elected and qualified. The mayor shall serve a term of two years, or until his

or her successor is duly elected and qualified. The term of the mayor elected in 2016 and the terms of the three councilmembers elected in 2016 shall expire December 31, 2020. The terms of the three remaining councilmembers shall expire December 31, 2022. Elections thereafter shall be held on the Tuesday following the first Monday in November in even-numbered years.

(b) The councilmembers and mayor shall be elected and qualify for office as provided by general law. The councilmembers and mayor in office at the time of the passage of this act or any subsequent change in general law shall continue until the expiration of their terms or until their successors are duly elected and qualified, whichever may be later. A change in general law may, if need be, abbreviate the term of councilmen and the mayor initially elected following such change.

(c) The mayor shall preside over meetings of the town council and shall be the chief official of the town for ceremonial purposes. He shall have the same powers and duties as other members of the council with a vote only in the event of a tie. The mayor may receive a salary as such, the amount also to be fixed by the council, but in no event to exceed one thousand five hundred dollars per year. (1975, c. 352; 1998, c. 170; 2019, c. 727)

§ 3.2. Vacancies on the council and in the office of mayor shall be filled for the unexpired term by a majority vote of the members of council. Any person selected to fill a vacancy shall have the same qualifications as the person whose place he is to take. (1975, c. 352)

§ 3.3. Any person qualified to vote for the office to be filled shall be eligible for election to such office. (1975, c. 352)

§ 3.4. Council shall conduct their business in a manner not inconsistent with the laws of Virginia and shall have the power to organize the town government and hire those persons they deem necessary for the conduct of the business of the town not inconsistent with the laws of Virginia. (1975, c. 352)

Chapter 4. Miscellaneous.

§ 4.1. All ordinances now in force in the town, not inconsistent with the Constitution, general law or this charter, shall remain in force until altered, amended, or repealed by council. (1975, c. 352)

§ 4.2. Except in dealing with parliamentary procedure, council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1975, c. 352)

Kilmarnock, Town of

County of Lancaster

History of incorporation

Incorporated by Circuit Court of Lancaster County, December 8, 1930.

Current charter
Charter, 1952 Extra Session, c. 8.

Amendments to current charter
1966, c. 672 (§§ 3, 5 through 8, 9 [repealed], 10 [repealed], 13 [repealed], 14, 16, 17-a [added], 18, 19, 21, 21-a [added], 22, 28 [repealed], 29, 34, 38 [repealed], 44, 45, 49, 50, 57 [repealed], 58, 59, 60, 63 [repealed], 65, 70 [repealed], 72 [repealed], 73 [repealed], 75)

1983, c. 86 (§§ 2, 3, 21, 23, 62)

1991, c. 68 (§§ 2, 22, 45, 46, 51, 60, 68)

2013, c. 333 (§§ 2, 3, 4, 5, 6, 7, 16, 17, 17-a, 18, 19, 21, 22, 23, 24, 25, 26, 27 [repealed], 29, 37 [repealed], 41 [repealed], 42, 44, 45, 46 [repealed], 48, 58, 59, 60, 71)

2023, cc. 54, 55 (§§ 3, 20, 22, 23)

§ 1. The inhabitants of the territory comprised within the present limits of the Town of Kilmarnock, as such limitations are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the Town of Kilmarnock, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation, and the Town of Kilmarnock, as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1952 Ex Sess, c. 8)

§ 2. The present boundaries of the town are as set forth in an order of the Circuit Court of Lancaster County, Virginia, entered December 8, 1930, and of record in the Clerk's Office of said Court in Common Law Order Book 1927, at page 248, and a plat recorded therewith at page 252; and as further set forth by an order of the Circuit Court of Lancaster County, Virginia, entered February 2, 1942, which is of record in the Clerk's Office of said Court in Common Law Order Book 1935, at page 434, and a plat recorded therewith at page 436; and as further set forth by an order of the Circuit Court of Lancaster County, Virginia, entered August 1, 1975, which is of record in the Clerk's Office of said Court in Common Law Order Book 1973, at page 361; and as further set forth by order of the Circuit Court of Lancaster County, Virginia, entered November 26, 1984, which is of record in the Clerk's Office of the Court in Common Law Order Book 1984, at page 455, and a plat recorded therewith at page 458A and as further set forth by order of the Circuit Court of Lancaster County, Virginia, entered April 19, 2007, which is of record in the Clerk's Office of the Court in the Civil Order Book, page 312, instrument

number 070001077, case number CL07000047, and a plat recorded therewith at pages 145D-147C. (1952 Ex Sess, c. 8; 1983, c. 86; 1991, c. 68; 2013, c. 333)

§ 3. The Town of Kilmarnock is governed using the "council-manager" form of government. The administration and government of the town is vested in the council composed of six council members, all of whom shall be electors of the town.

(a) At the regular municipal election in 1986, and on the date specified by general law for municipal elections each four years thereafter, the mayor shall be elected. At the regular municipal election in 1984 and on the date specified by general law for municipal elections each two years thereafter, three council members shall be elected for a term of four years each. Terms of office for those individuals so elected shall begin on the date specified by general law. Each councilman and the mayor elected as hereinabove provided shall serve for the term stated or until his successor has been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

(b) The remaining members of the council shall, by a majority vote thereof, fill any vacancy occurring in the council until the next election, in accordance with § 24.2-228 of the Code of Virginia, for the entire unexpired term. (1952 Ex Sess, c. 8; 1966, c. 672; 1983, c. 86; 2013, c. 333; 2023, cc. 54, 55)

§ 4. The electors of the Town of Kilmarnock shall be the actual residents of the town, who are otherwise registered to vote for members of the General Assembly. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 5. The municipal officers of said town shall, in addition to the mayor, consist of a treasurer, chief of police, clerk of the council, and such other officers as may be provided for by the town council; and the council shall appoint such committees of the council, each of which shall appoint its own chairperson, and create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this act and the general laws of this State. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 6. The council of the Town of Kilmarnock shall employ a town manager who may also serve as the director of public utilities. Upon the selection of a town manager by the council, he shall be vested with the administrative and executive powers of the town and shall hold office during the pleasure of the council. He shall receive such compensation as shall be fixed by the council. The town manager shall see that within the town the laws, ordinances, resolutions and bylaws of the council are faithfully executed. He shall attend all meetings of the council and recommend for adoption such measures as he shall deem expedient. He shall make reports to the council from time to time upon the affairs of the town, keep the council fully advised of the town's financial condition and its future financial needs. He shall prepare and submit to the council a tentative budget for each fiscal year. He shall perform such other duties as may be prescribed by the council and shall be bonded in such amount as the council may deem necessary. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 7. All officers and employees appointed by the town council may be removed by the town council at its pleasure. All other employees are under the authority of the town manager. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 8. The council shall by ordinance or resolution fix the salaries of all officers and employees of the town elected or appointed by it, or appointed by its authority and may so far as is not inconsistent with the provisions of this charter, define the powers and prescribe the duties of all such officers and employees. To effectuate the powers conferred by general law as well as the powers herein specifically granted, the council may employ all such persons as may be necessary. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 9. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 10. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 11. The mayor, councilmen and all municipal officers of said town shall, before entering upon the duties of their respective offices, be sworn in accordance with the laws of the State of Virginia by anyone authorized to administer oaths under the laws of the State. (1952 Ex Sess, c. 8)

§ 12. When the mayor, councilmen, treasurer and clerk take the oaths required of them, duplicate certificates of the court or person administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same and be by him delivered for record as follows: one to the clerk of the circuit court of Lancaster County and one to the clerk of the town council. When any other municipal officer takes the oath required of him, a certificate as aforesaid, shall be secured by him and delivered to the clerk of the town council. (1952 Ex Sess, c. 8)

§ 13. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 14. If any person, having been an officer of said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification or request of the council within such time as it may allow, deliver to his successor in office all property, books and papers belonging to the town or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provision of this act, or of any ordinances or order of the town council, or any superior officer of said town, shall be deemed the property of said town and appertaining to said office. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 15. The mayor shall be elected by the qualified electors of the town for the term of four years. His salary shall be fixed by the town council, and shall not be diminished during his term of office. (1952 Ex Sess, c. 8)

§ 16. The mayor shall preside over the meetings of the town council, voting only in case of a tie. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 17. The mayor shall communicate to the town council annually at the January town council meeting, if he be required by the council, a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper; and may from time to time communicate to the council such suggestions and recommendations as he shall deem proper. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 17-a. The council shall elect, from among its members, a vice mayor of the council at its first meeting following any regular municipal election who shall preside in the absence of the mayor and who shall assume the duties of the mayor in case of his absence or inability to act. (1966, c. 672; 2013, c. 333)

§ 18. In case of the absence or inability of the mayor and the vice mayor of the council, some other member of the council selected by majority vote of the council shall possess the same power and discharge the municipal duties of the mayor during such absence or inability. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 19. In case a vacancy shall occur in the office of the mayor, the vacancy shall be filled by the vice mayor of the council; and in case of a vacancy in both such offices, the council shall elect one of its remaining members to serve the unexpired portion of the former mayor's term until such election is required by State law. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 20. The town council, composed of six council members shall be elected at large by the popular vote of the qualified electors of the town. (1952 Ex Sess, c. 8; 2023, cc. 54, 55)

§ 21. The town council is hereby authorized and empowered, by ordinance or resolution, passed by the affirmative recorded vote of the majority of those in attendance, to be determined by yeas and nays, to provide and fix salaries for its members, at such sums or in such amounts as it may determine, to be payable in such amounts and at such time or times as it may direct.

The council may provide and fix the salaries for its members, on the basis of stated amounts or sums for each regular meeting of council attended by members, and may prescribe that no member shall receive any compensation for any meeting of said council not attended by such member.

Said salaries, when provided and fixed, shall be payable out of the general funds of said town when approved for payment by said council. (1952 Ex Sess, c. 8; 1966, c. 672; 1983, c. 86; 2013, c. 333)

§ 21-a. The town council shall be further authorized and empowered, in its discretion, to appoint citizens advisory boards to advise the council in various matters. (1966, c. 672)

§ 22. The council shall by ordinance adopt such rules as it may deem proper for the regulation of its proceedings and shall meet at such times as may be prescribed by ordinance, provided, however, that it shall hold at least one regular meeting each month. A majority of the council shall constitute a quorum for the transaction of business.

The mayor, or any two members of the council, may call a special meeting of the council upon at least twelve hours written notice of the time, place and purpose to each member served personally or left at his usual place of business or residence by a town officer, and no business shall be transacted by the council in such special meeting which has not been stated in the notice, provided, however, that these regulations shall not apply when all members of the council attend such meeting or waive notice thereof, nor shall it apply to an adjourned session from a regular meeting. No ordinance or resolution appropriating money exceeding the sum of five hundred dollars shall be passed except by the recorded affirmative vote of a majority of all members elected to the council.

No tax shall be levied or corporate debt contracted, except by a vote of two-thirds of the members of council, which vote shall be by yeas and nays and recorded in the minutes.

Meetings of the council shall be public unless held in executive session as provided by law. Citizens may have access to the minutes and records of the council at any reasonable time. (1952 Ex Sess, c. 8; 1966, c. 672; 1991, c. 68; 2013, c. 333; 2023, cc. 54, 55)

§ 23. Four councilmen shall constitute a quorum for the transaction of business, except as otherwise provided herein or by the general statutes of this State. But no vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of members of the council as were present when such a vote was taken. (1952 Ex Sess, c. 8; 1983, c. 86; 2013, c. 333; 2023, cc. 54, 55)

§ 24. Minutes shall be kept of the proceedings of the town council, typed in the form of a journal or in electronic form, posted on the town's website, and kept in perpetuity, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be submitted and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they were read. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 25. The clerk of the council shall keep said minutes and shall record the proceedings of the council at large thereon, and keep the same properly indexed. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 26. For the convenient transaction of business, the council may compel the attendance of absent members, punish its members for disorderly behavior, and, by a vote of two-thirds of its members, expel a member for malfeasance or misfeasance while in office. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 27. (1952 Ex Sess, c. 8; repealed 2013, c. 333)

§ 28. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 29. If any member of said council is absent from its meetings consecutively for three months, his seat may be declared vacant by the council, and the unexpired term filled by appointment as provided in paragraph (b) of § 3. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 30. The town council shall have, subject to the provisions of this act and the general laws of this State, the management and control of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to the town. (1952 Ex Sess, c. 8)

§ 31. The town council shall have all power and authority that is now or may hereafter be granted to the councils of towns by the Constitution and general laws of this State; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the State to town councils, but not herein specified. (1952 Ex Sess, c. 8)

§ 32. For carrying into effect the powers granted by this act and the general laws of this State, the town council may make ordinances and bylaws, and prescribe fines and other punishments for violation thereof, lay taxes and levies, keep a town guard, appoint a collector of taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with surety, in such penalty as to the council may seem fit, payable to the town by its corporate name, and with condition for the faithful discharge of the said duties. (1952 Ex Sess, c. 8)

§ 33. To raise annually by levy of taxes and assessments in the town on all property, real and personal, as is now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council shall deem necessary for the purposes of the town, in the manner as the council shall deem expedient in accordance with the Constitution of this State and of the United States. (1952 Ex Sess, c. 8)

§ 34. To require the owner of every motor vehicle kept or habitually used in the town, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license plate to operate the same by making application to the town treasurer, or such other person as may be designated by the council to issue said license plate, and to require the vehicle owner to pay an annual license fee therefor to be fixed by the council provided that the license fee shall not exceed the amount charged by the State on the said vehicle. Such license fees may be shared with Lancaster County or other towns therein, on such basis as the council determines, and the council may ratify prior arrangements in regard to such fees. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 35. To establish, levy, and collect, except when prohibited by general law, a tax or a license on any person, firm, or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may exceed the State license, if any be required and may provide penalties for nonpayment thereof. (1952 Ex Sess, c. 8)

§ 36. Where not otherwise provided for by the laws of this State the town council shall by ordinance provide for any irregular elections not herein or by the State laws provided for, and appoint the necessary officers to conduct the same. (1952 Ex Sess, c. 8)

§ 37. (1952 Ex Sess, c. 8; repealed 2013, c. 333)

§ 38. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 39. The town council shall have the power and authority, where any crime has been committed or attempted to be committed in the town, in their discretion, to offer such reward as they think right to any person or persons for information leading to the arrest or conviction of any such criminal. (1952 Ex Sess, c. 8)

§ 40. The town council shall have the power and authority to establish a market or markets in and for said town, and appoint proper officers therefor; to provide suitable buildings and grounds therefor; to prescribe the time for holding markets and to regulate the same, and to make and enforce such regulations as may be necessary and proper. (1952 Ex Sess, c. 8)

§ 41. (1952 Ex Sess, c. 8; repealed 2013, c. 333)

§ 42. The town council shall have the power and authority to lay off public grounds and provide, erect and keep in order all buildings proper for the use of the town. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 43. The town council shall have the power and authority to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, to provide by general ordinances what are nuisances, to cause the abatement of any nuisance so declared to be by the general laws of this State or by the general ordinances of the town, and to require and compel the abatement and removal of such nuisances within said town by or at the expense of the owners of the ground whereon the same may be or of other persons responsible therefor. (1952 Ex Sess, c. 8)

§ 44. The town council shall have the power and authority to appoint a chief of police and such additional police officers and privates as it may deem necessary or proper and to prescribe their rate of pay. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 45. The police force shall be under the control of the town manager for the purpose of enforcing peace and order and executing the laws of the Commonwealth and ordinances of the town. For the purpose of enabling them to execute their duties, each policeman is hereby invested with all the power and authority which belonged to the office of constable at common law in criminal cases. The uniforms and badges of office of such police and the rules and regulations governing such police force shall be prescribed by the town manager. (1952 Ex Sess, c. 8; 1966, c. 672; 1991, c. 68; 2013, c. 333)

§ 46. (1952 Ex Sess, c. 8; 1991, c. 68; repealed 2013, c. 333)

§ 47. The town council shall have the power and authority to establish and maintain a fire department for the town, and all powers necessary for the government, management, maintenance, equipment and direction of such fire department and the premises, property and equipment thereof; or the Council may contract with other persons, firms, corporations or organizations to furnish for the town such services as are normally provided by a fire department and to provide such regulations as it may determine to be appropriate to govern such persons, firms, corporations or organizations in the performance of its functions under such contracts. The council may make ordinances as it may deem proper for the prevention and extinguishment of fires, for the regulation of the conduct of persons in attendance at fires, in relation to the powers and duties of the officers and men of the fire department, to require citizens to render assistance to the fire department in case of need, and in relation to the acquisition, use, maintenance and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1952 Ex Sess, c. 8)

§ 48. The town council shall have the power and authority to regulate the keeping or sale of combustibles within the town; to regulate the sale and use of gunpowder and other combustibles, and firecrackers or fireworks manufactured therefrom; to regulate the exhibition of fireworks and the discharge of firearms; and to restrict the making of bonfires in streets, alleys, and yards. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 49. The town council shall have power and authority to acquire or otherwise obtain control of or establish, maintain, operate, extend and enlarge waterworks, gasworks, electric plants, other public utilities, and land for town uses and industrial uses within or without the limits of the town; and to acquire within or without the limits of the town by purchase, condemnation or otherwise, whatever land may be necessary for acquiring, location, establishing, maintaining, operating, extending and enlarging said waterworks, electric plants, other utilities and the rights of way, rails, pipes, poles, conduits and wires connected therewith or any of the fixtures or appurtenances thereof; promulgate and enforce reasonable rates, rules and regulations for use of the same, any or all of which rates, rules and regulations the council may alter at any time without notice.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 50. The town council shall have the power and authority to require the owners or occupiers of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipeline or conduit to make connections therewith, and to use such sewer pipes and conduits and water furnished by the town under such ordinances and regulations as the council may deem necessary to secure the proper sewerage thereof and to improve, secure good sanitary conditions; and regulate the use of such sewers or water line pipes or conduits and shall have the power to

enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties under the provisions of this act. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 51. The town is empowered to make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within the town into streets, alleys, roads and lots or tracts shall be submitted to and approved by the council within such limitations as they may prescribe before such plats or replats are filed for record or recorded in the clerk's office of the circuit court of the county in which the land so subdivided is located. (1952 Ex Sess, c. 8; 1991, c. 68)

§ 52. The town council shall have the authority to open, close, alter, improve, widen or narrow streets, avenues, alleys and walkways; to have them kept in good condition and properly lighted, to prevent the cumbering of streets, sidewalks, alleys, lanes or bridges of the town in any manner whatever; to prevent the building of any structure, obstruction or encroachment over, under or in any street, sidewalk or alley in said town. (1952 Ex Sess, c. 8)

§ 53. The town council shall have the power and authority to adopt ordinances authorizing owners or occupants of property abutting upon any street or alley in the town, within such limitation as they may prescribe, to construct and maintain in, upon and over such street or alley, awnings, fire escapes, shutters, signs, cornices, gutters, down spouts and bay windows and other appendages to buildings; but such permission so granted shall be held and deemed to be a license merely and shall be revocable at the pleasure of the town, and said permission shall not be construed to relieve the said owners of any negligence on their part. (1952 Ex Sess, c. 8)

§ 54. The town council shall have the power and authority in their discretion to establish and maintain parks, playgrounds and boulevards and cause the same to be laid out, equipped and beautified. (1952 Ex Sess, c. 8)

§ 55. For the promotion of health, safety, morals, comfort, property and general welfare, the town is empowered to provide by ordinance, for the adoption of a master plan, divide the area of the town into one or more districts, establish set back building lines, regulate and restrict the location, construction, reconstruction, alteration and repair or use of buildings and other structures and their height, area and bulk and percentage of lot to be occupied by buildings or other structures and the trade, industry and other specific uses of the premises in such districts and adopt building, plumbing, electrical and other codes to carry these purposes into effect. (1952 Ex Sess, c. 8)

§ 56. The town council shall have the power and authority to make and enforce ordinances to secure the safe and expeditious use of the streets and alleys of the town, to regulate traffic thereon, and for the protection of persons and property thereon or near thereto. (1952 Ex Sess, c. 8)

§ 57. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 58. A town clerk may be appointed by the council, but in no case shall the mayor, vice mayor, or any councilman acting as mayor be so appointed, and shall attend the meetings of the council and shall keep permanent records of its proceedings; he shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he shall keep all papers, documents, and records pertaining to the town, the custody of which is not otherwise provided for in this charter; he shall give notice to all parties, presenting petitions or communications; he shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contract or agreements; he shall publish such records and ordinances as the council is required to publish, and such other records and ordinances as it may direct he shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he shall perform such other acts and duties as the council may, from time to time, allow or require. He shall continue to discharge the duties of the office until he is removed by the town council or until his successor shall have qualified. Any vacancy in this office shall be promptly filled by the town council. The town clerk shall be subject to the supervision of the town manager, shall perform such other duties not inconsistent with his office as may be required of him by the town manager, and shall make such reports as may be required of him by the town council. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 59. There shall be appointed by the council a town treasurer, who shall continue to discharge the duties of the office until removed by the council or until his successor shall have qualified. Any vacancy in this office shall be promptly filled by the council. The said treasurer shall be the disbursing agent of the town and have the custody of all money and all evidences of value belonging to the town or held in trust by the town. He shall receive all money belonging to and received by the town and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall collect all taxes and assessments, water rents, and other charges belonging to and payable to the town, and for that purpose he is hereby vested with powers similar to those which are now or may hereafter be vested in county and town treasurers for the collection of county, town, and State taxes under the general law; he shall keep, disburse and deposit all money or funds in such manner and in such places as may be determined by ordinance or the provisions of the law applicable thereto; he shall pay no money out of the treasury, except in the manner prescribed by this charter or by ordinance or the general law; he shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and town license taxes and shall have power to administer oaths in the performance of his official duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by this charter or by ordinance or resolution of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council, and before entering upon the duties of his office shall execute a bond in such amount and

with such security as the council by ordinance may prescribe. The council may, in its discretion, and if it deems it necessary or convenient, appoint some person or persons from the electors of the town to assist the town treasurer in the collection of all taxes and assessments, water rents, and other charges belonging to and payable to the town, which person may be the town sergeant, or superintendent of water works, but before entering upon the discharge of his duties, such person shall execute a bond in such amount and with such security as the council by ordinance, may prescribe. The treasurer shall be subject to the supervision of the town manager of the Town of Kilmarnock, shall perform such other duties not inconsistent with his office as may be required of him by the town manager, and shall make all such reports as may be required of him by the town council. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 60. There shall be appointed by the council a chief of police who shall qualify and give bond in such amount as the council may require. He shall be vested with powers of a conservator of the peace, and shall have the same powers and discharge the same duties which formerly belonged to the office of constable at common law within the corporate limits of the town or beyond its corporate limits pursuant to any agreement entered into, or authority arising pursuant to law, and shall perform such other duties as may be from time to time prescribed by the council. He shall continue to discharge the duties of the office until he is removed by the town council or until his successor shall have qualified. Any vacancy in this office shall be promptly filled by the town council. The chief of police shall be subject to the supervision of the town manager, shall perform such other duties not inconsistent with his office as may be required of him by the town manager, and shall make such reports as may be required of him by the town council. (1952 Ex Sess, c. 8; 1966, c. 672; 1991, c. 68; 2013, c. 333)

§ 61. The town council, within the limits of the Constitution of this State and in accordance with the provisions of the general laws thereof, may, in the name of, and for the use of the town, contract loans or cause to be issued certificates of debts, notes or bonds. (1952 Ex Sess, c. 8)

§ 62. The council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the town, such loans to be evidenced by bonds or notes bearing interest at such rate as may be authorized by general law. Such bonds or notes shall be payable within one year from date of issue out of the current revenue of the year in which same are issued. (1952 Ex Sess, c. 8; 1983, c. 86)

§ 63. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 64. All bonds, and other evidences of indebtedness of the town shall be signed by the Mayor and countersigned by the clerk of the council, and to all bonds the clerk of the council shall affix the corporate seal of the town and attest the same. (1952 Ex Sess, c. 8)

§ 65. No member of the council shall be interested directly or indirectly in the profits of any contract or work or be financially interested directly or indirectly in the sale to the town of any land, materials,

supplies or services, other than official services. Any member of the council offending against the provisions of this section shall, upon conviction thereof, be fined not more than five hundred dollars or be imprisoned not more than ninety days, or both in the discretion of the court, and shall forfeit his office. The prohibitions of this section shall not apply if the council shall declare by unanimous vote of the members present that the best interests of the town are to be served despite the personal interest direct or indirect. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 66. The town is empowered to levy and collect taxes, on all subjects of taxation except as restrained by the Constitution or by general law heretofore or hereafter adopted, provided that it shall impose no taxes on the bonds of the said town. (1952 Ex Sess, c. 8)

§ 67. (Section not created, 1952 Ex Sess, c. 8)

§ 68. The assessment of real and personal property in the town for the purpose of municipal taxation shall be the same as the assessment for the purpose of county taxation, but where the treasurer of the town knows of property that has been omitted by the commissioner of revenue of the county from his books, the treasurer of the town may by the same proceedings as are provided for county commissioners of revenue in similar cases assess such omitted property, real or personal, for taxation. (1952 Ex Sess, c. 8; 1991, c. 68)

§ 69. The town is empowered to collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; to contract or regulate the collection and disposal thereof and to require and regulate the collection and disposal thereof. (1952 Ex Sess, c. 8)

§ 70. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 71. To regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of same, or any of them, within the town. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 72. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 73. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 74. The Town Council is empowered to establish a local board of health to consist of three persons, at least one of whom shall be a physician, to be elected by the Council and to serve at its pleasure, and to employ such health officers and other employees as it may in its discretion determine to be proper. Such board of health, if established, shall have the powers and perform the duties provided by general law for boards of health in towns and shall, in addition, perform such other services as the Council may direct. (1952 Ex Sess, c. 8)

§ 75. The town council is empowered to fix rates for water, lights, gas, garbage collection and for use of sewer and other utilities supplied by the town from its works, or works operated by it. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 76. (Section not created, 1952 Ex Sess, c. 8)

§ 77. All ordinances now in force in the town of Kilmarnock, not inconsistent with this act, shall be and remain in force until altered, amended or repealed by the town council. (1952 Ex Sess, c. 8)

§ 78. The present officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1952 Ex Sess, c. 8)

§ 79. All former charters and amendments thereto for the town of Kilmarnock, Virginia, are hereby repealed. (1952 Ex Sess, c. 8)

§ 80. This act may for all purposes be referred to or cited as the Kilmarnock Charter of 1952. (1952 Ex Sess, c. 8)

La Crosse, Town of

County of Mecklenburg

History of incorporation

Incorporation and charter, 1901, c. 189; repealed 2003, c. 867.

Current charter

Charter, 2003, c. 867.

Amendments to current charter

2022, c. 329 (§§ 2, 3)

§ 1. Incorporation and corporate entity.

The boundary line between La Crosse and the County is hereby changed and relocated so as to incorporate within the Town of La Crosse's corporate limits certain territory containing a total of 475.64 acres in two parcels. Parcel 1, lying contiguous to the existing eastern town boundary, contains 65.91 acres; Parcel 2, lying contiguous to the existing northern and western town boundaries, contains 409.73 acres. The metes and bounds of such parcels are being incorporated and shown on a survey dated June 15, 1999, revised December 21, 1999, prepared and certified by Marvin L. Crutchfield, C.L.S., and of record in the Clerk's Office of the Circuit Court of Mecklenburg County, Virginia, in Plat Book 11, pages 140 through 142. The original boundaries of the corporate limits of La Crosse are shown and described in the incorporation and charter of 1901. (2003, c. 867)

§ 2. Election, etc. of mayor, council members, clerk-treasurer, recorder, town manager and chief of police.

The municipal officers of the town shall consist of a mayor, six council members, a clerk-treasurer, a recorder and a chief of police. The mayor and members of council shall be elected by the qualified voters of the town, and all persons qualified to vote in said election shall be eligible for any of said offices. The council shall be elected in the manner provided by Virginia election laws. Three council members shall be elected on the first Tuesday following the first Monday in November 2022 and every four years thereafter. The mayor and three other council members shall be elected on the first Tuesday following the first Monday in November 2024 and every four years thereafter. The office of clerk and treasurer may be held by the same person. Unless otherwise provided by the council, the town clerk shall be the recorder. The town manager shall be appointed by a majority vote of council. The chief of police, who does not necessarily have to be a qualified voter of the town, shall be appointed by the town manager, subject to confirmation by town council. (2003, c. 867; 2022, c. 329)

§ 3. Mayor and president of council.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meeting of the town council and shall have the same right to speak therein as a member of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor for the purpose of enforcing peace and good order and executing the laws of the Commonwealth and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary, and shall authenticate by his signature such documents or instruments as the council, this charter, or the law of the Commonwealth shall require.

At the first meeting of the council in January of each odd-numbered year, the council shall elect from its members a president of council, who shall serve for a term of two years. The president of council shall act as mayor during the absence or disability of the mayor, and, if a vacancy occurs, shall become mayor until the next regular council election. At that election, a mayor shall be elected to fill the unexpired term. (2003, c. 867; 2022, c. 329)

§ 4. Absence or disability of mayor and president of council.

If both the mayor and president of council are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or president of council is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor, pursuant to this section, in the absence of both the mayor and president of

council, the town clerk or acting town clerk shall call the meeting of the council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the clerk any of the powers and duties of the mayor, except as expressly stated in this section. (2003, c. 867)

§ 5. Salaries of mayor, clerk-treasurer, town manager, chief of police, etc.

The council shall fix the salaries, which shall not be diminished during their terms of office, of the mayor, clerk-treasurer, town manager, chief of police and such other officers appointed or elected under this charter. (2003, c. 867)

§ 6. General powers and duties of the council.

The government of the Town of La Crosse shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the Town of La Crosse and for ensuring the implementation thereof by the town administration. (2003, c. 867)

§ 7. Compensation; expenses.

The council may determine the annual salary of its members by ordinance or resolution, but no ordinance or resolution increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. (2003, c. 867)

§ 8. Prohibitions.

(a) Holding other office. Except as otherwise authorized by law, a member of council shall not be eligible during his or her tenure of office as such member, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, he may be compensated as a member.

(b) Appointments and removals. The council shall not decide the appointment or removal of any administrative officials or employees whom the manager or his subordinates are empowered to appoint. The council may express its view and fully and freely discuss with the manager anything pertaining to the appointment and removal of such officials and employees. The following exceptions apply to this subsection:

1. The manager and the council's personnel committee shall constitute the hiring committee for any administrative officials or employees covered above who will have supervisory powers over other staff or will have access to town funds in cash or credit;

2. The manager shall submit to council for approval at a regular council meeting a job description, hiring timetable and draft public advertisement for any administrative official or employee covered above prior to advertising for such position;

3. Any member of council may submit a written request to remove any administrative official or employee covered above during the probationary period described in the town personnel manual. Such request must be delivered to the manager no later than one week prior to a regular council meeting. The subject administrative official or employee will have the right to speak publicly to council on such request at the next regular council meeting. Upon a majority vote of council the administrative official or employee covered above shall be removed.

(c) Interference with administration. Neither the council nor its members shall give public or private orders or directions to any administrative official or employee, except through the town manager. The following exceptions apply to this subsection:

1. Administrative officials and employees shall speak directly with council or any of its members for the purpose of discussion, informal reviews, inquiries or official investigations;

2. During the temporary absence of the manager, administrative officials and employees shall speak directly with council or any member thereof, in the event of a major housekeeping or maintenance situation. (2003, c. 867)

§ 9. Vacancies, forfeiture of office; suspension and removal; filling of vacancies.

The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this charter, or forfeiture of his office.

A council member shall forfeit his office if he:

1. Violates any express prohibition of this charter; or

2. Fails to attend three consecutive regular scheduled meetings of the council without being excused by council.

The council members shall suspend or remove elected town officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no removal shall be made without reasonable notice to the officer in question and an opportunity afforded him to be heard in his defense. Removal shall require an unanimous vote of the remaining members of the council.

A vacancy on the council shall be filled within 60 days, for the unexpired term, by a majority vote of the remaining members of council, if the vacancy occurs two years or less before the date of expiration of such term. If the vacancy occurs more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of council only until the next election of council, at which election the voters of the town shall elect a person to serve as council member for the remaining two years of the term.

Notwithstanding the requirements in § 11 hereof that a quorum of the council consists of four members, if at any time the membership of the council is reduced to less than four, the remaining members shall call for a special election to fill the vacancies for the unexpired term. (2003, c. 867)

§ 10. Procedures in case of forfeiture.

A council member charged with conduct constituting grounds for forfeiture of his office, as described in § 9 above, shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers having general circulation in the town, at least two weeks in advance of the hearing. After such hearing, council, by a unanimous vote of the other members of council, shall declare the office of that council member forfeited and vacant. (2003, c. 867)

§ 11. Meeting procedures and rules.

The council shall meet regularly, at least once in every month, at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor or of any two members of council after not less than 24 hours notice to each member, except in case of extreme emergency when the time may be waived. No business, except as stated in the notice, shall be transacted by the council in such special meeting, unless all members of the council are present and give their unanimous consent to the consideration of such business, and such business is an emergency or of an unusual nature.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be public record.

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the council, except as otherwise provided in the preceding sentence, shall be valid or binding unless adopted by the affirmative vote of four or more members of the council.

To adopt an ordinance or resolution having for its object the levying of taxes or contracting a debt, an affirmative recorded vote of five members of council is required. (2003, c. 867)

§ 12. Adoption of ordinances.

(a) In addition to other acts required by law or by specific provision of this charter to be enacted by ordinance, the following acts of the town council shall be by ordinances unless otherwise provided in this charter.

1. To adopt or amend an administrative code or establish, alter or abolish any town department, office or agency.

2. To provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.

3. To levy taxes, except as otherwise provided in § 25 with respect to the property tax levied by adoption of the budget.

4. To regulate the rate charged for its services by the town; however, the council may, by resolution, authorize the rates or fees charged by the department of parks and recreation for use of its facilities and authorize the rates and fees charged by other departments of the town for services pertaining to cutting grass on private properties, or making copies of printed or recorded matter.

5. To authorize the borrowing of money.

6. To convey or lease or authorize the conveyance or lease of any property owned by the town.

Acts other than those referred to in provision (a) 6 of this section, may be done either by ordinance or by resolution, if not in conflict with the law.

(b) Each proposed ordinance shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be "Be it ordained by the Council of the Town of La Crosse....."

(c) An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the town clerk shall distribute a copy to each council member and to the manager. The town clerk shall also file a reasonable number of copies in the office of the town and shall publish the ordinance, together with a notice setting out the time and place for a public hearing thereon. The public hearing shall follow the publication by at least 12 days, may be held separately or in connection with a regular or special council meeting, and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it but, if it is amended so as to materially change the purpose and character of the proposed ordinance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required for a newly introduced ordinance.

In order to pass an ordinance, the council shall vote on the proposed ordinance two times: on first and second reading. If at any stage in this procedure the proposed ordinance fails to receive the affirmative vote of a majority of the members of the council, the ordinance shall be declared defeated and removed from the calendar of ordinances. Any ordinance that is not passed at the same meeting at which the public hearing is held may not be passed at a subsequent meeting, unless the agenda for the meeting indicates that the ordinance will be removed from the calendar of ordinances for consideration at that meeting.

(d) Except as otherwise provided in this charter, each adopted ordinance shall become effective on the date of its passage, or at such later date as it may specify.

(e) The ordinance or a brief summary thereof, together with the place where copies have been filed and when they are available for public inspection, shall be published in one or more newspapers having general circulation in the town. (2003, c. 867)

§ 13. Emergency ordinances.

In order to meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes or authorize the borrowing of money except as provided in § 12. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment, or rejected at the meeting at which it is introduced. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later date as it may specify. Each emergency ordinance, except one made pursuant to § 12, shall automatically stand repealed as of the ninety-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. (2003, c. 867)

§ 14. Codes of technical regulations.

The council may adopt any standard code of technical regulations, such as building, electrical and sanitary codes, by reference thereto in an adopting ordinance, if such codes are not in conflict with state law. The procedure and requirements governing adopting such an ordinance shall be prescribed for ordinances generally. (2003, c. 867)

§ 15. Authentication and recording, codification and printing ordinances.

Upon its final passage, each ordinance or resolution shall be recorded by the town clerk in a properly indexed book designated for this purpose and shall be authenticated by the signature of the presiding officer and the town clerk.

Within three years after adoption of these charter changes and at least every 10 years thereafter, the council shall provide for the preparation of a general codification of all town ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution of Virginia and other laws of the Commonwealth, and such codes of technical regulations and other rules and regulations as the council may specify. The compilation shall be noted and cited officially as the La Crosse Town Code. Copies of the code shall be furnished to town officials, placed in the town office for free public reference, and made available for purchase by the public at a reasonable price fixed by the council.

The council shall cause each ordinance and resolution having the force and effect of the law and each amendment to this charter to be printed or otherwise reproduced promptly following its adoption,

and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at a reasonable price to be fixed by the council. Following publication of the first La Crosse Town Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be in suitable form for integration therein. The council shall make such further arrangements as it deems desirable to the provisions of the Constitution and other laws of the Commonwealth of Virginia, or the codes of technical regulations and other rules and regulations included in the town code. (2003, c. 867)

§ 16. Town attorney.

An attorney shall be appointed by and serve at the pleasure of the council. He shall be qualified to practice law in the Commonwealth of Virginia. He shall serve as chief legal advisor to the council and may also serve as legal advisor to the town administration. (2003, c. 867)

§ 17. Committees, boards and commissions.

The council may create committees, boards, and commissions to be composed of such number of citizens as the council may deem expedient as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and the powers and duties of such committees, boards and commissions consistent with general law.

All members of committees, boards, and commissions appointed by the town council may be removed by the council unless otherwise provided by general law. (2003, c. 867)

§ 18. Town manager.

The town manager shall be appointed and serve at the pleasure of the council, which shall fix his compensation. The manager shall be appointed on the basis of his executive and administrative qualifications. He need not be a resident of the town or the Commonwealth at the time of his appointment, but may reside outside the town while in office only with the approval of the council. Within 90 days of beginning his term, the manager will join either the International City/County Management Association or the Virginia Local Government Managers Association, and shall ascribe to the respective organization's code of ethics. (2003, c. 867)

§ 19. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town. He shall be responsible to the council for the administration of all town affairs placed in his charge by or under this charter. He shall act as an administrative representative of the town to area, state, and regional organizations and events. (2003, c. 867)

§ 20. Acting town manager.

The mayor of the town shall exercise the powers and perform the duties of manager during his absence, disability or suspension. During such absence, disability or suspension, the council may appoint another official of the town to serve until the manager shall resume his duties. In the event of

the absence of the mayor, the council may appoint another officer of the town to assume the manager's duties. The acting town manager shall not receive the manager's compensation during such absence, disability or suspension. (2003, c. 867)

§ 21. Removal.

The council may remove the manager from office in accordance with the following procedures:

1. The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution, which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.

2. Within five days after a copy of the resolution is delivered to the manager, he may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than 15 days nor later than 30 days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.

3. The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The manager shall continue to receive his salary until the effective date of a final resolution of removal. (2003, c. 867)

§ 22. Creation of administrative department.

The council may establish all departments, offices and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth.

Administrative departments shall include but shall not be limited to departments concerned with public safety, finance, public works, planning, and parks and recreation. (2003, c. 867)

§ 23. Fiscal year.

The fiscal year of the town shall begin on the first day of July and end on the last day of June, unless changed by state statute. (2003, c. 867)

§ 24. Budget.

No later than 90 days prior to the beginning of the next fiscal year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require. It shall indicate in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

2. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

3. Anticipated net income or net loss for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget. The total of proposed expenditures shall not exceed the total of estimated available funds. (2003, c. 867)

§ 25. Budget message.

The message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, outline the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's position and include such other material as the manager deems desirable. (2003, c. 867)

§ 26. Capital program.

At least three months prior to the final date for submission of the budget, the town manager shall prepare and submit to the council a five-year capital program, which shall include the following:

1. A clear summary of its contents;

2. A list of all capital improvements that are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

3. Cost estimates, method of financing and recommended time schedules for each such improvement; and

4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction and acquisition. (2003, c. 867)

§ 27. Action of council on budget.

The council shall publish in one or more local newspapers the general summary of the budget in a notice that states:

1. The times and places where copies of the message and budget are available for inspection by the public;

2. The time and place, not less than two weeks after such publication, for a public hearing on the budget.

After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated available funds.

The council shall adopt the budget before the first day of the fiscal year for which adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax and other taxes therein proposed. (2003, c. 867)

§ 28. Action of council on capital program.

The council shall publish in one or more local newspapers the general summary of the capital program in a notice that states:

1. The times and places where copies of the capital program are available for inspection by the public, and

2. The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

After the public hearing, which shall be held on or before the fifteenth day of April of the current fiscal year, the council shall, by resolution, adopt the capital program with or without amendment. (2003, c. 867)

§ 29. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public in the town office. (2003, c. 867)

§ 30. Amendments after adoption of the budget.

If, during the fiscal year, the manager certifies that there are available for appropriation funds in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

In the event of a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 14 of this charter. To the extent that there are no available appropriated funds to meet such emergencies, the council may by such emergency ordinance authorize the

issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law.

If at any time during the fiscal year it appears probable to the manager that the funds available will be insufficient to meet the amount appropriated, the town manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and recommendations as to any other steps to be taken by him and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may, by ordinance or resolution, transfer part or all of any unencumbered appropriation balance from one department, office or agency to another. (2003, c. 867)

§ 31. Valuation of property for taxation; rate of taxation.

The assessed valuation of property, both real and personal, being and lying in the corporate limits of said town, and subject to taxation, shall be valued at an amount not exceeding the valuation placed upon it by the county tax assessors for the purpose of taxation. (2003, c. 867)

§ 32. Independent audit.

The council shall provide for an independent annual audit of all town accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government. The council may, without requiring competitive bids, designate such accountant or firm annually. If the Commonwealth makes such an audit, the council may accept it as satisfying the requirements of this section. (2003, c. 867)

§ 33. Charter amendments.

Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth. (2003, c. 867)

§ 34. Severability.

If any provision of this charter is held invalid by a court of competent jurisdiction, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (2003, c. 867)

§ 35. Oaths of office and official bonds.

All elected or appointed officers and officials of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the town clerk and the clerk of the circuit court of

Mecklenburg County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer or official within 30 days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant, unless general law otherwise provides, in which event general law shall prevail. (2003, c. 867)

§ 36. Books, records, electronic data, etc.

All books, records, electronic data and documents used by any elected or appointed town officer, official or employee in his office or pertaining to his duties, shall be deemed to be the property of the town. Any person designated by this charter, the general laws of the Commonwealth or the La Crosse Town Code as responsible for the keeping of such books, records, electronic data and documents shall, within 10 days after the end of his term of office, or within 10 days after the date of his resignation or removal from office, deliver to the town clerk all such books, records, electronic data, and documents and town property. Any person failing to deliver such books, records, electronic data, documents and property shall be deemed guilty of a Class 3 misdemeanor, and upon conviction thereof, shall, according to state statute, be fined not more than $500, at the direction of the court or jury before whom the case is tried. (2003, c. 867)

Lawrenceville, Town of

County of Brunswick

History of incorporation

Established, 1814, c 76.
Incorporation and charter, 1874, c. 305; repealed 1934, c. 194.

Current charter

Charter, 1934, c. 194.

Amendments to current charter

1954, c. 12 (§ 3)
1956, c. 5 (§ 3)
1962, c. 334 (§ 3)
1972, c. 32 (§§ 5, 6, 7)
1973, c. 146 (§§ 5, 7)
1985, c. 25 (§ 6)
1992, c. 277 (§§ 5 [repealed], 5A [added])
2008, c. 327 (§§ 4, 5A, 6)

§ 1. The town corporate.

The inhabitants of the Town of Lawrenceville, as its limitations are now or may hereafter be established, shall constitute a body, politic and corporate, to be known and designated as the Town of Lawrenceville, and as such, shall have and may exercise all powers which are now and hereafter

may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1934, c. 194)

§ 2. The town boundaries.

The corporate limits of the Town of Lawrenceville, Virginia, as heretofore established, are hereby reestablished as follows:

> The land extending one-quarter of a mile north and east, one-half a mile south, and three-quarters of a mile west, from the courthouse of the County of Brunswick, together with all that territory adjacent to the territory within the limits above set forth, which is embraced in the following lines, metes, and bounds, that is to say: Beginning at a point upon the present corporate boundary line of said town to-wit: where the west side of Union street touches the right-of-way of the Southern Railway Company, thence north three degrees west eight hundred feet, thence north eighty-seven degrees east fifty-two hundred and eighty feet, thence north three degrees west ten hundred and forty feet, thence south eighty-seven degrees west thirty-seven hundred and thirty feet, thence south three degrees east one hundred and eighty feet, thence south fifty-five and one-quarter degrees west two hundred and ninety-two feet, thence north thirty-three and one-half degrees west five hundred and ten feet, thence south sixty-two degrees west three hundred and forty-three feet, thence north sixty-nine and three-quarter degrees west one hundred and seventy-nine feet, thence south fifty-four degrees west three hundred and twenty-three feet, thence north seventy-nine and three-quarter degrees west four hundred and four feet, thence south four and one-half degrees west sixteen hundred feet, thence south sixty-six degrees east for hundred and five feet, to the aforesaid point of beginning. (1934, c. 194)

§ 3. Powers of the Town of Lawrenceville.

In addition to the powers mentioned in § 1 hereof, the Town of Lawrenceville shall have the following powers:

> First. To raise annually, by taxes and assessments in said town, on all such property, real and personal, as is now or may be subject to taxation by towns by the revenue laws of this Commonwealth, such sums of money as the council thereof shall deem necessary for the purposes of said town, in such manner as said council shall deem expedient in accordance with the Constitution of this State and of the United States, including the payment of principal and interest of all bonds issued by the town, without limitation of rate or amount; and to collect the taxes and assessments due the town in installments if said council ever so desires.
>
> Second. To impose special or local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments.

Third. To contract debts, borrow money and make and issue evidences of indebtedness.

Fourth. To expend the money of the town for all lawful purposes.

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

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

Seventh. To own, operate and maintain water works, and to acquire in any lawful manner, in any county of the State such water, lands, property rights, and riparian rights as the council of said town may deem necessary for the purpose of providing an adequate water supply to said town and of piping or conducting the same; to lay all necessary mains and service lines within and without the corporate limits of said town; to erect and maintain all necessary mains and service lines within and without the corporate limits of said town; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution, and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the water shed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

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

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

Tenth. To establish, enter, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean public highways, streets, alleys, parkways and parks, and to alter or close the same; to regulate the use of all such highways, parks and public grounds; to prevent the obstruction of such

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

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

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

Thirteenth. Subject to the provisions of the Constitution of Virginia and of this charter to grant franchises for public utilities.

Fourteenth. To collect and dispose of sewerage, offal, ashes, garbage, carcasses of dead animals and other refuse and to make reasonable charges therefor; to acquire and operate reduction or other plants for the utilization or destruction of such materials or any of them, and to contact for and regulate and collect for the disposal thereof and to require and regulate the disposal thereof.

Fifteenth. To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant on the ground or premises whereon the same may be, and to collect said expense by suit or distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion, or by distress and sale; to regulate or prevent slaughter houses or other noisome or

offensive business within the said town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise, to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, and operation and maintenance of billboards and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice or snow.

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

Seventeenth. To inspect, test, measure, and weigh any commodity or article of consumption for use within the town, and to establish, regulate, license, and inspect weights, meters, measures and scales.

Eighteenth. To extinguish and prevent fires, and to establish, regulate and control a fire department or division; to regulate the size, heights, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and conveniences may require; to remove or require to be removed or reconstructed any building, structure or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged, or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

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

Twentieth. To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety of the town, from coming to said town from without the same; and also to expel therefrom any such person who has been in said town less than twelve months.

Twenty-first. To provide in or near the town, lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto and to charge for and regulate the use of ground therein; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot, for which the said donation, gift, or bequest shall have been made.

Twenty-second. To exercise full police powers and establish and maintain a department or division of police.

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

Twenty-fourth. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of the same or any of them within the town or within one mile thereof; to require every owner of a motor vehicle residing in the said town, on a date to be designated by the council, to annually register such motor vehicle and obtain a license to operate same by making application to the treasurer of said town, or such other person as may be designated by the council of the town to issue said license, and to require said owner to pay an annual fee therefor, to be fixed by the council, but said license shall not exceed the amount charged by the State on said machine.

Twenty-fifth. To make and enforce ordinances, not in conflict with the laws of this State, to regulate, control license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation or otherwise.

Twenty-sixth. To do all things whatsoever necessary or expedient and lawful to be done, for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town; or its inhabitants.

Twenty-seventh. To prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding five hundred dollars or twelve months' imprisonment in jail, or both.

Twenty-eighth. To prohibit and punish mischievous, wanton, or malicious damage to school and public property as well as private property.

Twenty-ninth. To prohibit and punish minors from frequenting, playing ink or loitering in any public poolroom, billiard parlor, or tenpin alley, and to punish any proprietor or agent thereof for permitting same.

Thirtieth. To pass and enforce all bylaws, rules, regulations and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in said town, or in the council or officers thereof, or which may be necessarily incident to a municipal corporation. (1934, c. 194; 1954, c. 12; 1956, c. 5; 1962, c. 334)

§ 4. Administration and government.

The administration and government of the town shall be vested in one principal officer styled the mayor and seven councilmen. The mayor and councilmen shall be electors of said town to be chosen as hereinafter provided, from the residents and electors of the town, and whose qualifications to hold offices, respectively, shall be the same as required of persons to vote and hold office under the Constitution and laws of the State of Virginia. The mayor and councilmen shall constitute the council of said town. A vacancy in the office of mayor shall be filled within thirty days by the council, either from their own body, or, from the electors of the town, for the unexpired term, by a majority vote of the remaining members thereof. (1934, c. 194; 2008, c. 327)

§ 5. (1934, c. 194; 1972, c. 32; 1973, c. 146; repealed, 1992, c. 277)

§ 5A. Elections.

At the regular municipal election to be held on the first Tuesday in May 1992, seven council members and the mayor shall be elected in the following manner. The seven council members shall be elected from two election districts, known as Election District 1 and Election District 2. The boundaries of the two election districts shall be as enacted by the town council. Residents may cast votes only for council seats for the election district in which they reside. Candidates may seek election only to council seats for the election district in which they reside.

Three members of council shall be elected from Election District 1 and four members of council shall be elected from Election District 2. The two candidates receiving the greatest number of votes in Election District 1 shall be elected to four-year terms of office and the candidate receiving the third highest number of votes in Election District 1 shall be elected to a two-year term of office. The two candidates receiving the greatest number of votes in Election District 2 shall be elected to four-year terms of office and the candidates receiving the third and fourth highest number of votes in Election District 2 shall be elected to two-year terms of office.

At the regular municipal election to be held on the first Tuesday in May 1994, and every four years thereafter, the mayor, one council member from District 1 and two council members from District 2 shall be elected for a term of four years each. At the regular municipal election to be held on the first Tuesday in May 1996, and every four years thereafter, two council members from District 1 and two council members from District 2 shall be elected for a term of four years each.

The mayor and council members elected under this section shall enter upon the duties of their respective offices on July 1 succeeding their election. (1992, c. 277; 2008, c. 327)

§ 6. Town officers.

The officers of the said town, in addition to the mayor and councilmen, who shall be electors of the town, shall be a treasurer, a clerk, a sergeant and a deputy sergeant. The council may by ordinance provide for such other officers, agents, and employees as may be deemed appropriate by it, prescribe their place of residency (including place of residency of the clerk, sergeant and deputy sergeant), duties, and compensation, and provide for official bonds with surety thereon in proper amounts. The treasurer, clerk, sergeant, and deputy sergeant shall be elected by the council for a term of two years. The office of treasurer and clerk may be filled by the same person. (1934, c. 194; 1972, c. 32; 1985, c. 25; 2008, c. 327)

§ 7. Salaries.

The council shall fix the salary of the mayor, treasurer, clerk, sergeant, deputy sergeant, and such other officers, agents, and employees as it may deem appropriate at its first meeting in September, which salary shall be for a period of one year, and shall not be increased or diminished during that time period. (1934, c. 194; 1972, c. 32; 1973, c. 146)

§ 8. Meetings of council.

The council shall by ordinance adopt such rules as it may deem proper for the regulation of its proceedings and by a three-fourths vote of the whole council may expel a member for good cause. A majority of the council shall constitute a quorum for the transaction of business, but no ordinance or resolution shall be adopted having for its object the levying of taxes or contracting a debt except by a vote of two-thirds of the council. The mayor shall preside at all meetings of the council, and in the absence or inability of the mayor, the president of the council shall preside over said meeting, which officer shall be the oldest member of the council in point of service. The mayor or presiding officer shall be entitled to vote on all questions coming before the council, but shall have no power of veto. (1934, c. 194)

§ 9. All meetings of the council shall be public, unless the council by a recorded affirmative vote of two-thirds of its members shall declare that the public welfare demands an executive session of the council; any citizen may have access to the minutes and records of the council at any reasonable times. (1934, c. 194)

§ 10. The mayor.

The mayor shall preside at the meetings of the council and perform such other duties consistent with his office as may be imposed by the council; he shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; he shall be the official head of the town. In times of public danger or emergency, he may take command of the police and maintain order and enforce the laws and for this purpose may deputize such assistant policemen as may be necessary. During his absence or disability his duties shall be performed by another member elected by the council He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of this State require. (1934, c. 194)

§ 11. The treasurer.

The town treasurer shall be the disbursing agent of the town and have the custody of all moneys and all evidences of value belonging to the town or held in trust by the town. He shall receive all money belonging to and received by the town and keep a correct account of all receipts from all sources and expenditures of all departments. He shall collect all taxes and assessments, water rents and other charges belonging to, and payable to, the town and for that purpose he is hereby vested with powers similar to those which are now or may hereafter be vested in county and State treasurers for the collection of county, city and State taxes under the general law; he shall keep and disburse all moneys or funds in such manner and in such places as may be determined by ordinance or the provisions of law applicable thereto. He shall pay no money out of the treasury except in the manner prescribed by ordinance or the general law; he shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and the town license taxes and shall have power to administer oaths in the performance of his official duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by the mayor or by ordinance or resolution of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council, and before entering upon the duties of his office shall execute a bond in such amount and with such security as the council by ordinance may prescribe. The town council may, in its discretion, and if it deems it necessary or convenient, appoint some person or persons from the electors of the town to assist the town treasurer in the collection of all taxes and assessments, water rents, and other charges belonging to and payable to the town, which person may be the town sergeant, or superintendent of water works, but before entering upon the discharge of duties, such person shall execute a bond in such amount and with such security as the council, by ordinance, may prescribe. (1934, c. 194)

§ 12. The town clerk.

The town clerk shall be the clerk of the council, shall attend all meetings thereof and shall keep a record of its proceedings. He shall keep all papers, documents and records pertaining to the town, the

custody of which is not otherwise provided for. He shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal and shall attest the same, and shall perform such other duties as are required by general law or by the council by ordinance or resolution. (1934, c. 194)

§ 13. The town sergeant.

The town sergeant shall have the same powers and discharge the same duties as a constable within the corporate limits of the town and to a distance of one mile beyond the same; he shall perform such duties as may be required of town sergeants by the general law, and such other duties not inconsistent therewith as may be required of him by ordinance or resolution of the council. (1934, c. 194)

§ 14. Police justice.

The council may by ordinance create the office of police justice for the town and such police justice may be granted jurisdiction and powers similar to the jurisdiction and powers of police justices in cities of this State. The term of office of such police justice shall not be for a term extending beyond that of the council by which he may be appointed. (1934, c. 194)

§ 15. License taxes.

License taxes may be imposed by ordinance on business, trades, professions and callings and upon the persons, firms, associations and corporations engaged therein, except in cases where taxation by the localities is now or may hereafter be prohibited by the general law of the State.

For every town license issued under this charter, there shall be charged a fee to be prescribed by ordinance, not in excess of seventy-five cents, and for transferring a license the fee shall be fifty cents, such fees to be paid by the person obtaining the license or transfer, and the license or transfer may be withheld until the fees are paid into the town treasury for town purposes. (1934, c. 194)

§ 16. Fees.

The council may by ordinance provide that all fees collected by the officers of the town shall be paid into the general fund of the town treasury, and that such officers receiving such fees shall be paid a salary, which salary is to be in lieu and stead of all fees. (1934, c. 194)

§ 17. Capitation tax.

In addition to the general power of taxation herein granted, the council may impose a tax of not exceeding one dollar per annum upon all residents of the town who have attained the age of twenty-one years, except such persons as may be exempt by law. (1934, c. 194)

§ 18. Tax lien on real estate.

A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law of the

State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law. (1934, c. 194)

§ 19. Ordinance to continue in force.

All ordinances now in force in the Town of Lawrenceville, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the council of said town. (1934, c. 194)

§ 20. Partial invalidity.

If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1934, c. 194)

§ 21. Repealing clause.

All acts and parts of acts in conflict with this charter, insofar as they affect the provisions of this charter, and all former charters and amendments thereto for the Town of Lawrence, are hereby repealed. (1934, c. 194)

§ 22. Validation of contracts.

All contracts and obligations heretofore or hereafter made by the present council and government of the Town of Lawrenceville while in office, not inconsistent with this charter or the Constitution and general laws of this State, shall be, and are hereby declared to be valid and legal. (1934, c. 194)

Lebanon, Town of

County of Russell

History of incorporation

Established, 5 Jan 1819.
Charter, 1831, c. 110.
Incorporation and charter, 1835, c. 181.
Incorporation and charter, 1873, c. 96; repealed 1958, c. 343.

Current charter

Charter, 1958, c. 343.

Amendments to current charter

1990, c. 17 (§ 2)
1992, c. 259 (§ 2)

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Lebanon, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and

continue a body politic and corporate, to be known and designated as the town of Lebanon, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though all such powers were specifically enumerated herein. The territory embraced within the present limits of the town of Lebanon is included and bounded by metes and bounds as follows:

BEGINNING at an angle point in the former corporate limits of Lebanon, Virginia, said angle point being a stake in the property of G. H. Dickenson; thence from the point of beginning N 80° 39' 37" E 5650.82 feet to a point in the property of Frank Ketron; thence S 24° 31' 25" E 2167.99 feet to a point on the east side of a private road in the Gilmer property; thence S 70° 48' 45" W 6208.43 feet to a point on the south bank of Cedar Creek in the Con Fields property; thence S 76° 11' 50" W 1318.26 feet to a point on the south bank of Cedar Creek in the Ferguson property; thence N 31° 11' 22" W 985.72 feet to a point in the aforementioned Ferguson property; thence S 67° 47' 43" W 1362.98 feet to a point in the aforementioned Ferguson property; thence N 09° 56' 08" W 642.86 feet to a point on the south bank of Cedar Creek in the aforementioned Ferguson property; thence S 52° 53' 37" W 5912.12 feet to a point on the east side of State Route No. 660, said point being 15.0 feet from the center line of the aforementioned road; thence N 44° 43' 26" W 1217.48 feet to a point on the south right-of-way line of Federal Route No. 19, said point being 33.0 feet from the center line of the aforementioned road; thence N 34° 51' 53" W 2498.63 feet to a point witnessed by the corner common to the Bundy and Garrett properties; thence N 45° 48' 24" E 6139.56 feet to a steel marker in the center of State Route No. 82; thence S 73° 54' 23" E 3262.35 feet to a point witnessed by the corner common to the Russell County School Board and Hendricks properties; thence S 82° 13' 54" E 2033.45 feet to an angle point in the former corporate lines of the town of Lebanon, said angle point being a stake in the lands of G. H. Dickenson, at the beginning. (1958, c. 343)

§ 2. The administration and government of the town shall be vested in a council composed of a mayor and six councilmen, all of whom shall be qualified electors of the town.

(a) The mayor and six councilmen shall be elected by the qualified voters of the town on the first Tuesday in May 1992. The three members of council, each of whom has received more votes in such election than the other three members, shall serve as members of the council for terms of four years each. The remaining three members shall serve for terms of two years each. At the regular municipal election to be held on the first Tuesday in May 1994, and every two years thereafter, three councilmen shall be elected, each for a term of four years beginning on July 1 next following their election. Each councilman elected as provided in this section shall serve for the term stated or until his successor has been elected and qualified. At the regular municipal election to be held on the first Tuesday in May of 1992, and every four years thereafter, the qualified voters shall elect a mayor to serve for a term of four years or until his successor has been elected and qualified. The mayor and council in

office on the effective date of this act shall continue in office until expiration of their terms and until their successors shall have qualified.

(b) Vacancies in the office of mayor or council shall be filled for the unexpired term by a majority vote of the remaining members. (1958, c. 343; 1990, c. 17; 1992, c. 259)

§ 3. The council shall fix the compensation of the mayor, members of the council, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws and Constitution of the Commonwealth of Virginia. (1958, c. 343)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or three councilmen. Not less than twelve hours written notice shall be given to the members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof in writing. (1958, c. 343)

§ 5. The mayor and four members of the council, or five members of the council shall constitute a quorum for the transaction of business. (1958, c. 343)

§ 6. The council shall appoint a clerk, a treasurer and a sergeant and may appoint a town attorney and such other officers as it deems necessary or proper, prescribe their duties and functions and fix their compensation. Such officers shall hold office at the pleasure of the council and shall give such bonds as the council requires. The same person may be appointed to fill two or more such offices, in the discretion of the council. (1958, c. 343)

§ 7. The sergeant shall be a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to a distance of one mile beyond the same, as are enumerated in Article 2 of Chapter 17, Title 15 of the Code of Virginia. (1958, c. 343)

§ 8. The mayor in addition to his other duties shall be a conservator of the peace, and shall, unless and until a police justice is appointed as hereinafter provided, have power to issue warrants and summon witnesses; have exclusive original jurisdiction to try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other form of debts owing to the town; and shall have like powers in the matter of collecting fines and costs imposed by him as are vested by law in the judges of county courts. The fees and costs in connection with such cases shall be the same as are authorized by law to be charged, taxed and collected by county courts for similar services, and such fees or costs and all fines collected by the mayor shall be promptly paid by him into the town treasury, unless the council by ordinance directs some other disposition thereof. The council may, by resolution duly adopted, appoint any one of its members vice mayor to act in the place and stead of the mayor in the trial and disposition of any warrant charging a violation of a town ordinance,

in the event of the mayor's absence, sickness or disqualification. The council may appoint a police justice for the town, who shall be a qualified voter of the town, shall give such bond as the council requires, shall serve at the pleasure of the council, and shall receive such compensation as the council prescribes.

Such police justice shall have, during such time as he serves, and to the exclusion of the mayor, the same powers and jurisdiction as are hereinabove conferred upon and vested in the mayor, and shall exercise the same in like manner as they are above authorized and directed to be exercised by the mayor in that capacity. (1958, c. 343)

§ 9. The Judge of the Circuit Court of Russell County may appoint one or more persons as justices of the peace for the town, who shall have power to issue warrants, commit persons to jail and to admit to bail persons charged with violation of the ordinances of the town. The term of the office of the justices of the peace shall be at the pleasure of the Judge of the Circuit Court of Russell County. No justice of the peace who receives a salary from the town, as a justice of the peace, shall receive any fee for admitting any person to bail or for any services whatever rendered by him in any criminal case. The council shall have the authority to fix the compensation of justices of the peace appointed hereunder. (1958, c. 343)

§ 10. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the council prescribes.

The town may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues. (1958, c. 343)

§ 11. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the town, which fronts or abuts on any such sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer service. Sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues. (1958, c. 343)

§ 12. In the event the fees, rents or charges, charged for the use and service of the public water system or sewage disposal system, by, or in connection with, any real estate shall not be paid when due, interest shall accrue thereon at the rate of not more than one percent per month. Such fees, rents and charges, and the interest due thereon may be recovered by the town of Lebanon by action at law, or

suit in equity, and shall constitute a lien against the property, of equal dignity as liens for unpaid town or county taxes. (1958, c. 343)

§ 13. Subject to the provisions of § 25-233 of the Code of Virginia, the town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, golf courses and other recreational facilities, and to make reasonable charges for the use of such facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights of way from the town to any property acquired by it under any of the provisions of this charter, which lies without its corporate limits, and to construct and maintain upon such rights of way, such roads or bridges as may be reasonable necessary for the full enjoyment thereof; and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so. (1958, c. 343)

§ 14. To the extent not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation of motor vehicles carrying passengers or freight for hire upon its streets and alleys, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town, for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as conforms to standards set by the council; and (c) to prescribe rules and regulations with respect to motor traffic of all kinds, within the town, and the parking of motor vehicles on its streets and alleys. (1958, c. 343)

§ 15. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits; (b) except as prohibited by general law, to impose and collect such license tax as the council may determine for the privilege of engaging within the town in any business, trade, profession or calling upon which the State imposes a license tax; provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such activity, than that imposed by the State on the same activity. (1958, c. 343)

§ 16. The town is empowered (a) to provide a building code for the town; to provide for the orderly and safe construction of houses and other buildings; to prescribe setback lines on designated streets; to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections; and (b) to adopt a comprehensive plan concerning the sub-division of lands within the corporate limits of the town or within two miles thereof. (1958, c. 343)

§ 17. The town is empowered (a) to enact such ordinances as may be necessary for the protection of public or private property within the town and to prescribe penalties for violations; provided, however, that no punishment so prescribed shall be greater than that permitted by the general laws of the Commonwealth for like offenses; (b) to prohibit minors from frequenting or loitering in public pool rooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same; and (c) to compel persons sentenced to confinement in jail for violations of town ordinances, to work on the streets or other public places of the town. (1958, c. 343)

§ 18. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town by any fence, building, porch, or other projection; and any such encroachment made without such consent shall be deemed a nuisance, which the town may compel to be abated and removed by and through appropriate court action or proceeding, against which right of the town no statute of limitation shall run. (1958, c. 343)

§ 19. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed, to be placed in suitable conduits, underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1958, c. 343)

§ 20. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and by-laws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances, by-laws and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, by-laws or resolution, upon which the same shall become effective. (1958, c. 343)

§ 21. The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and

shall have such knowledge of civil, mechanical and electrical engineering as, in the opinion of the council, shall be requisite to the efficient discharge of his duties. During his term of office he shall reside within the corporate limits of the town, and shall be appointed for such term as he and the council agree upon, not to exceed two years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no suspension or removal shall be effected until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council in suspending or removing the town manager shall be final. The council, in its discretion, may place the control and supervision of the police force of the town under either the mayor or the town manager.

Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council in an efficient manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council. (1958, c. 343)

§ 22. All ordinances now in force in the Town of Lebanon, not inconsistent with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this act. (1958, c. 343)

Leesburg, Town of

County of Loudoun

History of incorporation

Established by Act of General Assembly, approved September, 1758 (Hening's Statutes at Large, Vol. 7, p. 235).
Charter, 1795, c. 79.
Charter, 1814, c. LXXI; act to enlarge town limits.
Charter, 1821, c. 110; amends an act incorporating the town.
Charter, 1858, c. 280; repealed 1936, c. 408.
Charter, 1936, c. 408; repealed 1962, c. 433.

Current charter

Charter, 1962, c. 433.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

Chapter 1. General Provisions.

§ 1-1. Definition of municipality.

Wherever the word "municipality" or "municipal" appears in this Charter it shall be construed to refer to the Corporation of Leesburg, Virginia. (1962, c. 433)

§ 1-2. Corporate status; powers and privileges generally.

The Corporation of Leesburg, in Virginia, in the County of Loudoun, shall continue to be a town corporate, in the name and style of the Town of Leesburg, in Virginia, and as such shall have and may exercise the powers and privileges hereinafter set forth, and all powers and privileges conferred upon it by this Charter and which are now, or may be hereafter delegated to towns in accordance with the Constitution or laws of the Commonwealth of Virginia. (1962, c. 433)

§ 1-3. Corporate limits.

The corporate limits or boundaries of the municipality, unless and until changed in the manner prescribed by law, shall be the same as set forth in law order book, number eight, pages two hundred and seventy-three and two hundred and seventy-four of the Circuit Court of Loudoun County, and as enlarged and set forth in deed book eight-p, page three hundred and ninety-seven, clerk's office of the Circuit Court of Loudoun County; and as set forth in the law order book number 23, page four hundred and forty-one and as set forth in deed book three hundred and eighty-four, page four hundred and fifty-four in the clerk's office of the Circuit Court of Loudoun County, Virginia. (1962, c. 433)

§ 1-4. Corporate seal.

The municipality may provide for the adoption of its corporate seal. (1962, c. 433)

§ 1-5. Elections generally.

All elections shall be conducted pursuant to and in accordance with the general law governing the holding of elections in towns. (1962, c. 433)

Chapter 2. Municipal Council Generally; Mayor; Mayor Pro Tempore, Powers and Duties.

§ 2-1. Legislative powers in municipal council.

The legislative powers of the municipality shall be vested in a municipal council, consisting of seven members, one of whom in addition shall be a mayor, who shall be elected as specified herein. Each member shall be an elector of the municipality. (1962, c. 433)

§ 2-2. Election; composition; terms of office.

The members of the council in office at the effective date of this charter amendment are hereby continued in office for the term of office for which they were elected or extended by operation of Virginia Code § 24.2-222.1 and through December 31 of the year in which the term was to expire.

Councilmen shall be elected to four-year terms on the Tuesday after the first Monday in November of every even-numbered year in the manner herein provided. Three councilmen shall be elected in the municipal elections held in November 2012, and in municipal elections held every four years

thereafter. Three councilmen shall be elected in the municipal elections held in November 2014, and in municipal elections held every four years thereafter. The members of the council shall take office on the first day of January, after their election. Said council members shall continue to discharge the duties of their respective offices until their successors have qualified. (1962, c. 433; 1971, c. 81; 1974, c. 13; 1977, c. 407; 2012, cc. 190, 306)

§ 2-3. Election of mayor; term of office and vice-mayor.

The mayor in office at the effective date of this charter amendment is hereby continued in office for the term of office for which he was elected or extended by operation of Virginia Code § 24.2-222.1 and through December 31 of the year in which the term was to expire.

On the Tuesday after the first Monday in November of each even-numbered year commencing 2012, the mayor shall be elected for a term of two years, beginning on January 1 of the year after her election. The mayor so elected shall continue to discharge the duties of the office until a successor has been qualified.

The mayor shall preside at all meetings of the council and shall be a regular member of the council.

The mayor shall be recognized as the head of the municipal government for all ceremonial purposes, the purpose of military law, and the service of civil process.

The mayor shall authenticate by his signature such documents and instruments as the council, Constitution of Virginia or general laws require.

At its first regular meeting after January 1 in the year after the mayor is elected, the council shall elect from among its members a vice-mayor for a term of two years who shall act as mayor during the mayor's absence or disability. (1962, c. 433; 1971, c. 81; 1974, c. 13; 1977, c. 407; 1985, c. 27; 2012, cc. 190, 306)

§ 2-3.1. Nonpartisan elections.

All municipal elections for the mayor and members of town council are to be nonpartisan. (2012, cc. 190, 306)

§ 2-4. (1962, c. 433; repealed 1975, c. 274)

§ 2-4.1. Clerk of the council.

The manager shall appoint a municipal clerk who shall be clerk of the council and who shall serve at and during the pleasure of the manager. The clerk of the council shall attend all meetings of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. The clerk shall be custodian of the corporate seal of the municipality and shall be the officer authorized to use and authenticate it. The clerk shall perform such other duties and keep such other records as the manager or the general laws of the State require of town clerks. All records in the clerk's office shall be public records and open to inspection at any time

during regular business hours. The clerk shall receive compensation as fixed by the council. The manager may appoint an acting clerk in the absence of the clerk. (1975, c. 274; 1992, c. 38)

§ 2-5. (1962, c. 433; repealed 1977, c. 407)

§ 2-6. Vacancies in office of council member.

Vacancies in the office of council member for whatever cause shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council. If the council shall fail to fill a vacancy in its membership within ninety days of the occurrence of the vacancy, such vacancy shall be filled by appointment of the judge of the Circuit Court of Loudoun County, Virginia. (1962, c. 433; 1977, c. 407)

§ 2-7. Rules of proceedings.

The council may by ordinance adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings.

It shall hold at least one regular monthly meeting. (1962, c. 433)

§ 2-8. Mayor and council member's expenses.

The council may appropriate funds to reimburse the mayor and council members for direct out-of-pocket expenses incurred while performing their official duties. (1977, c. 407)

Editor's note: Chapter 433 of the 1962 Acts of Assembly does not provide a Chapter 3 heading (number or title) for §§ 3.1 through 3-7.

§ 3-1. Adoption of State law provisions.

The powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on January 1, 1976, are hereby conferred upon and vested in the town of Leesburg. (1962, c. 433; 1977, c. 407)

§ 3-1.1. Powers relating to housing and community development.

In furtherance of the purpose of providing affordable housing for all residents of the Commonwealth, the town may by amendment to the zoning ordinance provide for an affordable housing dwelling unit program in conjunction with Loudoun County pursuant to § 15.2-2304 of the Code of Virginia. (2007, c. 733)

§ 3-1.2. Powers relating to code of technical regulations.

The council may adopt any standard code of technical regulations, such as building, electrical, and sanitary codes, by reference thereto in an adopting ordinance, if such codes are consistent with the Uniform Statewide Building Code. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally. (2007, c. 733)

§ 3-2. Salaries, wages and expenses.

Compensation for all officers and employees shall be set by the council. (1962, c. 433; 1968, c. 70; 1975, c. 274; 1977, c. 407)

§ 3-3. Power of municipality to acquire land or interests therein for exchange with public utility company.

Whenever any public utility company owns any land or any easement, right of way or other interest in land which the municipality deems necessary and intends to acquire for any public purpose, which land, easement, right of way or other interest in land owned by the public utility company is devoted to a public use, the municipality may acquire by gift, purchase or by the exercise of the power of eminent domain additional or a like easement right of way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the municipality and may then convey the same to the public utility company for use by it in lieu of the land, easement, right of way or other interest in land theretofore owned by it but needed by the municipality. The condemnation of such land, easement, rights of way or other interest in land to be conveyed to any public utility company shall be governed by the same procedure prescribed by this Charter and may be carried out at the same time if against the same property owner and if against the same landowner or in the same proceedings in which land is condemned for the municipality. The municipality may, under the same procedure and conditions prescribed by this chapter, with prospective property needed by the municipality, enter upon and take possession of such property to be conveyed to any public utility company prior to the acquisition of title thereto in condemnation proceedings and proceed with the relocation of the installations of the public utility company in order that the purposes of the municipality necessitating such action may be carried out without delay. (1962, c. 433)

§ 3-4. Utility rates.

The municipality shall have the power and right to charge a different rate for any utility service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits. (1962, c. 433)

§ 3-5. Damage, etc., to property.

The municipality may prohibit or punish mischievous, wanton or malicious damage to school property, public property or private property. (1962, c. 433; repealed 1977, c. 407)

§ 3-6. Chief of police.

The municipal manager shall appoint, with the advice and consent of the council, a chief of police, who shall serve at the pleasure of the municipal manager. The council may require the chief of police to attend council meetings and make such reports as may be prescribed and he shall perform such duties as are prescribed by the municipal manager. (1962, c. 433; 1968, c. 70)

§ 3-7. Residency requirements.

No appointed officer or employee of the municipality need be a resident of the town or the State at the time he is employed notwithstanding any provision of law to the contrary. (1975, c. 274)

Chapter 4. Municipal Manager.

§ 4-1. (1962, c. 433; 1975, c. 274; repealed 1977, c. 407)

§ 4-1.1. Appointment of manager.

The council shall appoint, by majority vote of all the members elected thereto, an officer of the municipality who shall have the title of manager, who shall have the powers and perform the duties set forth in this charter or by ordinance.

The manager shall be appointed for an indefinite term. He shall be removable at any time at the pleasure of the council. The action of the council in suspending or removing the manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council.

The manager shall be chosen by the council solely on the basis of his executive and administrative qualifications in the profession of public management. At the time of his appointment he need not be a resident of the municipality or State, but during his tenure of office he shall reside in the municipality; provided, however, that in case a nonresident is appointed, the council may authorize a reasonable period to comply with this requirement. (1977, c. 407)

§ 4-2. (1962, c. 433; repealed 1975, c. 274)

§ 4-2.1. (1975, c. 274; repealed 1977, c. 407)

§ 4-2.1:1. General powers and duties.

The manager shall be the chief executive officer and the head of the administrative agencies of the municipality. He shall be responsible to the council for the proper administration of the affairs of the municipality and, subject to the provisions of this charter, he shall have power and be required to:

(a) Appoint and when necessary suspend, demote and remove any of the appointive officers and employees of the municipality except as otherwise provided in this charter;

(b) Prepare the budget estimates annually, submit them to council, and administer the budget adopted annually;

(c) Keep the council informed of the current financial condition and future needs of the municipality;

(d) Delegate to subordinate officers and employees of the municipality any duties conferred upon him by this charter and by ordinance, and hold them responsible for their faithful discharge;

(e) Execute, on behalf of the municipality, contracts for supplies and services as authorized by the council;

(f) Perform such duties as are specified in this charter or as may be required by the council;

(g) Enforce this charter and all ordinances and resolutions of council;

(h) Supervise and control, directly or indirectly, all administrative departments, agencies, offices and employees of the municipality in a manner which will fully implement the personnel and administrative organization policies approved and adopted by the council; notwithstanding § 15.1-7.2 of the Code of Virginia, a manager's ruling on the grievability of an employee complaint shall be appealable to a panel composed of a town representative, an employee representative and a person selected by the town and employee representatives with the panel's decision being appealable by either party to the Circuit Court in accordance with the procedures set out in § 15.1-7.2 of the Code of Virginia; and examine the records and books of the department of finance;

(i) Make reports to the council from time to time upon the affairs of the municipality; and, as of the end of the fiscal year, submit to the council a complete report on the finances and administrative activities of the municipality for the preceding year;

(j) Make such recommendations on matters of policy and other matters to the council as may seem to him desirable or as the council may direct;

(k) Have power, whenever the interests of the municipality require, to assign employees of any department, bureau, office or agency to the temporary performance of duties in another department, bureau, office or agency, provided, however, that he shall recommend changes in personnel and administrative organization policies approved and adopted by the council if such temporary personnel changes extend beyond ninety days;

(l) Attend all council meetings and have the right to speak and take part in discussion but not vote; and

(m) Be bonded by a fidelity bond as the council deems necessary. (1977, c. 407; 1992, c. 38)

§ 4-3. Powers as to municipal officers, employees, etc.

All officers and employees of the municipality, as the council shall determine are necessary for the proper administration of the municipality, whether such officials or employees be state or municipal, shall be appointed and may be removed by the manager, (except as otherwise provided by this Charter) who shall report each appointment or removal to the council at the next meeting thereof following any such appointment or removal. (1962, c. 433)

Chapter 5. Issuing Justices. (Repealed)

§§ 5-1 through 5-5. (1962, c. 433; repealed 1975, c. 274)

Chapter 5-A. Ordinances.

§ 5-A.1. Record and codification of ordinances.

Every ordinance, after passage, shall be given a serial number and shall be recorded by the clerk in a properly indexed book kept for that purpose. The council may from time to time cause to be prepared a

codification of all or part of the general ordinances in force. Such codification may be passed by the council as a single ordinance without hearings or prior publication. This codification, to be known and cited officially as the Town Code, shall be printed and distributed as the council may direct.

In so codifying such ordinances, the council may, without limitation of the foregoing, arrange the various ordinances and assign to them appropriate places and section numbers, create new titles, chapters, articles and sections, correct unmistakable printer's errors or other unmistakable errors, make consequential changes in the title of officers, agencies and references which are no longer appropriate, and make such other consequential changes, alterations, modifications, additions and substitutions therein as it may deem best to the end that a complete simplified Code of Ordinances in force shall be present, but with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated. (1975, c. 274)

Chapter 6. Police Court. (Repealed)

§ 6-1. (1962, c. 433; 1968, c. 70; repealed 1975, c. 274)

Chapter 7. Taxation.

§ 7-1. (1962, c. 433; 1975, c. 274; repealed 1977, c. 407)

§ 7-1.1. Director of finance.

The municipal manager shall appoint a director of finance who shall be the chief financial official of the municipality and who shall have the same power and duties provided by the Constitution and general law for commissioners of revenue for counties, who shall serve at the pleasure of the municipal manager. The director of finance may utilize the assessments of real property and personal property in the office of the commissioner of revenue for the county of Loudoun for the assessment of the real property and personal property for the purpose of levying a tax by the council. (1977, c. 407; 2002, c. 12)

§ 7-2. (1962, c. 433; 1968, c. 70; repealed 1977, c. 407)

§ 7-3. (1968, c. 70; repealed 1977, c. 407)

Chapter 7-A. Miscellaneous Offices, Board of Architectural Review.

§ 7-A.1. Zoning Administrator.

The manager shall appoint a zoning administrator who shall perform such duties as are required by the ordinances of the town, general law and as may be prescribed by the manager. The zoning administrator need not reside in the municipality during his term of office and shall hold office at the pleasure of the manager. The manager may appoint such deputy or acting or assistant zoning administrator as he deems necessary. (1968, c. 70; 1975, c. 274; 1992, c. 38)

§ 7-A.2. Board of Architectural review.

The Board of Architectural Review shall be appointed as determined by the council by ordinance and its duties shall be as prescribed in the Zoning Ordinance of the town with the right of appeal and review provided in § 15.1-503.2 of the Virginia Code of 1950 as amended which powers stated therein relating to counties and county boards of supervision shall apply mutatis mutandis to the town of Leesburg and its town council. (1968, c. 70; 1975, c. 274; 1985, c. 27)

§ 7-A.3. Powers relating to architectural control districts; authority of town council to designate.

In order to protect and promote the general welfare, and to prevent deterioration of the appearance of the town that would tend to create hazards to public health, safety, and morals and destroy opportunity of the development of business and industry, the town council may, by ordinance, and after notice and public hearing pursuant to § 15.2-2204, designate architectural control districts. Within such architectural control districts, no structure shall be erected, reconstructed, altered, or restored without compliance with the adopted design standards. (2007, c. 733)

§ 7-A.4. Design standards.

(a) The design standards of the architectural control district shall be adopted by the town council. The design standards shall address the following issues of importance to the architectural control districts:

(1) Whether or not the proposed architectural design is suitable for Leesburg's town character in terms of external architectural features, including signs subject to public view, general design and arrangement, texture, color, line, mass, dimension, material, and lighting.

(2) Whether or not the proposed structure, building, or improvement is compatible with existing well-designed structures in the vicinity and in the Town as a whole.

(3) Whether or not, and to what extent, the proposed structure, building or improvement would promote the general welfare and protect the public health, safety, and morals by tending to maintain or augment the Town's tax base as a whole, maintaining and creating employment opportunity, and preserving historical sites and structures.

(4) Whether or not proposed freestanding buildings use the same or architecturally harmonious materials, color, texture, and treatment for all exterior walls; and in the case of partially freestanding buildings, whether or not the same or architecturally harmonious materials, color, texture, and treatment are used on all portions of all exterior walls exposed to public view.

(5) Whether or not the combination of architectural elements proposed for a structure, building, or improvement, in terms of design, line, massing, scale, proportion, dimension, color, material, texture, lighting, landscaping, roofline, and height conform to accepted architectural principles for permanent buildings as contrasted with engineering standards designed to satisfy safety requirements

only; and exhibit external characteristics of demonstrated architectural and aesthetic durability and quality.

(6) Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line, massing, scale, proportion, roofline, and height, the proposed structure, building, or improvement that is designed to serve primarily as an advertisement or commercial display, exhibits exterior characteristics likely to deteriorate rapidly, would be of temporary or short-term architectural or aesthetic acceptability, would be plainly offensive to human sensibilities or would otherwise constitute a reasonable foreseeable detriment to the community.

(b) The design standards may be adopted either as a form based code the compliance of which is determined in an administrative process, or as design guidelines the compliance of which is determined by an architectural control commission or board. (2007, c. 733)

§ 7-A.5. Alteration of boundaries of districts.

The town council, by ordinance, and after notice and public hearing pursuant to § 15.2-2204, may enlarge, contract, or alter the boundaries of the architectural control district at such time as the council deems such action to be in the public interest by promoting the general welfare of the community. (2007, c. 733)

Chapter 8. Continuation Provisions; Severability; Repealing Provisions; Effective Date.

§ 8-1. Ratification and continuation of ordinances, privileges, rights, etc.

All ordinances and resolutions heretofore made and adopted by the municipality, not in conflict with this Charter, are hereby ratified and confirmed and shall be and remain in full force and effect until altered, amended or repealed by the council of the municipality.

And all the rights, privileges and property of the municipality heretofore acquired, now owned or enjoyed, shall continue undiminished and remain vested in the municipality. (1962, c. 433)

§ 8-2. Continuation of present offices, etc.

All officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation of law or hereafter imposed upon them under the provisions of this Act until their successors are duly elected or appointed as provided by law or until action is taken by the municipality as set forth in § 15-77.9, Code of Virginia, as in force on January 2, 1962; provided, however, that the treasurer, issuing justices, and recorder at the time of the passage of this Act shall continue in office with the same duties and powers until September 1, 1963, or until their successors are elected or appointed and qualified. (1962, c. 433)

§ 8-3. Severability.

If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the Act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered. (1962, c. 433)

Editor's note: Complete amendments listing for the Town of Leesburg:

Current charter
Charter, 1962, c. 433.

Editor's note: Chapter 433 of the 1962 Acts of Assembly does not provide a Chapter 3 heading (number or title) for §§ 3.1 through 3-7.

Amendments to current charter
1968, c. 70 (§§ 3-2, 3-6, 6-1, 7-2, 7-3 [added], 7-A.1 [added], 7-A.2 [added])

1971, c. 81 (§§ 2-2, 2-3)

1974, c. 13 (§§ 2-2, 2-3)

1975, c. 274 (§§ 2-4 [repealed], 2-4.1 [added], 3-2, 3-7 [added], 4-1, 4-2 [repealed], 4-2.1 [added], 5-1 through 5-5 [repealed], 5-A.1 [added], 6-1 [repealed], 7-1, 7-A.1, 7-A.2)

1977, c. 407 (§§ 2-2, 2-3, 2-5 [repealed], 2-6, 2-8 [added], 3-1, 3-2, 3-5 [repealed], 4-1 [repealed], 4-1.1 [added], 4-2.1 [repealed], 4-2.1:1 [added], 7-1 [repealed], 7-1.1 [added], 7-2 [repealed], 7-3 [repealed])

1985, c. 27 (§§ 2-3, 7-A.2)

1992, c. 38 (§§ 2-4.1, 4-2.1:1, 7-A.1)

2002, c. 12 (§ 7-1.1)

2007, c. 733 (§§ 3-1.1 [added], 3-1.2 [added], 7-A.3 [added], 7-A.4 [added], 7-A.5 [added])

2012, cc. 190, 306 (§§ 2-2, 2-3, 2-3.1 [added])

Lexington, City of

History of incorporation
Town established in 1778.
Incorporated as a town in 1874.
Became City by Court Order in 1965.
Town charter, 1874, c. 273; repealed 1932, c. 321.
Town charter, 1932, c. 321; repealed 1966, c. 662.

Current charter
City charter, 1966, c. 662.

Amendments to current charter
1968, c. 470 (§§ 33, 43)

1971, c. 72 (§§ 8, 46)

1972, c. 37 (§§ 15, 30)

1974, c. 345 (§§ 17 [repealed], 17.1 [added], 24, 32, 33 [repealed], 33.1 [added], 34 [repealed], 34.1 [added], 35 [repealed], 36, 37 [repealed], 37.1 [added], 41, 43 [repealed], 43.1 [added], 44)

2000, c. 223 (§§ 3 through 8, 10, 12, 13, 15, 16, 18, 21, 22, 23, 26, 32, 40, 44, 45, 46, 48, 51 [repealed], 52 [repealed], 53 [repealed])

2003, cc. 65, 69 (§ 8)

2004, c. 599 (§ 7)

§ 1. Incorporation.

The inhabitants of the territory comprised within the limits of the city of Lexington as the same are now or may hereafter be established by law shall continue to be a body politic and corporate under the name of the city of Lexington and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure. (1966, c. 662)

§ 2. Territorial limits.

The corporate boundaries of the city are set forth in the annexation order recorded in the office of the Clerk of the Circuit Court of Rockbridge County, Virginia, in Deed Book 251, pages 489-501. (1966, c. 662)

§ 3. Powers generally.

The powers set forth in Title 15.2 of the Code of Virginia as in force on July 1, 1998, and all other powers which are now or may be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government are hereby specifically conferred upon the city of Lexington, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

In addition to the powers granted by other sections of this charter, the city shall have the power to raise annually by taxes and assessments, as permitted by general law, in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general grant of power the city shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, and capitation taxes; unless prohibited by general law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all

businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets, and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license. (1966, c. 662; 2000, c. 223)

Administration and Government.

The Mayor.

§ 4. Mayor generally; qualifications; to be chief elected officer; compensation.

The mayor shall be a qualified voter and a bona fide resident of the city. By virtue of the office, the mayor shall be the chief elected officer of the city. The mayor shall receive such annual compensation as may be fixed by the council in accordance with the laws of the Commonwealth. (1966, c. 662; 2000, c. 223)

§ 5. Powers and duties generally.

The mayor shall preside over the meetings of the council and shall have the same right to speak therein as other members. The mayor shall have no vote in the proceedings of the council except in case of a tie. The mayor shall have authority to appoint such committees of the council as deemed necessary and expedient to the proper administration of the city government.

The mayor shall be recognized as the head of the city government for all ceremonial purposes, the purpose of military law and the service of civil process. The mayor shall authenticate, by his or her signature, such instruments as the council, this charter or the laws of the Commonwealth shall require. (1966, c. 662; 2000, c. 223)

§ 6. Vice mayor.

Immediately upon assuming office, the mayor shall designate a member of council who shall be known as the vice mayor and who, in the event of the mayor's death, or during his or her absence or disability, shall become or perform the duties of the mayor. (1966, c. 662; 2000, c. 223)

§ 7. Mayor and council generally.

In addition to a mayor, the city of Lexington shall be governed by a city council which shall be composed of six members elected at large and who shall be qualified voters and bona fide residents of the city.

Vacancies in either the office of mayor or in the council shall be filled within 30 days by a recorded majority vote of the council. Such appointment shall be for the unexpired term subject to the following: In the case of an unexpired term that exceeds two years and such vacancy occurs in the first 18 months of the term, a petition shall be filed within 15 days of the occurrence of the vacancy with the

Circuit Court to issue a writ of election to fill the remaining term of the vacancy, such election to coincide with the next general election in an even-numbered year. In such case any appointee shall serve until the duly elected council member or mayor has qualified.

In absence, or in the case of disability of both the mayor and vice mayor, one of the other members of council selected by a majority vote of the council shall have all of the powers heretofore conferred upon the mayor and vice mayor.

The council shall have the right to fix salaries for the members thereof, and the same shall not be increased or diminished during their respective terms of office except as governed by § 15.2-1414.6. (1966, c. 662; 2000, c. 223; 2004, c. 599)

§ 8. Election and term of mayor and council.

The mayor and council members shall be elected for four-year staggered terms at the regular municipal elections. The mayor and three council members shall be elected at one such election and the remaining three members of council shall be elected at the next regular municipal election. Candidates for city offices shall not be identified on the ballot by political affiliation. (1966, c. 662; 1971, c. 72; 2000, c. 223; 2003, cc. 65, 69)

§ 9. Powers of council.

All powers of the city of Lexington as a body politic and corporate shall be vested in the city council. (1966, c. 662)

Council Procedures.

§ 10. Oath of office; effect of failure to qualify.

The mayor and other municipal officers of the city, on or before the day on which their terms of office begin, and before entering upon the duties of their respective offices, shall be sworn in according to the laws of the Commonwealth before the circuit court and by anyone authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

The failure of any person elected or appointed to an office under this charter to qualify within thirty (30) days after the commencement of the term for which he or she was elected or appointed, or if elected or appointed to fill a vacancy, for thirty (30) days after such election or appointment shall vacate the office. (1966, c. 662; 2000, c. 223)

§ 11. Council meetings generally.

The council shall, by ordinance, fix the time and place of its meetings. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings and may compel the attendance of its members, punish its members for disorderly behavior, and, by a vote of two-thirds of its members, may expel a member for malfeasance or misfeasance in office. The council shall determine its

own rules of procedure. All elections and appropriations of money shall be by oral vote and the vote shall be recorded in the minutes of the council. (1966, c. 662)

§ 12. Quorum; presiding officer.

Four (4) members of the council and the mayor, or in the absence of the mayor, four (4) members of the council, shall constitute a quorum for the transaction of business; but no ordinance or resolution shall be adopted, having for its object the levying of taxes or the appropriating of moneys, except by an affirmative vote of two-thirds of all the members of the council. The mayor shall preside at all meetings of the council when present, but in the absence or inability of the mayor or the vice mayor, the members of the council present shall select one of their body to preside over the meeting. In the absence of the mayor, the officer presiding over such meeting shall vote. (1966, c. 662; 2000, c. 223)

§ 13. Forfeiture of office upon conviction of felony.

Any member of the council or other officer of the city who shall have been convicted of a felony while in office shall thereby forfeit his or her office. (1966, c. 662; 2000, c. 223)

§ 14. Condition of discharge of officer or employee.

Any officer or employee of the city may be discharged for good cause. (1966, c. 662)

§ 15. Organization meeting and meetings generally.

On the first regular meeting following the end of the fiscal year and following the regular municipal election, the council shall meet in the council chambers and at that time the newly elected council members and mayor, after first having taken the oath of office prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such time as may be prescribed by ordinance or resolution; except that they shall meet regularly not less than once each month. (1966, c. 662; 1972, c. 37; 2000, c. 223)

§ 16. Special meetings of council.

The mayor, or any two (2) members of the council, may call special meetings of the council, at any time, after a written notice of six (6) hours, with the purpose of the meeting stated therein, served personally on each member of the council and the mayor, or left at his or her usual place of business or residence, or such meeting may be held at any time, without any service of notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. (1966, c. 662; 2000, c. 223)

§ 17. (1966, c. 662; repealed 1974, c. 345)

§ 17.1. Council meeting to be public; exceptions.

All meetings of the council shall be public and open, except when by a recorded vote of a majority of those members present, the council shall declare that the public welfare requires secrecy.

Executive or closed meetings may be held only for the purpose and in the manner provided in the Freedom of Information Act (Chapter 21 (§ 2.1-340 et seq.) of the Code of Virginia). (1974, c. 345)

§ 18. Clerk to the council.

The council shall appoint a clerk to the council to serve at the pleasure of the council. The clerk shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purposes. He or she shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. Such person shall receive such compensation as clerk to the council as may be determined by the council. (1966, c. 662; 2000, c. 223)

Enactments.

§ 19. Ordinances and resolutions.

Each proposed ordinance or resolution shall be introduced in written or printed form and the enacting clause of all ordinances passed by the mayor and council shall substantially be "Be it ordained and enacted by the mayor and council of the city of Lexington, Virginia." Except as otherwise provided in this charter, an affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance or resolution. An ordinance or resolution may be presented and enacted at the same meeting. (1966, c. 662)

§ 20. Recordation and authentication of ordinances.

Every ordinance or resolution having the effect of an ordinance when enacted by the mayor and council shall be recorded and indexed by the clerk of the council, in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the clerk of the council. (1966, c. 662)

§ 21. Publication of ordinances.

Except for emergency ordinances, every ordinance shall be advertised in summary form at least once seven days prior to being acted upon in a newspaper of general circulation in the City of Lexington, Virginia. City council may, after certification by a majority of the members of council that an emergency exists, adopt an ordinance without advertising as set forth above. Every ordinance of a general or permanent nature shall be published in full once within ten days after its enactment by posting a copy thereof at one of the public entrances to the city hall and at two other public locations within the city. (1966, c. 662; 2000, c. 223)

The City Manager.

§ 22. City manager generally; appointment, qualifications and term of office.

There shall be a city manager who shall be responsible to the council for the proper administration of the city government. The manager shall be chosen by the council without regard to political beliefs and solely upon the basis of executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office at the pleasure of the council. At the time of appointment the manager need not be a resident of the city or the Commonwealth, but during the tenure of office shall reside within the city. (1966, c. 662; 2000, c. 223)

§ 23. Duties.

(1) To see that all laws and ordinances of the city are enforced.

(2) To exercise supervision and control over all administrative departments and divisions.

(3) To attend all regular meetings of council with the right to take part in the discussion but having no vote.

(4) To recommend to the council for adoption such measures as he or she may deem necessary or desirable.

(5) To execute all contracts on behalf of the city.

(6) To prepare and submit to the council the annual budget.

(7) To keep the council advised as to the present and future needs of the city and as to all operations of its government.

(8) To perform all such duties as may be prescribed by the charter or be required by the council. (1966, c. 662; 2000, c. 223)

§ 24. Absence or disability.

During the absence or disability of the city manager, or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability or vacancy. The council may delegate to the city manager the authority to designate an acting city manager for a period not to exceed thirty days during the temporary absence or disability of the city manager. (1966, c. 662; 1974, c. 345)

§ 25. Council-manager relationship.

Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. (1966, c. 662)

§ 26. Councilmen not to succeed to office of city manager.

No council member shall be appointed as city manager during the term for which he or she shall have been elected nor within one year after the expiration of his or her term. (1966, c. 662; 2000, c. 223)

Financial Administration.

§ 27. Fiscal year.

The fiscal year of the city shall be from July 1 through June 30 inclusive. (1966, c. 662)

§ 28. Submission and adoption of budget, hearings and tax levy.

No later than May 1 annually, the city manager shall prepare and submit to the council a budget presenting the financial plan for conducting the affairs of the city for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as council, by ordinance or resolution, may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with the general laws of the Commonwealth. The tax levy for each fiscal year shall be made and a budget for the fiscal year shall be adopted prior to the first day of the fiscal year for which they were made or adopted. (1966, c. 662)

§ 29. Borrowing powers.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes in the manner and to the extent provided for in the following paragraphs of this chapter. (1966, c. 662)

§ 30. Purpose for which bonds or notes may be issued, manner of issuance.

Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided may be issued for any purpose for which cities are authorized to issue bonds by the Constitution or general laws of the Commonwealth.

Notes in anticipation of collection of revenue may be issued when authorized by the council at any time during the fiscal year. Bonds and notes of the city may be issued in any manner provided by general law. (1966, c. 662; 1972, c. 37)

§ 31. Audits generally.

At the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall always be available for public inspection in the office of the clerk to the council during regular business hours. Upon the death, resignation or termination of employment of any city officer or employee, council may order an audit of the accounts, books records and financial transactions of that office. (1966, c. 662)

§ 32. City attorney.

There shall be a city attorney appointed by council for a term of four (4) years and who shall receive such compensation as council may determine. He or she shall be an attorney at law licensed to practice under the laws of the Commonwealth. The city attorney shall be the chief legal adviser of the council, the city manager, and of all departments, boards, commissions and agencies of the city including the school board in all matters affecting the interest of the city except in those situations when such representation would be a conflict. He or she shall represent the city in all civil proceedings and shall prosecute those persons accused of violations of the city ordinances both in the Lexington General

District Court and those cases which are appealed to the Circuit Court of Rockbridge County. It shall be the city attorney's duty to perform all services as may be required by the laws of the Commonwealth, this charter or by ordinance. (1966, c. 662; 1974, c. 345; 2000, c. 223)

Municipal Court.

§ 33. (1966, c. 662; 1968, c. 470; repealed 1974, c. 345)

§ 33.1. General District Court and Juvenile and Domestic Relations District Court.

There shall be, within the city of Lexington, one court which shall be called the Lexington General District Court and one court which shall be called the Lexington Juvenile and Domestic Relations District Court.

The judges of the Lexington General District Court and the Lexington Juvenile and Domestic Relations District Court shall be elected or appointed pursuant to § 16.1-69.9 of the Code of Virginia. (1974, c. 345)

§ 34. (1966, c. 662; repealed 1974, c. 345)

§ 34.1. Compensation of judges.

The compensation of judges and substitute judges of the Lexington General District Court and the Lexington Juvenile and Domestic Relations District Court shall be as provided by general law. (1974, c. 345)

§ 35. (1966, c. 662; repealed 1974, c. 345)

§ 36. Fees, costs and fines.

Fees, costs and fines shall be assessed, fixed, collected and disbursed as provided by general law. (1966, c. 662; 1974, c. 345)

§ 37. (1966, c. 662; repealed 1974, c. 345)

§ 37.1. Clerk.

The clerk of the Lexington General District Court and the Lexington Juvenile and Domestic Relations District Court shall be appointed as provided by general law. (1974, c. 345)

Public Safety.

§ 38. Functions.

The functions of public safety shall be performed by the police department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the city manager consistent therewith. (1966, c. 662)

§ 39. Police department.

The police department shall be under the supervision of the city manager and consist of the chief of police and such other officers and employees of such ranks and grades as may be established by ordinance. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, the ordinances of the city and all rules and regulations made in accordance therewith. The chief of police and the other members of the police force of the city shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth. (1966, c. 662)

§ 40. Chief of police.

The head of the police department shall be the chief of police who shall be appointed by the city manager with the approval of the council. The chief shall appoint all members of the department and assign all members of the department to their respective posts, shifts, details and duties. He or she shall, with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. The chief of police shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager relating to the police department shall be transmitted in all cases through the chief of police or in his or her absence from the city or incapacity through an officer of the department designated as acting chief by the city manager. (1966, c. 662; 2000, c. 223)

Constitutional Officers.

§ 41. Election, term, powers, duties and compensation.

On the first Tuesday after the first Monday in November 1977, and every four years thereafter, the qualified voters of the city shall elect a treasurer and a commissioner of the revenue for the city who shall have such powers and perform such duties and receive such compensation as are provided by general law.

The treasurer and commissioner of the revenue elected at the general election in November 1971, and whose offices would otherwise be subject to elections at the general election in November 1975, shall have their terms automatically extended and the offices shall not be subject to election until the general election of November 1977, unless otherwise changed by charter or general law prior to January 1976. (1966, c. 662; 1974, c. 345)

§ 42. Vacancies.

Vacancies in the office of Treasurer and Commissioner of the Revenue shall be filled by the council for the unexpired portion of the term of office. (1966, c. 662)

§ 43. (1966, c. 662; 1968, c. 470; repealed 1974, c. 345)

§ 43.1. Magistrates.

Issuing justices appointed under the predecessor section to this section will continue in office after December 31, 1973, as magistrates and shall continue in office as magistrates for the balance of the term of their appointments and until their successors are appointed.

At least two magistrates shall be appointed for the city of Lexington and their appointments shall be made by the Chief Judge of the Twenty-fifth Judicial Circuit of Virginia. Their duties, compensation, the filling of vacancies and revocation of appointments shall be as provided by general law. (1974, c. 345)

City Sheriff.

§ 44. City sheriff.

The constitutional office of sheriff has been consolidated with that of Rockbridge County and is governed by state law. (1966, c. 662; 1974, c. 345; 2000, c. 223)

Schools.

§ 45. School district and division.

The city of Lexington shall remain a separate school district and division. (1966, c. 662; 2000, c. 223)

§ 46. School board; number and qualifications of members.

The school board shall consist of five (5) members who shall be bona fide residents and qualified voters of the city. (1966, c. 662; 1971, c. 72; 2000, c. 223)

§ 47. Appointment and term.

Members of the school board shall be appointed by the city council for overlapping three year terms in a manner prescribed by general law. (1966, c. 662)

§ 48. Compensation.

The compensation to be paid each member shall be fixed by the school board in accordance with state law. (1966, c. 662; 2000, c. 223)

§ 49. Contractual relationships.

The city of Lexington may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions and private agencies for the performance of any part or all of the functions or purposes of the city, on such terms and for such periods as council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. The school board, with the approval of council, may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions and private agencies regarding the performance of any part of or all of the functions or purposes of the school

board on such terms and for such periods as the school board may determine to be in the public interest, when such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. (1966, c. 662)

§ 50. Present ordinances and rules and regulations continued in effect.
All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed. (1966, c. 662)

§ 51. (1966, c. 662; repealed 2000, c. 223)

§ 52. (1966, c. 662; repealed 2000, c. 223)

§ 53. (1966, c. 662; repealed 2000, c. 223)

§ 54. Partial invalidity.
If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which the judgment shall have been rendered. (1966, c. 662)

Louisa, Town of

County of Louisa

History of incorporation
Incorporation and charter, 1873, c. 125; repealed 1972, c. 68.

Current charter
Charter, 1972, c. 68.

Amendments to current charter
2000, c. 224 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.
The inhabitants of the territory comprised within the present limits of the Town of Louisa, hereinafter referred to as "Town," as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Louisa, and as such shall have perpetual succession, may sue and be sued, implead and be

impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1972, c. 68)

§ 1.2. Boundaries.

The territory embraced within the Town is that territory in the County of Louisa, Virginia, established in the Acts of the General Assembly, approved March 8, 1873, (Acts 1872-73, Chapter 125, Page 103, et seq.), and all Acts amendatory thereof, the boundaries having been heretofore described and in addition being set forth by order of the Circuit Court of Louisa County, Virginia, dated November 1, 1955, and recorded in the Clerk's office of the Circuit Court of Louisa County, Virginia, in Law Order Book 14 at Page 178 et seq., and further shown on plat by J. Temple Waddell recorded in the aforesaid Clerk's office in Plat Book 2 at Page 134. (1972, c. 68)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the Town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the Town as a municipal corporation. (1972, c. 68)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907, both inclusive, of Chapter 15 of Title 15.1 of the Code of Virginia, as in force on January 1, 1972, and as may hereafter be amended, are hereby conferred on and vested in the Town. (1972, c. 68)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.1, Title 25, Chapter 1.1 and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the Town, subject to the provisions of § 25-233.

(a) In any case in which a petition for condemnation is filed by or on behalf of the Town, a true copy of a resolution or ordinance duly adopted by the Town Council declaring the necessity for any taking or damaging of any property, within or without the Town, for the public purposes of the Town, shall be filed with the petition. The Town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the Town Council, signed by the Mayor and countersigned by the Town Treasurer. Such certificate shall have the same effect as certificates

issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the Town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the Town.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the Town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the Town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the Town. (1972, c. 68)

Chapter 3. Mayor and Council.

§ 3.1. Composition of Council; election, qualification and term of office of Councilmen.

The Town shall be governed by a Mayor and a Town Council composed of five councilmen, to be elected from the Town at Large. Councilmen shall be qualified electors of the Town, and shall serve for terms of four years, and until their successors are appointed or elected and qualified as provided by law. However, for the elections to be held in May 2002, the mayor and the two councilmen receiving the highest number of votes shall be elected for a term of four years, and the three councilmen receiving the next highest number of votes shall be elected for terms of two years. Thereafter, the mayor and all councilmen shall be elected for terms of four years so as to provide for staggered terms for the town council. (1972, c. 68; 2000, c. 224)

§ 3.2. When terms of office to begin.

The terms of office for the Mayor and Town Councilmen shall begin after their election, and continue as is provided by the laws of the Commonwealth. (1972, c. 68)

§ 3.3. Oath of office.

The Mayor and Councilmen shall each, before entering upon the duties of their office, make oath or affirmation that they will truly, faithfully and impartially discharge the duties of their offices to the best of their abilities, so long as they shall continue therein. Such oath to be administered by the retiring Mayor, Vice-Mayor or the Clerk of the Circuit Court of Louisa County, Virginia. (1972, c. 68)

§ 3.4. Election and term of Vice-Mayor.

The Town Council shall elect from its members a Vice-Mayor, who shall serve, at the discretion of the Town Council and until a successor is appointed. (1972, c. 68)

§ 3.5. Powers and duties of Mayor and Vice-Mayor.

The Mayor shall preside over the meetings of the Town Council and shall have the same right to speak and vote therein as other members of the Town Council, when they are equally divided. He shall be recognized as the head of the Town government for all ceremonial purposes, for the purposes of military law and for the service of civil processes. During the absence of the mayor or the inability of the Mayor to act, the Vice-Mayor shall possess the powers and discharge the duties of the Mayor. (1972, c. 68)

§ 3.6. Absence or disability of Mayor and Vice-Mayor.

If both the Mayor and Vice-Mayor are unable to act, the Town Council shall, by a majority vote of the members present, elect from its members a person to serve as Acting Mayor until either the Mayor or Vice-Mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the Mayor during such period of time. Whenever it is necessary to elect an Acting Mayor pursuant to this section, in the absence of both the Mayor and Vice-Mayor, the Town Clerk or Acting Town Clerk shall call the meeting of the Town Council to order and shall preside until an Acting Mayor is elected. This shall not be construed to vest in the Town Clerk any of the powers and duties of the Mayor, except as expressly stated in this section. (1972, c. 68)

§ 3.7. Council a continuing body.

The Town Council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1972, c. 68)

§ 3.8. General grant of powers to Council.

The Town Council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this Charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1972, c. 68)

§ 3.9. Meetings of Council.

The Town Council shall fix the time of their stated meetings, and they shall meet at least once a month. Special meetings may be called at any time by the Mayor or by three members of the Town Council; provided, that all members shall be duly notified a reasonable period of time prior to any special meeting. (1972, c. 68)

§ 3.10. Quorum; reconsideration of action.

Three members of the Town Council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the Town Council present as were present when such vote was taken. (1972, c. 68)

§ 3.11. Rules of order and procedure.

The Town Council shall establish its own rules of order and procedure, and may punish its own members and other persons for violations thereof. (1972, c. 68)

§ 3.12. Council to fix salaries.

The Town Council is hereby authorized to fix the salaries of each of the members of the Town Council, members of board or commissions and all appointed officers and all employees of the Town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. The salaries of the members of the Town Council shall not exceed one thousand two hundred dollars per year. (1972, c. 68)

Chapter 4. Appointive Officers.

§ 4.1. Appointment.

The Town Council may appoint such officers of the Town as they deem necessary. Such officers may include, but shall not be limited to, a Town Manager, a Town Clerk, a Town Attorney. a Town Treasurer, a Town Sergeant, Special Police Officers, and justices of the Peace. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the Town Council shall perform such duties as may be specified in this Charter, by the laws of the Commonwealth, or by the Town Council. (1972, c. 68)

§ 4.2. Deputies and assistants.

The Town Council may appoint such deputies and assistants to appointive offices as the Town Council may deem necessary. (1972, c. 68)

§ 4.3. Term of office.

Officers and deputies and assistant officers appointed by the Town Council, shall serve at the will and pleasure of the Town Council. (1972, c. 68)

§ 4.4. Appointment of one person to more than one office.

The Town Council may appoint the same person to more than one appointive office, at the discretion of the Town Council, subject to the provisions of Article VII, Section 6 of the Virginia Constitution. (1972, c. 68)

§ 4.5. Qualifications and duties of the Town Manager.

The Town Manager shall be the executive officer of the Town, and shall be responsible to the Town Council for the proper administration of the Town government. It shall be the duty of the Town Manager to:

(a) Attend all meetings of the Town Council, with the right to speak but not to vote.

(b) Keep the Town Council advised of the financial condition and the future needs of the Town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.

(c) Prepare and submit the annual budget of the Town Council and be responsible for its administration after its adoption.

(d) Prepare in suitable form for publication and submit to the Town Council at the next regular meeting following the end of each fiscal year, a concise, comprehensive report of the financial transactions and administrative activities of the Town government during the immediately preceding fiscal year.

(e) Present adequate financial and activity reports as required by the Town Council.

(f) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Town Council.

(g) Perform such other duties as may be prescribed by this charter, or required of him in accordance therewith by the Town Council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the Town, except those appointed by the Town Council, pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the Town Manager, who shall report each appointment or removal to the Town Council at the next meeting thereof following any such appointment or removal. The Town Council shall designate by ordinance a person to act as Town Manager in the case of the absence, incapacity, death or resignation of the Town Manager, until his return to duty or the appointment of his successor. Until such time as the Town Council appoints any such Town Manager, the duties and powers outlined herein shall be given the Mayor, or such other person as may be designated by the Town Council. (1972, c. 68)

§ 4.6 Duties of the Town Clerk.

The Town Clerk shall be the Clerk of the Town Council. He shall keep the journal of the proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the Town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the Town Council may specify or the general laws of the Commonwealth require of Town Clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1972, c. 68)

§ 4.7. Duties of the Town Attorney.

The Town Attorney shall be the legal adviser of the Town Council. He shall represent the Town in all legal affairs as may be requested by the Mayor, Town Council, or by an officer of the Town appointed

under the provisions of this Charter. The Town may employ the Commonwealth's Attorney of Louisa County for criminal prosecutions. (1972, c. 68)

§ 4.8. Duties of the Town Treasurer.

The Town Treasurer shall collect the Town taxes and licenses, and shall have the power to levy and sell for collection as given to County Treasurers. (1972, c. 68)

§ 4.9. Powers and duties of the Town Sergeant and special policemen.

The Sergeant of the Town shall be a Conservator of the Peace, and vested with the full powers of a Constable within the limits of the Town, and, also, have the power to arrest offenders within the limits of the County of Louisa. He, and any special police officers, who may be appointed by the Mayor with the advice and consent of a majority of the members of the Town Council, shall have all the powers given to special police officers under the laws of the Commonwealth. He shall assist the Treasurer in the collection of Town taxes, and may distrain and sell therefor in like manner for which State taxes and County levies are distrained. (1972, c. 68)

§ 4.10. Residence of officers and employees.

Any appointive officers or employees of the Town may be appointed and serve whether or not the appointee be a resident or nonresident of the Town. (1972, c. 68)

Chapter 5. Raising of Revenue.

§ 5.1. Assessment of taxes.

The Council shall have the power to assess and tax real or personal property within the Town, levy taxes, impose licenses and collect the same to any extent not prohibited by laws of the Commonwealth. (1972, c. 68)

§ 5.2. License for public utilities, etc.

The Town shall have the power to impose, levy and collect a license tax on any public utility or public service company, including Electric Power Companies, Telephone Companies, Telegraph Companies, Railway Companies, Gas Companies, Water or Sewerage Companies, doing business within the Town, either by serving consumers within the Town, or maintaining an office in the Town, unless otherwise specifically prohibited by law; provided, that this section shall in no way limit any licensing authority otherwise granted the Town by this Charter or by general law. (1972, c. 68)

Chapter 6. Courts.

§ 6.1. Authority to establish Municipal Court; jurisdiction of court.

The Town Council may establish by ordinance a Municipal Court, which shall be known as the Municipal Court of the Town. Jurisdiction of the Municipal Court in civil matters shall be as provided in §

16.1-77 of the Code of Virginia, and in criminal matters as provided in § 16.1-124 of the Code of Virginia. (1972, c. 68)

§ 6.2. Judge of Municipal Court; Substitute Judge.

The Judge of the Municipal Court shall be appointed by the Town Council. He shall serve at the pleasure of the Town Council. The Town Council may appoint a Substitute Judge to serve during the absence or inability to act of the Judge of the Municipal Court. (1972, c. 68)

§ 6.3. Jurisdiction of County Court if Municipal Court not created.

If the Town Council shall elect to not establish a Municipal Court, as provided in § 6.1 of this Charter, the County Court of Louisa County shall have such jurisdiction within the Town as the Municipal Court would have if it were established by the Town Council. The Town Council may enter into such contracts or agreements as it may deem necessary to permit the trial in said County Court of cases or causes of action arising within the Town or within the jurisdiction of the Town. (1972, c. 68)

§ 6.4. Use of county jail.

The Town shall be allowed the use of the Louisa County Jail for the purpose of carrying into effect the police regulations of the Town, and for the safekeeping and confinement of all persons who may be arrested or sentenced to imprisonment under the laws and ordinances of the Town. The sergeant or any police officer of the Town may convey any person arrested or sentenced to jail, and the jailer of said County shall receive such persons in the same manner as if such person or persons were committed by a Justice, and delivered to said jailer as any other police officer of the said County or the Commonwealth. (1972, c. 68)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year, and end on June 30 of the year following, but the same may be changed by action of the Town Council, where not inconsistent with general law. (1972, c. 68)

§ 7.2. Actions against Town for damages, etc.

(a) No action shall be maintained against the Town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the Town, or any officer, agent or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the Town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the Town Council for this purpose, and the Town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed

within one hundred twenty days provided, that if the complainant is compos mentis during such sixty-day period but is able to establish by a clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the sixty-day period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from such injury so as to be able to give such notice. No officer, agent or employee of the Town shall have authority to waive such conditions precedent or any of them.

(b) No order shall be entered or made, and no injunction shall be awarded by any Court or Judge, to stay proceedings of the Town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them in this Charter, and that the interposition of the Court is necessary to prevent injury that cannot be adequately compensated in damages.

(c) The Town Council is authorized and empowered to compromise any claim for damages or any suit or action brought against the Town. (1972, c. 68)

§ 7.3. Creation of debt; election on issuance of bonds.

Any ordinance creating a debt for which money is to be borrowed shall be adopted by a majority vote of the elected members of the Town Council. Any bonds issued by the Town shall be issued in compliance with the Laws of the Commonwealth.

The Town Council may submit to a vote of the qualified electors of the Town the question of whether such money shall be borrowed. Any such petition shall be filed with the Town Clerk within thirty days of the vote of the Town Council to borrow money.

Any such election shall be held within sixty days of the vote of the Town Council to call such election or within sixty days of receipt of such petition. The election shall be held in the manner provided for such elections by the General laws of the Commonwealth. A majority vote of the qualified electors voting at such election shall be required for the approval of the borrowing of such money.

The provisions of this section shall not be construed to prohibit the Town Council from proceeding under any provisions of the Constitution of Virginia and general laws of the Commonwealth in the borrowing of money. (1972, c. 68)

Chapter 8. Miscellaneous.

§ 8.1. Elections governed by state law.

All Town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1972, c. 68)

§ 8.2. Amendment of zoning ordinance.

The Town Council may, by ordinance, require that whenever any Planning Commission recommends against the adoption of any proposed amendment to the Zoning Ordinance of the Town, now or hereafter in effect, such amendment shall become effective only upon the affirmative vote of two-thirds of the elected members of the Town Council. (1972, c. 68)

§ 8.3. Applicability of ordinances to lands, etc., outside town.

All ordinances of the Town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the Town and located outside the Town. (1972, c. 68)

§ 8.4. Bonds of officers end employees.

The Town Council may require all or any officers and employees of the Town to give bond for the faithful and proper discharge of their duties. As used herein, the words "officers and employees" shall include officers and employees paid solely or partly by the Town. The Town may pay the premium on such bonds from the Town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the Town as its interest may appear in event of breach of the conditions thereof. (1972, c. 68)

§ 8.5. Office of Town Sergeant created, but not elected.

Notwithstanding the provisions of § 15.1-796 of the Code of Virginia, there shall be created in the Town the office of Town Sergeant, however, the Town Sergeant shall be appointed as herein provided and not elected, in accordance with said Code Section. The Town Sergeant shall have the powers and duties as herein provided, and in addition thereto, the duties and powers imposed by said Code Section, and all other laws of the Commonwealth as may be applicable thereto. Such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1972, c. 68)

§ 8.6. Present ordinances continued in effect.

All ordinances now in force in the Town of Louisa, not inconsistent with the Charter, shall be and remain in force until altered, amended, or repealed by the Town Council. (1972, c. 68)

Lovettsville, Town of

County of Loudoun

History of incorporation

Established by an Act of Assembly March 15, 1836.
Incorporated by Chapter 191 of the Acts of the General Assembly of 1842.
Incorporated again by Chapter 184 of the Acts of Assembly of 1876.
Ceased to function as township a number of years and revised its activities by order of the Circuit Court on December 29, 1949.
Charter, 1842, c. 191.

Charter, 1876, c. 184; repealed 1968, c. 53.
Charter, 1968, c. 53; repealed 1983, c. 520.

Current charter
Charter, 1983, c. 520.

Amendments to current charter
2005, c. 553 (§ 4.1)
2015, c. 267 (§§ 1.2, 2.1, 2.2, 2.4, 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.3, 5.2)
2022, c. 315 (§§ 1.2, 1.3, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2 through 3.5, 3.6, 4.1, 4.2, 4.3, 5.1, 5.2)

Chapter 1. General Provisions.

§ 1.1 - Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Lovettsville, as such limits are now or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Lovettsville, Virginia, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with. (1983, c. 520)

§ 1.2 - Corporate Limits.

The corporate limits or boundaries of the Town are those established in Deed Book 6M at Page 406, et seq., of the land records of Loudoun County, Virginia, as extended by the annexation decree of the Circuit Court of Loudoun County, Virginia, entered on March 27, 1973, of record in the Clerk's Office of the Circuit Court for Loudoun County in Common Law Order Book 33 at Page 21, Deed Book 572 beginning at Page 545, by Final Order entered June 12, 1995, of record in the Clerk's Office in Common Law Order Book 102 at Page 0263 in At Law No. 16467 and in Deed Book 1371 at page 1964, et seq., and by Final Order entered December 22, 2006, in CL 43628, recorded among the land records of Loudoun County as Instrument Nos. 20070104-0000612 and 20070315-0019694, and the plat as 20070315-0019695, and by any orders of the Circuit Court of Loudoun County heretofore or hereafter entered. (1983, c. 520; 2015, c. 267; 2022, c. 315)

§ 1.3 - Corporate Seal.

The Town of Lovettsville may provide for the adoption of its corporate seal, which it may alter, amend or renew at its pleasure. (1983, c. 520; 2022, c. 315)

Chapter 2. Powers.

§ 2.1 - In General.

The Town shall have and may exercise all the powers and privileges conferred upon it by this charter, as well as all the powers and privileges conferred upon towns by the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 9 (§ 15.2-900 et seq.) of Title 15.2 of

the Code of Virginia, as now existing or as may be added to or amended from time to time, are hereby specifically conferred upon the Town. (1983, c. 520; 2015, c. 267; 2022, c. 315)

§ 2.2 - Eminent Domain.

The powers of eminent domain, which may be exercised by municipal corporations under the provisions of Title 15.2 (§ 15.2-100 et seq.) and Title 25.1 (§ 25.1-100 et seq.) of the Code of Virginia, are hereby conferred upon the Town. (1983, c. 520; 2015, c. 267; 2022, c. 315)

§ 2.3 - Acquisition of Land or Interest Therein for Exchange with Public Utility Company.

Whenever any public utility company owns any land or any easement, right-of-way or other interest in land which the Town deems necessary and intends to acquire for any public purpose, which land, easement, right-of-way or other interest in land owned by such public utility company is devoted to a public use, the Town may acquire by gift, purchase or by the exercise of its power of eminent domain additional or a like easement, right-of-way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the Town. The Town may then convey the same to the public utility company for use by such company in lieu of the land, easement, right-of-way or other interest in land theretofore owned by it but needed by the Town. The condemnation of such land, easement, right-of-way or other interest in land to be conveyed to any public utility company shall be governed by the procedures prescribed in this charter. (1983, c. 520; 2022, c. 315)

§ 2.4 - Water and Sewer Services.

A. Generally. The Town shall have the power and authority to acquire, establish, maintain, operate, extend and enlarge waterworks and sewage disposal plants within or without the corporate limits of the Town; and to establish and enforce reasonable rates, rules and regulations for the use of same, any or all of which rates, rules and regulations the Council may alter from time to time.

B. Rates. In operating public water and sewer services, the Town may charge a different rate for services furnished to customers outside the corporate limits of the Town from the rates charged for similar services to customers within the corporate limits.

C. Unpaid Charges. The Town may provide by ordinance that all unpaid water and sewer service charges and interest thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided. (1983, c. 520; 2015, c. 267; 2022, c. 315)

§ 2.5 - Power to Incur Debts and Contract Loans.

A. The Council, within the limits of the Constitution of this Commonwealth and in accordance with the provisions of general law, may, in the name of and for the use of the Town, contract loans or cause to be issued certificates of debt, notes or bonds.

B. The Council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the Town, such loans to be evidenced by bonds or notes bearing interest at a rate permitted by general law for towns, and such bonds or notes shall be payable within

one (1) year from the date of issue out of the current revenue of the year in which the same are issued. No such temporary loan shall in the aggregate exceed seventy-five (75%) percent of the Town's income of the previous year.

C. All bonds and other evidences of indebtedness of the Town shall be signed by the Mayor and countersigned by the Town Clerk. (1983, c. 520; 2022, c. 315)

Chapter 3. Mayor and Council.

§ 3.1 - Conduct of Municipal Elections.

All elections shall be conducted pursuant to and in accordance with the general laws governing the holding of elections in towns. (1983, c. 520; 2022, c. 315)

§ 3.2 - Council.

A. The legislative powers of the Town shall be vested in a Town Council, composed of six (6) members, who shall be elected as specified herein.

B. Council members shall be elected to four-year terms, on the date specified by general law for municipal elections, in the manner herein provided:

1. Three (3) Council members shall be elected in the municipal elections held in 1984, and in municipal elections held every four (4) years thereafter.

2. Three (3) Council members shall be elected in the municipal elections held in 1986, and in municipal elections held every four (4) years thereafter.

C. The Council members so elected shall qualify and take office on the date specified by general law for municipal elections, following their election, and shall continue to serve until their successors are duly elected, qualify and assume office.

D. Any person qualified to vote in Town elections shall be eligible for the office of Council member.

E. Vacancies in the Council, for whatever cause airising, shall be filed in accordance with general law. Council members appointed to fill vacancies on the Council shall have the rights, privileges, powers, duties and obligations of an elected member of the Council as provided in this chapter, or otherwise conferred by general law not inconsistent with this chapter.

F. The Council members in office at the time of the passage of this Act shall continue until the expiration of the terms for which they were elected or appointed, or until their successors are duly elected, qualify and assume office. (1983, c. 520; 2015, c. 267; 2022, c. 315)

§ 3.3 - Mayor.

A. Powers and Duties.

1. The Mayor shall be the Chief Executive Officer of the Town and shall be recognized as the head of Town government for all ceremonial purposes, the purpose of military law and the service of civil process;

2. The Mayor shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent with this charter;

3. The Mayor shall authenticate by signature such documents as the Council, this charter or the laws of the Commonwealth shall require;

4. The Mayor shall perform such other duties consistent with the Office of Mayor as may be imposed by the Council;

5. The Mayor shall preside at all meetings of the Council, but shall have no vote except in case of tie;

6. The Mayor shall have the power to veto resolutions, acts and ordinances of the Council, which resolutions, acts and ordinances may be passed over such veto by a two-thirds majority vote of the council;

7. The Mayor shall from time to time recommend to the council such measures as he may deem necessary for the welfare of the Town;

8. Except as otherwise provided herein or by law, the Mayor shall have the authority to appoint such officers and committees as are necessary for the proper administration of the affairs of the Town but shall report each appointment to the Council for confirmation at the next meeting thereof following any such appointment; and

9. The Mayor shall see that the duties of the various Town officers are faithfully performed, and he shall have the power to suspend any such officer for misconduct in office or neglect of duty until the next regular or special meeting of the Council, when the decision of the Council shall be final. In the absence of an officer, the roles and responsibilities of said officer shall be executed by the Town Manager or a staff member.

B. Election. In each even-numbered year, on the date specified by general law for municipal elections, a Mayor for the Town shall be elected for a term of two (2) years. The person so elected shall so qualify and take office on the date specified by general law for municipal elections, following election. The Mayor shall continue to serve until a successor is duly elected, qualifies and assumes office.

C. Qualifications. Any person qualified to vote in Town elections shall be eligible for the Office of Mayor.

D. Vacancies. A vacancy in the Office of Mayor, for whatever cause arirising, shall be filled in accordance with general law. The person appointed to fill a vacancy in the Office of Mayor shall have the

rights, privileges, powers, duties and obligations as provided in this chapter, or otherwise conferred by general law on the mayors of towns not inconsistent with this chapter.

E. The Mayor in office at the time of the passage of this Act shall continue in office until the expiration of the term for which the Mayor was elected, or until a successor is duly elected, qualifies and assumes office. (1983, c. 520; 2015, c. 267; 2022, c. 315)

§ 3.4 - Vice-Mayor.

A. The Council shall elect from among its members a Vice-Mayor, who shall preside at cCouncil meetings in the absence of the Mayor. Election of the Vice-Mayor shall be made at the organizational meeting of the Council following the regular election of the Mayor and Council members.

B. In the event of the disability or absence of the Mayor, the Office of Mayor may be filled and the Mayor's powers and duties discharged by the Vice-Mayor. (1983, c. 520; 2015, c. 267; 2022, c. 315)

§ 3.5 - Meeting.

A. All meetings of the council shall be public, unless a closed session is called according to general law. No official action shall be taken by the Council while in closed session.

B. The Council, by ordinance, shall adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings. It shall hold at least such regular meetings as may be required by § 15.2-1416 of the Code of Virginia. Special meetings may be called at any time by the Mayor or by three (3) Council members, provided all Council members are actually notified of such meeting.

C. A majority of the Council shall constitute a quorum for the transaction of business. Each Council member shall have one (1) vote. (1983, c. 520; 2015, c. 267; 2022, c. 315)

§ 3.6 - Compensation.

Compensation for Council members and the Mayor shall be set by the Council. Any increases in the compensation of the Mayor or Council members may become effective during such Mayor's or Council member's term of office. (1983, c. 520; 2022, c. 315)

Chapter 4. Town Government.

§ 4.1 - Town Officers.

A. Town Clerk. The Mayor shall appoint and the Council shall confirm the appointment of a Town Clerk who shall be the Clerk of the Council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. All such records shall be public records, stored and filed at the Town's offices and open to inspection at any time during the Town's regular office hours. The Town Clerk shall serve at the pleasure of the town Council.

B. Town Treasurer. The Mayor shall appoint and the Council shall confirm the appointment of a Town Treasurer, who shall receive all money belonging to the Town and keep correct accounts of all

receipts from all sources and of all expenditures. The Town Treasurer shall be responsible for the collection of all license fees, taxes, levies and charges due to the Town and shall disburse the funds of the Town as the Council may direct. The Town Treasurer shall serve at the pleasure of the Council.

C. Town Manager. The Mayor shall appoint and the Council shall confirm the appointment of a Town Manager, who shall serve as the Chief Administrative Officer of the Town. The Town Manager shall serve at the pleasure of the Council.

D. Other Town Officers. The Mayor shall appoint and the Council shall confirm the appointment of a Town Attorney, a Town Zoning Administrator, and such other town officers as may be deemed appropriate. Such officers shall serve at the pleasure of the Council, unless the Council shall provide otherwise.

E. Non-Officers. For staff not considered offices, the Town Manager shall hire and the Mayor and the Council may confirm the non-officers' employment. Requests for such confirmation may be initiated by the Mayor or any three (3) Council members and shall only be invoked prior to the non-officer's initial offer of employment.

F. Duties, Etc. Each officer shall have such duties as are specified by the Council not inconsistent with the Constitution and general laws of the Commonwealth and this charter, shall execute such bonds as may be prescribed by resolution of the Council, and shall receive such compensation as the Council may prescribe.

G. The same person may be appointed to more than one (1) office, provided, however, that no person may serve both as an officer of the Town and as Mayor or Council member except as otherwise provided in this charter or by general law. (1983, c. 520; 2005, c. 553; 2015, c. 267; 2022, c. 315)

§ 4.2 - Boards, Commissions and Committees.

A. Planning Commission. The Council shall appoint a Town Planning Commission that shall have such powers and duties as are provided by general law.

B. Board of Zoning Appeals. The Council shall appoint the members of the Board of Zoning Appeals for the Town, which shall consist of three (3) or five (5) members, and prescribe their terms of office and qualifications. The Board of Zoning Appeals shall have such powers and duties as are provided by general law.

C. Committees. The Council, in its discretion, may establish such committees, whether standing or ad hoc, as it may deem appropriate, to study and report to the council on those matters referred to such committees by the Council. The report of any such committee shall not be binding upon the Council, but shall be advisory only.

D. Membership. Except as otherwise provided by law, Council members and the Mayor are eligible to serve as members of any Town commission, committee or group and shall be entitled to participate fully as voting members of such commission, committee or group.

E. Compensation. The Council may provide for compensation to such of their boards, commissions or committees performing special work to the extent that may be reasonable and fair. (1983, c. 520; 2015, c. 267; 2022, c. 315)

§ 4.3 - Fiscal Control.

A. Fiscal Year. The fiscal year of the Town shall begin on July 1 and end on June 30.

B. Fiscal Control. The Council shall have the power to control and manage the fiscal affairs of the Town and to make such ordinances, orders and resolutions relating to the same as it may deem necessary. After the close of each fiscal year, the Council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the Town either by the Auditor of Public Accounts of the Commonwealth or by an independent certified public accountant to be selected by the Council. The report of such audit shall be filed within such time as the Council shall specify, and one (1) copy thereof shall always be available for public inspection in the Town's offices during the Town's regular business hours. (1983, c. 520; 2015, c. 267; 2022, c. 315)

Chapter 5. Miscellaneous.

§ 5.1 - Continuity.

A. All ordinances now in force in the Town, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the Council.

B. The present officers of the Town shall continue in office at the pleasure of the Council, or until their successors have been duly appointed. (1983, c. 520; 2022, c. 315)

§ 5.2 - Historic Districts.

Notwithstanding any other provision of law, the Council may establish one (1) or more historic districts within the Town for the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of those general areas, individual structures or premises that have been officially designated by the Council as having historical or architectural significance. The establishment of historic districts shall be by amendment of the Town's zoning ordinance and consistent with the purposes, criteria and procedures set forth in § 15.2-2306 of the Code of Virginia. (1983, c. 520; 2015, c. 267; 2022, c. 315)

§ 5.3 - Severability.

If any part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect or invalidate the remainder of the Act. (1983, c. 520)

County of Page

History of incorporation
Established by an 1812 Act of the General Assembly.
Incorporation and charter, 1871, c. 191; amended and reenacted in 1879, 1886, and 1894; repealed 1928, c. 338.
Charter, 1879, c. 4; repealed 1928, c. 338.
Charter, 1886, c. 86; repealed 1928, c. 338.
Charter, 1894, c. 742; repealed 1928, c. 338.
Charter, 1928, c. 338; repealed 2019, c. 714.

Current charter
Charter, 2019, c. 714.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation; general powers.

Be it enacted by the General Assembly of Virginia, that the inhabitants of the territory in the County of Page, contained within the boundaries prescribed and defined in the section immediately following, shall continue to be, and they are hereby declared to be, a body politic and corporate, in fact and in name, under the name and style of the Town of Luray, and as such shall have and exercise all the powers conferred by and be subject to all the laws of the Commonwealth of Virginia now in force or that may hereafter be enacted for the government of towns, so far as the same are not inconsistent with the provisions herein. (2019; c. 714)

§ 1.2. Town boundaries.

The boundaries of the town shall remain as now established unless changed in accordance with applicable law. (2019; c. 714)

Chapter 2. General Powers.

§ 2.1. General grant of powers.

(a) Powers authorized in Code of Virginia.

The town shall have and may exercise any or all powers now or subsequently authorized for exercise by towns in Title 15.2 of or elsewhere in the Code of Virginia of 1950, as amended, regardless of whether such powers are set out or incorporated by reference in this charter. All ordinances in force in the Town of Luray as of July 1, 2019, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council.

(b) Powers exercised by governing body.

All powers vested in the town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the

Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the town and the town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the town, unless otherwise conferred in the applicable sections of the Constitution of Virginia and the general laws of the Commonwealth, as amended. (2019; c. 714)

§ 2.2. Financial powers.

(a) Generally.

In accordance with the Constitution of Virginia and the United States Constitution, the town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the town, in such manner as the town council deems necessary or expedient. The town shall impose no tax on its bonds.

(b) Assessments for local improvements.

The town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) Water, electricity, and sewerage rates; rates and charges for public utilities or services, etc., operated, etc., by town.

The town may establish, impose, and enforce water, electricity, and sewerage rates and rates and charges for public utilities, or other services, products, or conveniences, operated, rendered, or furnished by the town and assess, or cause to be assessed, water, electricity, sewerage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the town council may, by ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant. (2019; c. 714)

§ 2.3. Contractual powers; gifts; grants.

(a) Acquisition of property generally; holding, selling, leasing, etc., town property.

The town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the town or the Commonwealth of Virginia and for any of the purposes of the town.

(b) Debts and evidence of indebtedness.

The town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Gifts.

The town may accept or refuse gifts, grants, bequests, or donations of any kind from any source, absolutely or in trust, that are related to the town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devises. (2019; c. 714)

§ 2.4. Operational powers.

(a) Generally.

The town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the town, subject to such limitations as may be imposed by this charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by charter or otherwise by law.

(b) Records and accounts.

The town shall provide for the control and management of the town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the local government necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

(c) Expenditure of money.

The town may expend money of the town for all lawful purposes.

(d) Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of town departments.

The town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them. (2019; c. 714)

§ 2.5. Utilities; public improvements.

(a) Water works and water supply.

The town may own, operate, and maintain water works and acquire in any lawful manner in any county of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the town council may deem necessary for the purpose of providing the town with an adequate water supply and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and, for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said town may, if the town council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Streets; parks, playgrounds, etc.; infrastructure; vehicles.

The town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, and playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electricity, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the town's prescribed requirements.

(c) Public utilities.

Subject to the provisions of the Constitution of Virginia, this charter, and general law, the town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(d) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant.

The town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof; and require and regulate the collection and disposal thereof. (2019; c. 714)

§ 2.6. Nuisances; sanitary conditions, etc.

The town may compel the abatement and removal of all nuisances within the town; require all lands, lots, and other premises within the town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the town in accordance with applicable law. (2019; c. 714)

§ 2.7. Police powers.

(a) The town may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants; prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all bylaws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said town, or in the town council, court, or offices thereof, or which may be necessarily incident to a municipal corporation. (2019; c. 714)

§ 2.8. Miscellaneous powers.

(a) Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings.

The town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, that by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property or that may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) Fees for permits, etc.

The town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) Cemeteries.

The town may provide in or near the town lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plat for which the said donation, gift, or bequest shall have been made.

(d) Injunctive relief.

The town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance. (2019; c. 714)

Chapter 3. Elected Officers.

§ 3.1. Vesting of government.

The government of the Town of Luray shall be vested in a mayor and town council of six council members. (2019; c. 714)

§ 3.2. Election and terms of officers; town council as continuing body.

The mayor and town council members shall each be a qualified voter within the town, elected at large, and hold office for a term of four years. The town council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of any or all of the members. The mayor and town council members in office at the time of adoption of this charter shall continue in office until the expiration of the terms to which they were elected or until their successors are elected and qualified. Accordingly, at the time of the U.S. presidential election in November 2020, there shall be an election for mayor and three town council positions, and

on the date of the November 2022 general election, there shall be an election for the other three town council positions. (2019; c. 714)

§ 3.3 Mayor.

The mayor shall be the chief executive officer of the town and shall have the following powers and duties:

(a) The mayor shall see that the bylaws and ordinances of the town are fully executed and enforced and shall preside over the meetings of the town council, voting only in case of a tie.

(b) The mayor shall authenticate with his or her signature every ordinance and resolution adopted by the town council.

(c) The mayor shall see that the duties of the various town officers, agents, and employees are faithfully performed. The mayor shall have power to investigate their accounts and have access to all of their books and documents in their office. (2019; c. 714)

§ 3.4. Vice-mayor.

A vice-mayor shall be elected by a majority of the town council at its biennial organizational meeting for a term of two years. The vice-mayor shall discharge the municipal duties of the mayor during any period of absence or disability of the mayor. If the vice-mayor is also absent or unable to act, the town council may choose another town council member to discharge the mayor's duties during the period of the vice-mayor and mayor's absence or disability. The town council may provide reasonable compensation to the vice-mayor or other town council member discharging the duties of the mayor pursuant to this section. Upon the adoption of this charter, the current president pro tempore of the town council shall serve as vice-mayor until the next organizational meeting of the town council. (2019; c. 714)

§ 3.5. Town Council.

(a) Regular meetings.

The town council shall by ordinance fix the time of their regular meetings, and they shall meet at least once a month. The town council may convene at such additional times as it may deem necessary in accordance with applicable law.

(b) Special meetings.

A special meeting may be called by the mayor or by two or more town council members. No business shall be transacted at a special meeting except that for which it is called unless all members of the town council are present. In addition, no vote shall be reconsidered or rescinded at a special meeting unless the same or a greater number of town council members is present at the special meeting as was present when the vote was taken.

(c) Quorum.

Four members of the town council, which may include the mayor, shall constitute a quorum for the transaction of business.

(d) Procedural rules.

The town council may adopt rules of procedure that govern meetings of the town council. (2019; c. 714)

§ 3.6. Vacancies.

Any vacancy occurring in the office of mayor or a town council member shall be filled in accordance with general law. (2019; c. 714)

Chapter 4. Officers Appointed by Town Council.

§ 4.1. Appointments.

The town council may appoint the following officers:

(a) Town manager.

The town manager shall be responsible to the town council for the proper administration of all affairs of the town; for the control and management of all town departments and property; for the appointment, supervision, and dismissal of town employees; for the preparation and implementation of an annual budget; and for any other duties as prescribed by the town council.

(b) Town treasurer.

The town treasurer shall keep the town's books and accounts and collect all the taxes, revenues, and assessments that may be levied by the town council and is vested with all the powers provided by the general laws of the Commonwealth of Virginia. The town treasurer shall also perform other duties and receive such compensation as the town council may prescribe.

(c) Town clerk.

The town clerk shall attend the meetings of the town council, keep a record of its proceedings, and shall generally perform such other acts and duties as the town council may from time to time prescribe and require. The town clerk shall receive such compensation as the town council may prescribe and may also hold the office of town treasurer so long as he or she is not a member of the town council.

(d) Town attorney.

The town attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia. The town attorney shall receive such compensation as may be determined by the town council and shall have such duties as prescribed by the town council.

(e) Other officers.

The town council may appoint such other officers as may be necessary to conduct the business of the town, prescribe their duties, and fix their compensation. (2019; c. 714)

§ 4.2. Removal of appointed officers.

Any officer appointed by the town council may be removed at its pleasure. The town council may fill any vacancy in any appointed office. (2019; c. 714)

Chapter 5. Miscellaneous Provisions.

§ 5.1. Severability.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (2019; c. 714)

§ 5.2. Continuation of ordinances in effect.

All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council. (2019; c. 714)

§ 5.3. Repeal of conflicting acts and charters.

All acts and parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind. (2019; c. 714)

Lynchburg, City of

History of incorporation

Established in 1786, incorporated as a town in 1805, and became a city in 1852.
Charter, 1896, c. 173; repealed 1918, c. 133.
Charter, 1918, c. 133; repealed 1928, c. 343.

Current charter

Charter, 1928, c. 343.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter I. Corporate Limits.

§ 1. The territory contained within the following limits shall be deemed and taken as the city of Lynchburg:

Beginning at the point where the right or southerly bank of Fishing Creek intersects with the southerly bank of James River; thence across the mouth of Fishing Creek up James River; thence with a straight line across the southern branch of James River and across the Norfolk and Western island and across the northern branch of James River to a point opposite the mouth of Fishing Creek, thence with the north bank of James River up the river to a point on the north bank of said river where the northwest line of the bridge of the Southern Railway intersects said bank; thence crossing with the northwest line of said railway bridge over the north branch of James River to Daniel's Island, and thence with the northwest property line of the Southern Railway across Daniel's Island and with the northwest line of the Southern Railway bridge across the southern branch of James River to the northwest end of the south abutment of the Southern Railway bridge spanning James River; thence up the south bank of James River to the point where the corporate line fixed by the annexation of 1908 intersects with said bank of the river; thence into the river to the Amherst County line; thence up James River with the Amherst County line to the point where the dividing line between Bedford and Campbell Counties intersects the Amherst County line; thence following the line between Bedford and Campbell Counties in a southerly direction to the intersection of said line with Ivy Creek and across the creek; thence down the right bank of Ivy Creek to the southern right of way line of the Norfolk and Western Railway main line; thence westward with the said southern right of way line to the boundary line between the properties of J. C. Woodson and J. R. Ford; thence with the line between Woodson and Ford in a southern direction to the left bank of Blackwater Creek; thence up the left bank of Blackwater Creek, all the creek being in the city, to the mouth of a small branch between the property of Hutter and Swisher; thence up the left bank of said branch, all of said branch being in the city, to the property line between Glass and Johnson; thence along the property line between Johnson and Hutter southwesterly to the corner of Johnson and Hutter; thence southerly along the westerly property lines of Johnson, Craddock and Early and

crossing the Salem Turnpike on the same course to the southern side of said turnpike; thence with the said southerly side of said turnpike to its intersection with Ward's Road; thence along the westerly side of Ward's Road in a southerly direction to the line between the Harvey property and Edgewood farm; thence on a straight line across Ward's Road in an easterly direction to the intersection of the line between Lindsay and Harvey on the line of Lula Dodd; thence along the northwesterly line of Dodd and across Lindsay Street a straight line to a small branch running between the property of Lula Dodd and McKinney; thence down the right bank of said branch crossing the Norfolk and Western Railway to Fishing Creek and across the creek; thence down the right bank of Fishing Creek to the point where the right bank of Fishing Creek intersects the old corporate line as fixed by the 1908 annexation, which line is a straight line drawn between the point of intersection of the northern condemnation line of the Southern Railway and the west corner of James and Carroll Streets; thence with said line in an easterly direction to the Southern Railway at its intersection with the Durham division of the Norfolk and Western Railway and across the Southern Railway and the Norfolk and Western Railway on the same course to the easterly right of way line of the Durham division of the Norfolk and Western Railway; thence along the easterly right of way line of the Durham division of the Norfolk and Western Railway in a southerly direction to the line between Fairview Heights and Roseland Park; thence in an easterly direction along said dividing line between Fairview Heights and Roseland Park to the westerly line of Campbell Avenue and across Campbell Avenue on the same course; thence along the easterly line of Campbell Avenue in a southerly direction to the southerly line of Pocahontas Avenue; thence with the southerly line of Pocahontas Avenue in an easterly direction to the southern line of the Norfolk and Western Railway belt line right of way; thence with said line of said right of way in a northwesterly direction to the intersection of the same with the Morgan College property; thence crossing the right of way of the Norfolk and Western Railway belt line and along the line between the properties of Morgan College and Poole to the intersection of said line with the O'Holloran property; thence along the line between Morgan College and O'Holloran to the southern line of College Avenue; thence along the southern line of College Avenue to its intersection with the Campbell Courthouse Turnpike and crossing the turnpike; thence along the eastern line of said turnpike to the southeasterly bank of Fishing Creek; thence down said bank of Fishing Creek, the creek being in the city, to the northerly condemnation line of the Southern Railway; thence with said condemnation line in a easterly direction to where said condemnation line again intersects with the right or southerly bank of Fishing Creek; thence with the right bank of said creek down the creek to where it again intersects with the northern condemnation line of the Southern Railway; thence with the northern condemnation line of the Southern Railway in a northerly direction to where it again intersects with the right or southerly bank of Fishing Creek; thence down said right or southerly bank of Fishing Creek to where it empties into James River at the point of beginning.

The inhabitants of the territory comprised within the present limits of the city of Lynchburg as hereinbefore described or as the same may be hereafter altered and established by law, shall continue to be one body politic in fact and in name under the style and denomination of the city of Lynchburg, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said city as a municipal corporation, and the said city of Lynchburg, as such, shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure. (1928, c. 343)

Chapter II. General Provisions.

§ 2. The city of Lynchburg and its inhabitants shall be exempt from all assessments for levies in the way of taxes imposed by the authorities of Bedford, Campbell or Amherst counties for any purpose whatever, except upon property in the said counties owned by the inhabitants of said city, nor shall said inhabitants be liable to serve upon juries in said counties. (1928, c. 343)

§ 3. Unless otherwise specifically provided, the persons holding any of the offices provided for in this charter, which offices have existed under the charter heretofore in force, shall continue to hold the same under their previous election or appointment until the term of such office as herein provided shall expire, dating the commencement of such term from the time fixed in said former charter. (1928, c. 343)

Chapter III. Government and Administration.

§ 4. The government and administration of the city shall be vested in one body, to be called the council of the city of Lynchburg, and in one administrative officer, to be styled city manager, and in such other departments, boards and other officers as are hereinafter provided for, or as are permitted or required by law appointed by the council. (1928, c. 343)

§ 5. (a) Subject to paragraphs (b) through (f) of this section, on and after September 1, 1928, the council shall consist of seven members, who shall be elected at large from qualified voters of the city and they shall serve for a term of four years from the first day of September next following the date of their election and until their successors shall have been elected and qualify; provided, however, thatat the first election held hereunder in 1928, five councilmen shall be elected,threeof the councilmen elected at said first election hereunder shall succeed the three present councilmen, whose terms expire on August 31, 1928, and shall serve for a period of four years, and two of the councilmen elected at the first election hereunder shall serve for a period of two years; thecouncilmen to serve for the two-year

period shall be determined by lot between the five councilmen elected at the first election hereunder at the first meeting of the council held in September, 1928; and at the next election, four councilmen shall be elected to succeed the two present councilmen, whose terms expire on August 31, 1928, and thetwo councilmen elected at the first election hereunder to serve for two years, and at said election and each election thereafter, the councilmen elected to succeed those whose terms expire shall be elected for a period of four years.

(b) On and after July 1, 1976, the council shall consist of seven members of whomfour shall be elected from wards and three of whom shall be elected at large as hereinafter provided. The terms of councilmen elected in 1976 and thereafter shall begin July 1, succeeding their election.

(c) On March 1, 1976, the council in office shall divide the city into four wards with reasonably equal populations. Upon the completion thereof, notice shall be given by publication once a week for four successive weeks in a newspaper having general circulation in the city.

(d) At the election to be held in May, 1976, successors to four councilmen whose terms expire June 30 next shall be elected for a term of four years. The four councilmen shall be elected from and be registered voters in the wards established under paragraph (c) above with one councilman to be elected from each ward. At the same election to be held in May, 1976, three successors to the councilmen whose terms expire in such year shall be chosen by election at large in the city to serve for terms of two years.

(e) After May, 1976, successors to the councilmen elected under paragraph (d) hereof shall be elected for terms of four years by ward or at large, as the case may be, depending upon whether the respective office was filled by election at large or by ward.

(f) The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. Vacancies occurring in the membership of the council shall be filled by the council within thirty days for a term to expire when the qualified voters of the city at large or the ward in which the vacancy occurred, as the case may be, have elected a successor at the next ensuing general election for councilmen and the person so chosen has duly qualified. If the vacancy occurs in a ward, the successor so chosen shall be a registered voter of that ward. All vacancies filled by the council shall be by majority vote of the remaining members. (1928, c. 343; 1976, c. 3)

§ 6. The council shall elect one of its members to preside over its meetings, who shall be entitled president, and who shall be the ex-officio mayor of the city, and shall also elect another member to be vice-president of the council to act in the place of the president in his absence or incapacity. The president and vice-president shall be elected for a term of two years, and any vacancy in the offices shall be filled by the election by the council for the unexpired term. The mayor shall have the same powers and duties as other members of the council with a vote, but no veto, and shall be the official head of

the city. With the exception of those officers required by the Constitution of the Commonwealth to be elected by popular vote, the members of the council shall be the only elective city officials. (1928, c. 343)

§ 7. The salary of members of council shall be determined in accordance with general law. (1928, c. 343; 1942, c. 167; 1968, c. 22; 1976, c. 298; 2021 Special Session I, c. 320)

§ 8. The council shall meet at such times as may be prescribed by ordinance or resolution, provided, however, that it shall hold at least two regular meetings each month. No business shall be transacted at a special meeting except that for which it shall have been called, unless all members of the council attend such special meeting or give their written consent thereto. For lack of quorum, any regular meeting may be postponed to such time as the council may determine. (1928, c. 343)

§ 9. The president or any other two members of the council or the city manager may call special meetings of the council at any time upon at least twelve hours' written notice to each member served personally or left at his usual place of business or residence, but special meetings may be held at any time without notice, provided all members of the council attend said meeting or waive notice thereof. (1928, c. 343)

§ 10. A majority of the members of the council shall constitute a quorum for the transaction of business. No vote shall be considered or rescinded at any special meeting unless at such special meeting there be present as large a number of members as were present when such vote was taken. No ordinance or resolution appropriating money exceeding the sum of $1,000, imposing taxes, or authorizing the borrowing of money, shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid unless at least three days intervene between its introduction and date of passage. Nor ordinance or resolution appropriating money exceeding the sum of $100, imposing taxes or authorizing the borrowing of money shall be passed except by recorded affirmative vote of a majority of all members elected to the council. (1928, c. 343)

§ 11. The officers of the city whose election or appointment isnot otherwise provided for herein or under the general statutes of the Commonwealth, shall be elected or appointed by the council except such administrative officers and employees as are appointed by the city manager under the powers granted him by this act. (1928, c. 343)

§ 12. Upon the announcement by the president of the adoption of resolutions or ordinances having for their object the increase of the indebtedness of the city, or the expenditure of its revenues, except for the payment of its salaried officers and employees, any two councilmen may give notice of a motion to reconsider, which motion shall delay the question until said reconsideration can be acted on at the regular meeting of the council. (1928, c. 343)

§ 13. The city manager shall be the administrative head of the municipal government. He shall be chosen by the council without regard to his political belief and solely upon the basis of his executive

and administrative qualifications. The choice shall not be limited to the inhabitants of the city or Commonwealth unless otherwise required by the Constitution of the Commonwealth. The city manager shall receive such compensation as shall be fixed by the council by ordinance or resolution. He shall be appointed for an indefinite period and shall serve at the will of the council. During the absence or disability of the city manager, the council shall designate some properly qualified person to perform his duties. (1928, c. 343)

§ 14. The city manager shall be responsible to the council for the efficient administration of all affairs of the city. He shall have power, and it shall be his duty:

First. To see that all laws and ordinances are enforced.

Second. Except as otherwise provided in this act, to appoint all heads or directors of departments, and all subordinate officers and employees of the city, with power to discipline and remove any officer or employee so appointed. Such appointment and removals shall be reported to the council at its next regular meeting.

Third. To exercise supervision and control over all departments and divisions created herein or that may be hereafter created by the council.

Fourth. To attend all regular meetings of the council with the right to take part in the discussion but having no vote. He shall be entitled to notice of all special meetings.

Fifth. To recommend to the council for adoption such measures as he may deem necessary or expedient.

Sixth. To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; upon knowledge of any violation thereof, to call the same to the attention of the council and of the city attorney.

Seventh. To make and execute all contracts on behalf of the city except as may be otherwise provided by this act or by ordinance passed in pursuance thereof.

Eighth. To act as budget commissioner and as such to prepare and submit to the council the annual budget, after receiving estimates made by the heads or directors of the departments or of any boards or commission not within the departments.

Ninth. To keep the council at all times fully advised as to the financial conditions and needs of the city.

Tenth. To perform all such other duties as may be prescribed by law or be required of him by ordinance or resolution of the council. (1928, c. 343)

§ 14-A. At such time as council may direct, but not later than forty-five days before the end of each fiscal year, the city manager shall prepare and submit to the council for informative and fiscal planning

purposes only, an annual budget for the ensuing year, based upon detailed estimates furnished by the several departments and other divisions of the city government according to a classification as nearly uniform as possible. The budget shall contain such other information as may be prescribed by council. (1960, c. 479)

§ 15. No person elected to the council, whether he qualify or not, shall during the term for which he was elected or twelve months after the expiration of that time be elected by the council or appointed by the city manager to any position of trust or office of trust or profit of the city. (1928, c. 343)

§ 16. The council shall elect a city clerk, a city auditor (the duties of both officers, city clerk and city auditor may be imposed upon one individual) a city attorney and a city collector, each of whom shall serve for such term as may be provided by the council, and until his successor has been elected and qualified. (1928, c. 343)

Chapter IV. Elections, Oaths of Office, Bonds and So Forth.

§ 17. The election of all the municipal officers who are chosen by the vote of the people shall be held at the intervals and on the days prescribed for such elections by the laws of the Commonwealth. (1928, c. 343)

§ 18. In case of a vacancy arising in any elective municipal office hereinafter mentioned, except as otherwise provided, it shall be the duty of the council to certify the same to the judge of the corporation court, who shall issue his writ for an election to fill such vacancy in the manner prescribed by the general election laws of the Commonwealth. (1928, c. 343)

§ 19. Whenever any special election shall be ordered by the city council for any object not provided for in the general election laws of the Commonwealth, they shall communicate their order for the same to the judge of the corporation court, and the same proceedings shall be had by it as are provided by law for special elections to fill vacancies in any elective municipal office. (1928, c. 343)

Initiative.

§ 19.1. Procedure.

Subject to the exceptions set out hereinafter in § 19.8, any proposed ordinance or ordinances, including ordinances for the repeal or amendment of an existing ordinance, may be submitted to the council by petition signed by voters equal in number to ten percent of the number of voters duly registered on January 1 of the year of the petition.

The execution of the petition by a registered voter shall be acknowledged by him, or it may be proved by the oath of a witness who shall swear on information and belief that he knows the registered voter and that the petition was signed by the registered voter in the presence of the witness. The petition may be in the form of separate sheets, each sheet containing at the top thereof the petition as set forth

above, and when bound together and offered for filing, shall be deemed to constitute one petition. Such petition shall contain the proposed ordinance in full, and shall have appended thereto or written thereon the names and addresses of at least five voters who shall be officially regarded as filing the petition, and who shall constitute a committee of petitioners for the purposes hereinafter stated. An affidavit signed by the committee of petitioners shall be attached to the petition stating the date the petition was first circulated.

All papers comprising the petition shall be assembled and filed with the clerk of the council, as one instrument, within 120 days from the date stated in the affidavit that the petition was first circulated. Within fifteen days of the date the petition is filed, the clerk shall have the general registrar of the city certify that the petition has the number of signatures of registered voters required to meet the above mentioned percentage. After the general registrar has certified that the number of signatures of registered voters meets the required percentage, the clerk shall submit the petition to the council at its next regular meeting, and provisions shall be made for public hearing upon the proposed ordinance. (1982, c. 398)

§ 19.2. Petition for election.

The council shall at once proceed to consider such petition and shall take final action thereon within sixty days from the date of the submission thereof. If the council rejects the proposed ordinance, or passes it in a form different from that set forth in the petition, or fails to act finally upon it within the time stated, the committee of petitioners may require that it be submitted in its original form, or that it be submitted with any proposed change, addition, or amendment, to a vote of the voters by the following procedure: The committee shall present to the clerk of the circuit court of the city a petition for such election, addressed to the court and signed by voters equal in number to fifteen percent of the number of voters duly registered on January 1 of the year of the petition. The petition shall contain the proposed ordinance in full in the form in which it is to be submitted to the voters. The petition and all copies thereof shall be filed with the clerk as one instrument. Within fifteen days after the filing thereof, the clerk shall examine the same and ascertain and certify thereon whether the persons whose names are signed thereto are voters of the city, equal to the number required. However, the clerk of the circuit court shall have the general registrar certify which names on a petition are registered voters before certifying any petition himself. The general registrar and the clerk of the circuit court shall make their certifications within fifteen days of the date of filing. If it be found that the required number of voters have signed the petition, then the petition, with the certificate of the clerk thereon, shall be presented by the committee to the circuit court of the city, and thereupon the court shall forthwith enter an order calling and fixing a date for holding an election for the purpose of submitting the proposed ordinance to the voters of the city. Any such election shall be in accordance with § 24.1-165 of the Code of Virginia. At least ten days before any such election, the clerk of the circuit court shall cause such proposed ordinance to be published once in one or more newspapers of general circulation in the city. (1982, c. 398)

§ 19.3. Ballots and effect of voting.

The ballots at such election shall conform to § 24.1-165 of the Code of Virginia. With respect to each ordinance whose adoption, amendment or repeal is sought, the following question shall be submitted: "Shall the ordinance entitled (title of ordinance) be (either adopted, amended or repealed, as appropriate)?" (1982, c. 398)

If a majority of the voters voting on such proposed ordinance shall vote in favor thereof, the proposed ordinance shall, upon the ascertainment and certification of the results of such election as in other special elections, become an ordinance of the city. (1982, c. 398)

§ 19.4. Ordinances adopted by the voters; how amended or repealed.

No ordinance adopted by a vote of the voters, as herein provided, shall be repealed or amended, except by a vote of the voters; but the circuit court of the city, on request of the council, by resolution, may order that a proposed ordinance repealing or amending any ordinance so adopted be submitted to the voters at any election, or any special municipal election called for some other purpose, if in accordance with the provisions of § 24.1-165 of the Code of Virginia, provided that the clerk of the circuit court shall cause notice of the submission of such proposed ordinance repealing or amending such ordinance to be published once in one or more newspapers of the city not less than ten days prior to the election. If an amendment is proposed, the notice shall contain the proposed amendment in full, and the ballot shall be in the same form and the vote shall have the same effect as in the case of an ordinance submitted to election by popular petition. The ballots and effect of voting shall be as provided in § 19.3 of this chapter. (1982, c. 398)

Referendum.

§ 19.5. Petition for referendum.

Subject to the exceptions set out hereinafter in § 19.8, if at any time within a thirty-day period following the adoption of an ordinance, a petition, signed by voters equal in number to fifteen percent of the number of voters duly registered on January 1 of the year of the petition, be filed with the clerk of the council, requesting that any such ordinance be repealed or amended as stated in the petition, such ordinance shall not become operative until the steps indicated herein shall have been taken or the time allowed for taking such steps shall have elapsed without action. Such petition shall state therein the names and addresses of at least five registered voters, who shall be officially regarded as filing the petition, and who shall constitute a committee of petitioners for the purposes hereinafter stated. Referendum petitions shall contain the text of the ordinance or ordinances, the amendment or repeal of which is sought, and shall contain the proposed amendment, if an amendment is demanded. (1982, c. 398)

§ 19.6. Procedures.

The clerk of the council shall present the petition to the council at its next regular meeting, and thereupon the council shall consider the ordinance. If, within sixty days after the filing of such petition, the ordinance is not repealed or amended as requested in such petition, the clerk of the council, if so requested by a writing signed by a majority of the committee and presented to the clerk of the council within twenty days after the expiration of sixty days, shall present to the clerk of the circuit court of the city, the petition and all copies thereof as one instrument, together with a copy of the ordinance, the repeal or amendment of which is sought. The clerk of the circuit court of the city shall examine the petition and ascertain and certify thereon whether the persons whose names are signed thereto are registered voters of the city, equal in number to fifteen percent of the number of voters duly registered as of January 1 of the year of the petition; provided, however, the clerk of the circuit court shall have the general registrar certify which names on the petition are registered voters before certifying any petition himself. The general registrar and the clerk of the circuit court shall make their certifications within fifteen days of the date of filing. If such signatures do amount to such percentage, the committee shall present the petition to the circuit court of the city, and thereupon the court shall forthwith enter an order calling and fixing a date for holding an election for the purpose of submitting the ordinance to the voters of the city. Thereupon the ordinance shall ipso facto be further suspended from going into effect until the election shall have been held and shall then be deemed repealed or amended upon the approval by a majority of those voting thereon. Any such election shall be held in accordance with § 24.1-165 of the Code of Virginia. At least ten days before any such election, the clerk of the court shall cause the ordinance to be published once in one or more newspapers of general circulation in the city.

The ballots used when voting upon such ordinance shall conform in all respects to the ballots required for an initiative election under § 19.3 hereof, and the method of voting in any such election shall be as prescribed in that section.

If in any such election the ordinance so referred or submitted be approved by a majority of the voters voting thereon, the ordinance shall, upon the ascertainment and certification of the results of such election as in other special elections, go into effect as an ordinance of the city. (1982, c. 398)

§ 19.7. Conflict of ordinances.

If two or more ordinances adopted or approved at the same election conflict in respect to any of their provisions, such ordinances shall go into effect in respect to such of their provisions as are not in conflict, and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict. (1982, c. 398)

§ 19.8. Measures not subject to initiative or referendum.

Ordinances passed providing for any work, improvement or repair certified by the city manager to be immediately necessary to protect public safety, public property, health or morals from imminent danger or protect the city from imminent loss or liability, shall not be subject to such referendum. The

certificate of the city manager in any such case shall be conclusive. No ordinance concerning revenue levies, expenditures, zoning or any administrative act shall be subject to initiative or referendum. (1982, c. 398)

Recall.

§ 19.9. Procedure.

Any member of the council may be recalled and removed from office by the voters by the following procedure: A petition for the recall of the member or members designated, signed by voters equal in number to at least ten percent of the number of voters duly registered on January 1 of the year of the petition eligible to vote for the member or members sought to be recalled, and containing a statement of factual reasons of not more than 200 words of the grounds of the recall, shall be filed with the clerk of the council. Within fifteen days of the date such petition was filed, the clerk shall have the general registrar of the city certify that the petition has the number of signatures of voters required to meet the above mentioned percentage. If the petition contains the required number of signatures, the clerk shall forthwith notify the member or members sought to be removed, and such member or members may, within ten days after such notice, file with the clerk a defensive statement of not more than 200 words. The clerk shall, immediately upon the expiration of ten days, cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each of them he shall attach a printed or typewritten copy of such defensive statement or statements, if any such shall have been furnished him within the time provided. He shall preserve the original petition and any defensive statements in his office. He shall cause a copy of such petition, with a copy of any defensive statements, to be placed in the office of the general registrar of the city who shall provide facilities for signing the petition and for the proper custody thereof. The clerk shall immediately cause notice to be published in some newspaper of general circulation in the city of the place where the copies may be found and of the time in which the same may be signed.

The petition shall remain on file in the place designated for a period of thirty days, during which time it may be signed by voters of the city, including those who signed the original petition.

At the expiration of the period of thirty days, the clerk shall assemble all of the copies, and shall file the same as one instrument with the clerk of the circuit court of the city who shall examine the same and ascertain and certify thereon whether the persons whose names are signed thereto are voters of the city, equal in number to fifteen percent of the number of voters duly registered on January 1 of the year of the petition; however, the clerk of the circuit court shall have the general registrar certify which names on the petition are voters before certifying any petition himself. The general registrar and the clerk of the circuit court shall make their certifications within fifteen days of the date of filing. If such signatures do amount to such percentage, the clerk of the circuit court of the city shall at once serve notice of that fact upon the member or members designated in the petition. (1982, c. 398)

§ 19.10. Recall election.

If the member or members, or any of them, designated in such petition file with the clerk of the council, within five days after the last mentioned notice from the clerk of the circuit court of the city his or their written resignation or resignations, the clerk of the council shall at once notify the clerk of the circuit court of the city of that fact, and such resignation or resignations shall be irrevocable and shall be filed and preserved in the offices of the clerk of the council; and the council shall proceed to fill the vacancy or vacancies, subject to the provisions of Section 5 of this charter. In the absence of notice from the clerk of the council that such resignation or resignations have been filed, as aforesaid, the clerk of the circuit court of the city shall, upon the expiration of the period of five days, forthwith present to the court the copies with his certificate as to the percentage of voters whose names are signed thereto, and a certificate as to the date of the service of the notice given by him to the member or members designated in the petition, as above provided. And, thereupon, the court shall forthwith enter an order calling and fixing a date for holding a recall election for the removal of the member or members named in the petition who have not resigned as aforesaid. Any such election shall be held in accordance with the provisions of § 24.1-165 of the Code of Virginia. (1982, c. 398)

§ 19.11. Ballots and effect of voting.

The ballots of such recall election shall provide, with respect to each person whose removal is sought, the following question: "Shall (name of person) be removed from the office of councilman by recall?" In all other respects the election shall be held in accordance with general law.

In any election, if the majority of the votes cast on the question of the removal of any member are affirmative, such member shall be deemed removed from office upon the ascertainment and certification of the results of such election as in other special elections, and the vacancy or vacancies caused by such recall shall be filled by the remainder of the council, according to the provisions of Section 5 of this charter. (1982, c. 398)

§ 19.12. Effect of resignations pending proceedings for the recall of the whole council.

No proceedings for the recall of all of the members of the council at the same election shall be defeated in whole or in part by the resignation of any of them or all of them; but in any such case upon the resignation of any of them, the remaining members of council or if a majority of the members of council resign, then the circuit court, as provided for in § 15.1-808 of the Code of Virginia (1950), as amended, shall have the power, and it shall be their duty or the court's duty, as the case may be, forthwith to fill such vacancy or vacancies temporarily until successors are elected, and the proceedings for the recall and the election of successors shall continue and have the same effect as though there had been no resignation. (1982, c. 398)

§ 19.13. Miscellaneous provisions.

No petition to recall any member shall be filed within one year after he assumes the duties of his office.

The method of removal herein provided shall not be deemed or held to be exclusive, but it is in addition to such other methods as are now or may hereafter be provided by general law. (1982, c. 398)

General Provisions Relating to Initiative, Referendum and Recall.

§ 19.14. Elections.

All municipal elections shall be conducted, and the results canvassed and certified by the regular election officials provided by the general election laws of the Commonwealth; and except as otherwise provided by this charter, all such elections shall be governed by the general election laws. (1982, c. 398)

§ 19.15. Petitions.

All petitions referred to in this charter shall be signed in ink or indelible pencil by the voter in person and not by agent or attorney. Each person signing any such petition shall print opposite his signature his full name and his place of residence by street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper (except in the case of copies of recall petitions, which may not be circulated) there shall be attached an affidavit by the circulator thereof stating that each signature appended thereto is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. All copies of any such petition shall be treated as originals. No such petition shall be deemed invalid by reason of the fact that it is signed by one or more persons who are not voters, but the names of such persons shall not be counted. As used in this charter the term "voter," "qualified voter" and "registered voter" are synonymous. (1982, c. 398)

§ 19.16. Presumptions.

All signatures to any petition referred to in this charter shall be accepted and treated as prima facie genuine. For the purpose of certifying the number of voters whose names are signed to any such petition, the clerk of the circuit court of the city shall presume that any person whose name appears thereon is a voter if such person be a voter within the meaning of § 19.17 hereof. All such petitions substantially complying with the requirements of this charter, and certified by the clerk of the circuit court to bear the required number of signatures of voters, shall be accepted and treated as prima facie sufficient. (1982, c. 398)

§ 19.17. Qualifications of persons signing certain petitions.

Any person shall be deemed to be a voter for the purpose of signing any petition referred to in this charter if the name of such person is on the registration books maintained by the general registrar of the city on the date such petition is filed with the appropriate official. (1982, c. 398)

§ 19.18. Duty of city attorney.

Before any ordinance or amendment proposed by popular petition shall be submitted to the council, it shall first be approved as to form by the city attorney, whose duty it shall be to draft such proposed ordinance or amendment in proper legal language, and to render such other service to persons

desiring to propose such ordinances or amendments as shall be necessary to make the same proper for consideration by the council. (1982, c. 398)

§ 19.19. Offenses.

No person shall:

A. Falsely impersonate another in the signing of any petition for initiative, referendum or recall, or forge any name thereto, or deface, destroy or remove from any of the places designated in this charter any copy of a petition for recall with intent to interfere with or defeat such recall;

B. Sign any petition for initiative, referendum or recall with knowledge that he is not qualified voter of the city; or purposely write his name or residence falsely in the signing of any such petition; or sign or intentionally permit to be signed any petition for recall at any other place than hereinbefore designated for the signing of such petitions; or employ or pay another or accept employment on the basis of the number of signatures subscribed thereto, or for circulating any petition permitted by this charter to be circulated.

Any person violating any of the provisions of this section shall be deemed guilty of a Class 1 misdemeanor.

The foregoing provisions shall not be deemed or held to be exclusive of, but in addition to, all laws of the Commonwealth prescribing penalties for the same offenses, or for other offenses relating to the same matter. (1982, c. 398)

§ 19.20. Compensation of clerk of the circuit court.

For his services in connection with any proceedings under the foregoing sections relating to the initiative, referendum and recall, the clerk of the circuit court of the city shall be paid by the city such reasonable fees as are now or may hereafter be provided by law for similar services in other cases. (1982, c. 398)

§ 20. Oaths of office.

The members of the city council and all other officers of the city, whether elected by the people or appointed by the council, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the State. Such oaths may be administered by the clerk of council, the judge or clerk of the circuit court or by any person competent to administer an oath under the laws of the State; and a certificate of such oaths having been taken shall be filed by each officer with the clerk of the council, who shall enter the same upon the journal of the council. If any person appointed or elected to any office in said city, shall neglect to take such oath as required by law, his office shall be deemed vacant, and there shall be another appointment or election for the same. (1928, c. 343; 1999, c. 172)

§ 21. All persons elected by the people to fill any municipal office, shall enter upon the duties thereof at the time prescribed by the general laws of the Commonwealth, and shall respectively continue in office until their successors have qualified. (1928, c. 343)

§ 22. The council shall designate such officers and employees of the city as shall give to the city bonds, with securities to be approved by the council, conditioned so as to secure the faithful discharge of their official duties, and the several penalties of said bonds shall be the sums the council, by ordinance, shall prescribe; provided that the securities of the treasurer, collector, commissioner of revenue and high constable, respectively, shall be equally liable for the acts of his deputy or deputies as for those of their principals.

The bonds provided for under this section are only to secure the faithful discharge of duties to the city, and in no wise are to supersede the official bonds of the Commonwealth required of any of said officials by law. All official bonds given by municipal officers and employees shall be filed with the clerk of the corporation court. (1928, c. 343)

§ 23. In case of default on the part of any bonded municipal officer, the city shall have the same remedies upon his bond against him and his sureties as are provided for the Commonwealth in enforcing the penalty of any official bond given to it. (1928, c. 343)

Chapter V. Corporation, Circuit and Municipal Courts, Bail Commissioners.

§ 24. The jurisdiction of the corporation and the circuit courts of the city shall extend to the corporate limits thereof and to a space of one mile without and around said limits, except that the same shall not extend into the county of Amherst beyond the corporate limits; and any judgment, order or decree of the said corporation court or of the said circuit court for the city of Lynchburg heretofore made in any case, in which the said court would have had jurisdiction had this act been in operation, shall have the same effect as if this act had been at that time in force. (1928, c. 343; 1942, c. 167)

§ 25. The city council, in the month of September, 1943 and each four years thereafter, shall elect an officer, who at the time of his election shall be an attorney-at-law, licensed to practice in this Commonwealth for at least five years, who shall be called the Judge of the Municipal Court of said city, whose term of office shall begin on the January 1 succeeding his election, and shall continue for four years thereafter; his salary shall be fixed by the council and paid out of the city treasury in monthly installments and shall not be diminished during his term of office. The present judge of the municipal court shall be the judge of the municipal court until the expiration of the term for which he was elected and until his successor shall be elected and qualified. The council may elect to the position of judge of the municipal court the same person who holds the position of judge of the municipal civil court. The city council shall provide a suitable court room and office for the judge of the municipal court and shall furnish all necessary furniture, books and stationery. Such furniture, books and stationery shall be

under the control of the judge of the municipal court, but shall remain the property of the city. (1928, c. 343; 1930, c. 11; 1942, c. 167)

§ 26. The judge of the municipal court shall have all the powers and duties in all criminal matters as by the laws of this Commonwealth are, or may be, conferred upon justices of the peace, and the same power to hold commissions to ascertain insanity, inebriety, addiction to drugs, feeble-mindedness, and epilepsy, and to enforce the laws of the Commonwealth relating thereto, as are now or may hereafter be conferred by state law upon justices of the peace, trial justices or courts of record or the judges thereof, and in addition to such powers and duties, it shall be his duty and he shall have jurisdiction to enforce the penal laws of the Commonwealth, the city ordinances of the city and resolutions of the council, and shall further have the same jurisdiction in all aforesaid matters as the civil and police justices of the cities of Virginia under the laws of the Commonwealth, and especially as set forth in section three thousand one hundred and two (3102) of the Code of Virginia. The said judge of the municipal court shall act as and serve as judge of the juvenile and domestic relations court of said city and shall have and exercise all powers conferred by general state laws upon such courts and the judges thereof. The said judge of the municipal court shall expressly have original jurisdiction and power to hear, try and dispose of, subject to appeal from his judgment and decision as hereinafter provided, charges of misdemeanor for violation of the laws of the Commonwealth, and to hold preliminary hearings upon charges of felony for violation of the laws of the Commonwealth and to send on to the grand jury those charged with felony against whom he finds probable cause and to discharge those charged with felony as to whom he does not find probable cause of guilt. He shall expressly have exclusive original jurisdiction and power to hear, try and dispose of, subject to appeal from his judgment and decision as hereinafter provided, all charges of violation of the ordinances of said city and resolutions of the city council. And he shall have power to issue such warrants of arrest, search warrants, summons, capias, mittimus, and other process and papers as may be proper in enforcing the aforesaid laws, ordinances and resolutions and his judgments and decisions. And he shall have the power and jurisdiction within the said city to admit to bail persons charged with crime in all cases where the courts of record of this Commonwealth or the judges thereof are by general state law authorized to admit to bail, except he shall not admit to bail any person whose application therefor has been refused by a court of record or judge thereof or while such application for bail is pending before a court of record or judge thereof. In the enforcing of laws of the Commonwealth relating to misdemeanors and the city ordinances and resolutions of the council, he shall have power to impose, enforce and collect all fines and penalties and to impose and inflict such other punishment as by such laws, ordinances or resolutions are provided. His territorial jurisdiction or venue shall extend throughout the corporate limits of the city and for one mile beyond those limits, except that the same shall not extend into the county of Amherst beyond the corporate lines of the city. (1928, c. 343; 1942, c. 167)

§ 26-A. Notwithstanding any other provision of this charter, the council shall appoint or elect a person who at the time of his election shall be an attorney at law, who shall have been licensed to practice law in this Commonwealth for at least five years, who shall be known as the judge of the juvenile and domestic relations court of the city, whose term of office shall begin the first day of the month following his election and shall continue for six years thereafter; his salary shall be fixed by the city council and paid out of the city treasury in monthly, bi-weekly or weekly installments, and shall not be diminished during his term of office.

The assistant judge of the municipal court, or, if he be unavailable, the substitute assistant judge of the municipal court, shall be authorized to act in all matters in the place, room and stead of the said judge of the juvenile and domestic relations court in case of absence from the city or inability to act on the part of the judge of the said juvenile and domestic relations court or during the annual vacation of said judge; and the compensation for so acting shall be fixed by the council and paid out of the city treasury. The assistant judge of the municipal court, or the substitute assistant judge of the municipal court, independently of whether either be acting for the judge of the juvenile and domestic relations court or not, shall, subject to the general supervision and control of the judge of the juvenile and domestic relations court, have at all times the same authority and power with respect to the admitting to bail and the issuing of warrants, summons, process, capias, and other proper papers as to matters within the jurisdiction of the juvenile and domestic relations court as such officers now possess with respect to bail and the issuance of such papers as to matters within the jurisdiction of the municipal court. The judge of the juvenile and domestic relations court shall hold court at such times as the council may by ordinance or resolution provide, and the city council shall further have the authority to provide by ordinance or resolution for the trial of juvenile cases coming before said court separate and apart from domestic relations cases.

Any vacancy in the office of such judge shall be filled for the unexpired term in the manner prescribed herein for original appointments or election to such office.

The judge of the juvenile and domestic relations court shall have the same powers, jurisdiction, duties, rights, privileges, and the same method of qualification as are now conferred and provided for by general state laws upon such courts in this Commonwealth and the judges thereof.

The present judge of the juvenile and domestic relations court shall continue in office until the expiration of the term for which he was appointed or elected, and upon the expiration of his term and of each successive term thereafter, a successor shall be appointed or elected for the term and in the manner prescribed herein. (1947, c. 5; 1958, c. 156)

§ 27. An appeal may be taken, as a matter of right, to the corporation court of said city from any judgment or decision of the judge of the municipal court imposing any fine, penalty, imprisonment, or other punishment, for violation of any penal laws of the Commonwealth. And from his judgment or decision

imposing any fine, penalty, imprisonment, or other punishment, for any infraction of a city ordinance or resolution of the council, an appeal may be taken, as a matter of right, to the said corporation court, except in cases where the penalty imposed is a fine not exceeding twenty dollars, in which case his judgment or decision shall be final. (1928, c. 343; 1942, c. 167)

§ 28. The said court, and the judge thereof, shall have power to enforce the payment of any fine or penalty imposed by the said court for any violation of a city ordinance or resolution, or of any state law, by imprisonment in the city jails or by committing any person convicted by said court to the city farm. (1928, c. 343)

§ 29. Said judge shall hold court each day (except Saturdays and Sundays, and such holidays as may be specified by council, and such days as he may set apart for the trial of juvenile and domestic relations cases when he is sitting as judge of such court), to take cognizance of such cases as may be brought before him under the laws of the Commonwealth or the ordinances of the city. (1928, c. 343; 1942, c. 167; 1968, c. 22)

§ 30. When the judge of the municipal court is elected, the city council shall also elect an assistant judge of the municipal court whose term of office shall coincide with that of the judge of the municipal court, and who shall be an attorney-at-law licensed to practice in this Commonwealth, and who in case of the absence from the city or inability to act on the part of the judge of the municipal court, shall act in all matters in the place, room and stead of the said judge of the municipal court, and who when so acting shall possess the same powers and discharge the same duties as said judge; and his salary for so acting shall be fixed by the council and paid out of the city treasury. And in addition, the said assistant judge of the municipal court, independently of whether he be acting for the judge of the municipal court or not, shall at all times have the same power to issue warrants and to admit to bail as is hereinafter provided for bail commissioners, and at all times have the same powers as the judge of the municipal court in matters relating to lunacy, inebriacy, drug addicts, feeble-mindedness and epilepsy, and in matters relating to the issuing of summons, mittimus, process, capias and other proper papers; and for his services in issuing warrants, admitting to bail or in connection with matters of lunacy, inebriacy, drug addicts, feeble-mindedness or epilepsy, he shall receive the same fees and from the same sources as allowed under the general laws of the Commonwealth to other officers for performing similar services. The present assistant judge of the municipal court shall be the assistant judge of the municipal court and fill that office until the expiration of the term for which he was elected and until his successor shall be elected and qualified. The city council may elect one or more attorneys-at-law licensed to practice in this Commonwealth as substitute assistant judges of the municipal court to act in case of the absence from the city or inability to act on the part of the assistant judge of the municipal court, who when so acting shall have all the powers and duties of the assistant judge of the municipal court. And the council may fix their terms of office and provide for and fix their compensation. (1928, c. 343; 1942, c. 167; 1970, c. 9)

§ 31. Any vacancy in the office of judge of the municipal court or of the assistant judge of the municipal court or of the substitute assistant judge thereof may be filled by election by the city council; and the person or persons thus elected shall serve for the unexpired term of their predecessor and until their successors shall be elected and qualified. (1928, c. 343; 1942, c. 167)

§ 32. The said judge of the municipal court shall appoint a clerk of said court who shall hold office at the pleasure of said judge and shall receive such salary as may be fixed by the city council. Said clerk shall also act as clerk of the domestic relations and juvenile court and shall perform such other duties as may be assigned him. The said judge of the municipal court may also appoint a deputy clerk, who shall hold office at the pleasure of said judge, and who if appointed, shall have the same powers and duties as the clerk of said court and shall receive such salary as may be fixed by the city council. (1928, c. 343; 1942, c. 167)

§ 33. The city council shall have authority to appoint from such of the qualified voters of the city not more than five persons, who shall, when appointed, be called bail commissioners, whose respective terms of office shall begin on the January 1 succeeding their respective appointment and shall continue for four years thereafter.

All said bail commissioners, if appointed, shall each, at all times, have the same authority and power as the judge of the municipal court to issue search warrants and warrants of arrest for violation of the criminal laws of the Commonwealth and penal ordinances of the city, and each of said bail commissioners shall at all times have power and jurisdiction within the said city to admit to bail persons charged with crime in all cases where the courts of record or the judges thereof are authorized to admit to bail; but none of said bail commissioners shall issue any such warrants nor admit any persons to bail after any court of record having jurisdiction in the matter, or the judge thereof, or the judge of the municipal court of the city, has acted upon the application for such warrant or bail nor while the application for such warrant or bail is pending before such court or judge.

The council shall have authority by ordinance to provide such rules and regulations governing the work and duties of the said bail commissioners as it may deem proper and shall fix the fees and compensation of such bail commissioners as it may deem proper. (1928, c. 343; 1942, c. 167; 1970, c. 9)

§ 34. The city council, in the month of September, 1943, and each fourth year thereafter, shall elect an officer, who at the time of his election shall be an attorney-at-law licensed to practice law in this Commonwealth for at least five years, who shall be called the judge of the municipal civil court of said city, whose term of office shall begin on the January 1 succeeding his election, and shall continue for four years thereafter and until his successor shall be elected and qualified; his salary shall be fixed by the city council and paid out of the city treasury, by monthly instalments, and shall not be diminished during his term of office. The present judge of the municipal civil court shall be the judge of said municipal civil court until the expiration of the term for which he was elected and until his successor is

elected and qualified. The council may elect to the position of judge of the municipal civil court the same person who holds the position of judge of the municipal court. Said judge of the municipal civil court shall give bond in the penalty of $2,500 with such security as may be approved by the council, payable to the city of Lynchburg with a condition for the faithful discharge of the duties of his office. (1928, c. 343; 1942, c. 167)

§ 35. When the judge of the municipal civil court is elected, the council shall also elect an assistant judge of the municipal civil court who shall be an attorney-at-law licensed to practice in this Commonwealth whose term of office shall coincide with that of the judge of the municipal civil court. In the event of the inability of the judge of the municipal civil court to perform the duties of his office by reason of sickness, absence, vacation, or otherwise, such assistant judge of the municipal civil court shall perform the duties of the office during such absence or disability and shall receive for his services such compensation as may be fixed by the city council. While acting as such judge of the municipal civil court either the judge of the municipal civil court or the assistant judge of the municipal civil court may issue warrants, executions upon, grant new trials, hear motions and perform other acts in reference to the judgments and proceedings of the other in the same manner as if they were his own. The present assistant judge of the municipal civil court shall be assistant judge of the municipal civil court until the expiration of the term for which he was elected and until his successor shall be elected and qualified. (1928, c. 343; 1942, c. 167)

§ 36. Any vacancy in the office of the judge of the municipal civil court or assistant judge of the municipal civil court may be filled by election by the city council. The person or persons thus elected shall serve for the unexpired term and until their successor shall be elected and qualified. In case of absence from the city, or inability to act, on the part of either the judge of the municipal civil court or the assistant judge of the municipal civil court, the city council may designate some person to act in the place of said judges, who when acting, shall possess the same powers and discharge the same duties as such judges. (1928, c. 343; 1942, c. 167)

§ 36-a. The said judge of the municipal civil court shall appoint a clerk and may appoint a deputy clerk for said court, who shall hold office at the pleasure of the said judge and shall receive such salary as may be fixed by the city council. Such clerk shall be a conservator of the peace within said city, and shall as such clerk issue warrants, executions, garnishments, writs of possession, summons for witnesses, summons on interrogatories, copies of orders in attachment cases, abstracts of judgments and all other processes original, mesne and final, which might or could be issued by the judge of the municipal civil court himself. Such clerk shall keep the docket and accounts for the municipal civil court, shall collect all fees and regularly deposit all moneys collected by him, and shall give bond in the sum of $2,500 for the faithful performance of his duties as such clerk. Such clerk shall make a monthly report to the city auditor showing all fees collected by him as such clerk and shall pay monthly to the collector of the city of Lynchburg all fees collected by him. Such clerk shall perform

such other duties as may be prescribed by the judge of the municipal civil court. He shall be allowed annually, a vacation period of two weeks with pay. If a deputy clerk is appointed for said court as provided herein, said deputy clerk shall exercise all the powers and duties herein given to said clerk. (1942, c. 167)

§ 36-b. The city council shall provide a suitable courtroom and office for the judge of the municipal civil court and shall furnish all necessary furniture, books and stationery. Such books and furniture shall be under the control of the judge of the municipal civil court, but shall remain the property of the city. (1942, c. 167)

§ 36-c. The high constable of the city of Lynchburg shall act as bailiff of said municipal civil court and shall have charge of the courtroom thereof. He shall also call the docket of said court and while exercising his duties as bailiff shall have all the powers, rights, and duties of a police officer of the city of Lynchburg. (1942, c. 167)

§ 36-d. The municipal civil court shall be presided over by the judge thereof and shall be held in such places as shall be designated by the city council and shall be held at least three days each week to take cognizance of such cases as may be brought before it. (1942, c. 167)

§ 36-e. The said judge of the municipal civil court shall have all the powers and duties of a justice of the peace, and of trial justices in civil matters, and of civil justices and shall have concurrent jurisdiction with the circuit and corporation courts of the city of Lynchburg, in all actions at law where the amount in controversy does not exceed $1,000 exclusive of interest and costs. In furtherance of the aforesaid jurisdiction, powers and duties, but not in limitation thereof, the said judge of the municipal civil court, where the amount in controversy does not exceed $1,000 exclusive of interest and costs, shall have the specific jurisdiction, powers and duties as follows:

1. The said judge of the municipal civil court shall have exclusive original jurisdiction of any claim to specific personal property or to any debt, fine or other money, or to damages for breach of contract, or for any injury done to property, real or personal, or for any injury to the person which would be recoverable by action at law when the amount of such claim does not exceed $200, exclusive of interest and costs.

2. The said judge of the municipal civil court shall have the same jurisdiction in actions of unlawful entry and detainer as a court of record of general jurisdiction.

3. The said judge of the municipal civil court shall have jurisdiction to hear and determine and to enter the proper orders on petitions for the enforcement of any lien on personal property.

4. The said judge of the municipal civil court shall have jurisdiction to try and decide attachment cases.

5. The said judge of the municipal civil court shall have jurisdiction to decide controversies arising out of distress warrants issued by said judge of the municipal civil court.

6. The said judge of the municipal civil court shall have the power and jurisdiction in any action or suit pending in said municipal civil court wherein an infant, idiot, or lunatic is a party, to approve and confirm a compromise of matters in controversy on behalf of such infant, idiot, or lunatic, if said compromise shall be deemed to be to the interest of the infant, idiot, or lunatic; and any order or decree approving and confirming any such compromise shall be binding upon such infant, idiot, or lunatic, except that the same may be set aside for fraud; and he shall have the same power and jurisdiction as a court of record of general jurisdiction to order the disposition of any such sum found to be due said infant, idiot, or lunatic.

7. The said judge of the municipal civil court shall have the same power as a court of record of general jurisdiction to issue summons in interrogatories and to determine issues arising therefrom, when the fieri facias upon any final judgment heretofore or hereafter rendered was issued by him.

8. The said judge of the municipal civil court shall have the same power as a court of record of general jurisdiction to issue summons in interrogatories to adverse parties or claimants and to determine issues arising therefrom. The procedure hereunder shall be the same as provided for courts of record of general jurisdiction.

9. The said judge of the municipal civil court shall have the power to recognize witnesses to appear at a subsequent date to give testimony in any case; and to issue subpoenas duces tecum, and to punish for contempt any failure to appear or produce the papers required. In order to procure the subpoenas duces tecum, the party applying therefor, must present an affidavit of himself or someone for him describing the desired papers with reasonable certainty and naming the person who is desired to produce the same, and stating that to the best of affiant's belief, the papers are relevant to the trial of the case.

10. The said judge of the municipal civil court shall have the same powers in matters of contempt as are conferred on courts and judges by the general law, but in no case shall the fine exceed fifty dollars nor shall imprisonment exceed ten days for the same contempt. From any such fine or sentence, an appeal shall be allowed as a matter or right to the corporation court of the city of Lynchburg, Virginia.

11. The said judge of the municipal civil court shall have the power and jurisdiction to try any statutory interpleader. (1942, c. 167)

§ 36-f. In any case in which the judge of the municipal civil court is given jurisdiction, the procedure of a court of record shall be followed unless otherwise herein provided, except that all cases shall be tried by said judge of the municipal civil court without the intervention of a jury.

1. Procedure before said judge of the municipal civil court, wherever practicable, shall conform to the chapter of the Code of Virginia of 1919, as now or hereafter amended, concerning warrants for small claims, except that either party may require the adverse party to file the particulars of his claim or the grounds of defense, as provided by general law, and except that the proceedings in a case wherein an infant or insane person is a party shall not be stayed because of such infancy or insanity, but the judge of the municipal civil court before whom such suit is pending, shall appoint some discreet and competent attorney-at-law as guardian ad litem for such infant or insane defendant, whether such defendant shall have been served with process or not, or, if no such attorney be found willing to act, the judge of the municipal civil court shall appoint some other discreet and proper person as guardian ad litem, who shall faithfully represent the interest or estate of the infant or insane person for whom he is appointed; but the said guardian ad litem so appointed shall not be liable for costs. Any warrant issued hereunder shall be served on the defendant not less than five nor more than thirty days from the return day thereof, unless service of such warrant shall be accepted or waived by the defendant or his counsel.

2. Any person entitled to maintain an action at law or proceed by civil warrant as above set out before said judge of the municipal civil court, may, in lieu of such action at law or civil warrant, proceed by motion before such judge of the municipal civil court after not less than five days' notice, unless said notice is waived by the defendant or his counsel, which notice shall be in writing, signed by the plaintiff, or his counsel, and shall be returned to the said judge of the municipal civil court on the return day of same, and when so returned, shall be forthwith filed and the date noted thereon, and proceedings thereafter shall be the same as upon warrants for small claims. The said notice shall contain a brief informal statement of the plaintiff's claim. All such notices shall be served only by an officer authorized to serve civil process, unless said notice shall be accepted or waived by the defendant or his counsel.

3. Any proceedings by a debtor to have his wages exempt, shall be as provided by general law.

4. The proceedings on attachments and garnishments shall be the same as provided for courts of record, except that where the principal-defendant is a non-resident and said attachment or garnishment is returned executed, and the principal-defendant has not been served with a copy thereof, the said judge of the municipal civil court, upon affidavit in conformity with section six thousand and sixty-nine (6069) of the Code of Virginia of 1919, as now or hereafter amended, shall forthwith cause to be posted at the front door of the courtroom of said municipal civil court a copy of said attachment or garnishment, and shall file a certificate of the fact with the papers in the case, and in addition to the said posting, the plaintiff in said attachment or garnishment, or his attorney, shall give to the clerk of said municipal civil court, the last known address or abode of the said defendant, verified by affidavit, and the said clerk shall forthwith mail a copy of the said attachment or garnishment to the said defendant at his or her last known address or place of abode; or, if said

defendant be a corporation, at its last known address and the mailing of the copy aforesaid shall be certified by the said clerk in writing and such certificate shall be filed with the papers in the case, and after the said copy of the attachment or garnishment has been so posted and mailed, as aforesaid for fifteen days, the said judge of the municipal civil court may proceed to try and decide the said attachment or garnishment.

5. All officers who may execute warrants of distress issued by said judge of the municipal civil court, where the amount of said warrant of distress does not exceed $1,000, exclusive of interest and costs, shall make return of the same together with any bond, bonds or affidavit taken in connection therewith, to the said judge of the municipal civil court within sixty days after the same may have come to his hands, and thereafter proceedings shall be had in said municipal civil court as now or hereafter provided by law for courts of record. (1942, c. 167)

§ 36-g. From every judgment of said judge of the municipal civil court where the amount in controversy exceeds the sum of twenty dollars, exclusive of interest and costs, there shall be an appeal as of right to the circuit or corporation court of the city of Lynchburg, and all such appeals shall be tried and judgment rendered as provided by section six thousand and thirty-eight (6038), Code of Virginia of 1919, as now or hereafter amended, but no appeal shall be granted unless within ten days from the date of judgment from which the appeal is sought, the party applying for the same or someone for him, shall have given bond, with sufficient surety or security, to be approved by said judge of the municipal civil court to abide the judgment of the court upon the appeal, if such appeal is perfected, except where such appeal is proper to protect the estate of a decedent, infant, convict, insane person, the Commonwealth of Virginia, a county, city or town, in which instance no bond shall be required, or if not so perfected, then to satisfy the judgment of said judge of the municipal civil court; judgment against such surety when the appeal is not perfected to be entered under section six thousand and twenty-eight (6028) of the Code of Virginia of 1919, as now or hereafter amended. No surety in such appeal bond shall be released by the appellant being adjudicated a bankrupt at any time subsequent to the judgment rendered by the judge of the municipal civil court, but such surety shall be entitled to make any defense on the trial of the appeal that the appellant could have made, except the defense of bankruptcy of the principal. When said appeal bond has been filed before said judge of the municipal civil court, he shall notify the opposing party in writing, by mailing to said opposing party or his counsel at his or his counsel's last known address, notice that said appeal has been taken and shall endorse on the papers in the case the date of mailing said notice. The party taking such appeal may direct to which of said courts said appeal shall be sent for trial, and in the absence of such direction, said judge of the municipal civil court may send the same to either the corporation or circuit court of the city of Lynchburg, and the clerk of said court, upon receipt of the papers in any such appeal, shall, upon payment of the writ tax forthwith docket such case in its regular order; but if said writ tax be not paid within thirty days from the date of the judgment, the said appeal shall thereupon stand dismissed,

and the said judgment shall become final and the said papers, upon application of any party in interest, shall be returned to the said judge of the municipal civil court by the clerk of the appellate court whereupon judgment shall be forthwith rendered against surety thereon, such judgment to be endorsed "no security to be taken," or if security has been deposited with said judge of the municipal civil court, upon the appeal being taken, said security shall be applied to the payment of said judgment and costs and if there remains any balance, it shall be paid to the party depositing same. Appeal cases shall not have preference over other cases pending in said appellate court as regards the time of trial. (1942, c. 167)

§ 36-h. Whenever the amount involved in any case within the jurisdiction of said judge of the municipal civil court, as herein provided, exceeds the sum of $300, exclusive of interest and costs, the judge of the municipal civil court shall at any time on or before the return date of the process, provided trial of the case has not commenced in said municipal civil court, but not thereafter, upon the application of the defendant, or if there be more than one defendant, then upon the application of any defendant, and the filing by him of an affidavit of himself, his agent or attorney that he has a substantial defense to the plaintiff's claim, and upon payment by him of the costs accrued to the time of application for removal and the writ tax as fixed by law, and four dollars on account of costs in the court to which it is removed, remove the case and all the papers thereof, to the corporation or circuit court of the city of Lynchburg; and the judge of the municipal civil court shall promptly transmit the papers in the case and the writ tax and four dollars on account of costs to the clerk of the court to which the case is removed. If the defendant fails to pay the accrued costs, writ tax, and four dollars for costs in the court to which the case is to be removed at the time of his application for removal, the judge of the municipal civil court shall proceed to try the case. On the trial of the case in the corporation or circuit court, the proceedings shall conform to the proceedings under section six thousand and forty-six of the Code of Virginia of 1919, as now or hereafter amended. (1942, c. 167; 1946, c. 383)

§ 36-i. The judge of the municipal civil court rendering any judgment may issue a writ of fieri facias thereon immediately, if there be not a new trial granted, nor an appeal allowed, nor a stay of execution; and the said judge of the municipal civil court may from time to time renew such writ either before or after the expiration of one year from the date of judgment. The said judge of the municipal civil court may grant a stay of execution in the case for sixty days upon the defendant giving bond with sufficient surety or security approved by said judge, during which time the said defendant, or his surety, may discharge their liability by paying the total amount due on account of said judgment including principal, interest and costs to the date of payment. If such liability be not discharged within sixty days, then, after the expiration of the said period of sixty days, upon motion of the judgment creditor, the judge of the municipal civil court shall enter judgment thereon against the surety and such judgment shall be endorsed "no security to be taken" and shall have the same effect as a judgment rendered against a surety on an appeal bond as herein set out, or if security has been deposited as

aforesaid, said security shall be applied to the payment of said judgment and costs andif any balance remains, it shall be paid to the party depositing same. (1942, c. 167)

§ 36-j. Any warrant or other process issued upon any claim or cause of action of which the judge of the municipal civil court is given jurisdiction may be made returnable before such judge of the municipal civil court if the defendant or one of them, if there be more than one defendant, resides in the city of Lynchburg, or within one mile of the city limits thereof, except in the county of Amherst, or if said defendant is regularly employed, or has a regular place of business in the city of Lynchburg, or if the cause of action or any part thereof, arose therein; but any such warrant, notice of motion, or any other process may be directed to a constable, sheriff, or sergeant of any county or city wherein the defendant resides or may be found; but no such warrant or notice of motion shall be executed in any county or in any city other than the city of Lynchburg, or within one mile of the city limits thereof, except in the county of Amherst, unless it be (a) an action against a corporation, (b) an action on a bond taken by an officer under authority of some statute, (c) an action to recover damages for a wrong, (d) an action against two or more defendants on one of whom such warrant, notice of motion, or other process has been executed in the said city of Lynchburg, or, (e) unless it be otherwise specially provided. (1942, c. 167)

§ 36-k. All papers connected with any of the proceedings in the trial of cases before such judge of the municipal civil court, and distress warrants, except such as may be removed on appeal or removal, shall be properly indexed, filed and preserved in the office of the judge of the municipal civil court, by said judge. Copies of any papers so filed in the office of the judge of the municipal civil court, certified by the judge or clerk thereof, shall be competent evidence in any court of the Commonwealth of Virginia, or the United States. (1942, c. 167)

§ 36-l. The judge of the municipal civil court shall have the power to make and enforce such reasonable rules of practice as are not in conflict with law. (1942, c. 167)

§ 36-m. For services rendered by said judge of the municipal civil court by virtue of his office, he shall charge the following fees:

1. For each warrant, summons in garnishment, writ of possession, summons and order in interrogatories, order of sale in attachment proceedings, order under section five thousand one hundred and ninety (5190), Code of Virginia of 1919, and for each laboring man's exemption, fifty cents.

2. For each claim tried, a trial fee of fifty cents for each $100 or fraction thereof, claimed.

3. For each warrant, notice of motion, summons in garnishment, or other similar proceedings, an indexing and filing fee of fifty cents.

4. For each execution after the first, fifty cents.

5. For each witness summoned, for each abstract of judgment, and for attesting release of judgment in docket book, twenty-five cents.

6. For each continuance after the first, twenty-five cents shall be paid by the party asking for the same, but where any continuance is by agreement of the parties, the continuance fee shall be taxed as part of the costs.

7. For extra copies of any writ or process, except warrants and summons in garnishment, one-half of the above mentioned fees.

8. The costs of any affidavit required by law to be filed in any proceeding before the judge of the municipal civil court, shall be taxed as part of the costs.

For any services rendered by said judge of the municipal civil court by virtue of his office, not provided for herein, the said judge of the municipal court shall charge the same fees as provided by general law for clerks of courts of record of general jurisdiction. (1942, c. 167)

Chapter VI. The City Council, Its Powers, Duties, Etc.

§ 37. The council shall have authority to adopt such rules and appoint such officers and clerks as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business may compel the attendance of absent members, may punish its members for disorderly behavior, and by a vote of two-thirds of its members may expel a member for malfeasance or misfeasance in office. It shall cause a journal of its proceedings and its meetings to be kept and its meetings shall be open except when by recorded vote of two-thirds of the members present, the council shall decide that the public welfare requires secrecy. The council in any investigation held by it may order the attendance of any person as a witness and the production by any person or any proper books and papers. Any person refusing or failing to attend or testify or produce such books and papers, may be summoned by the council before the judge of the municipal court or other officer having the powers of a justice of the peace of the city, and upon failure to give a satisfactory excuse, may be fined by him not exceeding the sum of $100, or imprisoned not exceeding thirty days, such person to have the right of appeal as in cases of misdemeanor, to the corporation court of said city. Such witness may be sworn by the officer presiding at such investigation and shall be liable for prosecution for perjury for any false testimony given at such investigation. (1928, c. 343)

§ 38. The council shall have all the general powers vested in it by the Constitution and laws of the Commonwealth, and it shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the Commonwealth itself may exercise under the Constitution, except such as may be specially denied cities by act of the General Assembly; and shall further have power:

First. To control and manage the fiscal and municipal affairs of the city, and all property, real and personal, belonging to the city, and make such ordinances, orders and by-laws, relating to the same as it may deem proper and necessary; and to provide for group, life, health, and accident insurance on the lives and persons of the weekly payroll or salaried employees of the city on such terms as it may deem proper, and to make appropriation out of the city treasury to cover such portion of the cost of such insurance as it may deem wise and proper.

Second. To purchase, hold, sell and convey all real and personal property necessary for its uses and purposes.

Third. To establish markets in the city and regulate the same, and to enforce such regulations in regard to the keeping and sale of fresh meat, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers, as may be deemed advisable.

Fourth. To erect in or near the city limits suitable workhouses, houses of correction or reformation, and houses for the reception and maintenance of the poor and destitute. It shall possess and exercise exclusive authority over all persons within the limits of the city receiving the benefits of the poor law; appoint officers and other persons connected with any institution or house which it may establish, and regulate pauperism within the limits of the city, and the council, through a board of overseers of the poor, or such other agencies as it may appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Fifth. To erect and keep in order all necessary public buildings; to establish and regulate public squares, airports, playgrounds, and parks in or near the city, and to acquire by purchase, condemnation, or otherwise, the land it may deem necessary for such uses, and to construct in such public squares, playgrounds or parks, as it may maintain, or upon any city property, stadiums, swimming pools, and recreation or amusement buildings, structures, or inclosures of every character, refreshment stands, restaurants, etc.; to charge for admissions, and use of the same, and to rent out or lease the privileges of construction or using such swimming pools, recreation or amusement building, structures or inclosures of every character, refreshment stands or restaurants, etc.

Sixth. To establish, maintain and enlarge water works or gas works within or without said city; to contract with the owners of land, water and riparian rights, for the use or purchase thereof, or to have the same condemned for the location or enlargement of said works, or the pipes and fixtures thereof, and to acquire by purchase or condemnation such quantity of the watershed land adjacent to the intake or source of supply, as in the judgment of the said council may be necessary to insure a sufficient supply of water for said city, and to protect the same from pollution; to acquire by purchase or condemnation from lower riparian owners the right to divert streams into the present or any future reservoir; to prevent the throwing of the filth or offensive matter in the James River within six

miles of the city limits, and to protect said water supply, works, pipes, reservoirs and fixtures, whether within or without the city, against injury and pollution, by appropriate ordinances and penalties, to be enforced as are other ordinances of said city.

Seventh. To establish or acquire by purchase and to maintain and operate within or without the corporate limits suitable works for the generation of electricity for illumination or other purposes, and to supply the same to consumers in or near the city at such price and on such terms as it may prescribe, and to that end may contract with owners of land and water power for the use thereof, or may have the same condemned.

Eighth. To establish, or acquire by purchase, such other public utilities, abattoirs and other enterprises, either within or without the city, as may in its judgment be in the public interest, and to that end may contract with owners of land, with or without buildings, for the use or the purchase thereof, or may have the same condemned.

Ninth. To take care, supervision and control of streets, squares and commons, and to close, vacate, abandon, extend, widen, narrow, lay out, pave, graduate, improve and otherwise alter the streets in said city; have the streets properly lighted and kept in good order; make or construct sewers or public ducts through the same wherever else they may deem expedient; build bridges in or culverts under said streets or alleys, prevent or remove obstructions or encroachments over, under or in the same; plant shade trees along the same, and prevent the cumbering of streets, alleys, walks, public squares, lanes or bridges in any manner whatever.

Tenth. To permit railroads to be built and to determine and designate the route and grade thereof; to permit poles for electrical, telephone, or telegraph purposes to be erected, gas and steam pipes and conduits for wires to be laid in the streets, and to prescribe an annual license charge for the privileges granted hereunder; and to levy an annual inspection charge upon all such poles, pipes and conduits; to regulate the speed of engines and cars upon the railroads within the city, and to wholly exclude the same where the welfare of the city may demand it.

Eleventh. To provide for the weighing of hay, fodder, oats and shucks or other long forage, ice, coal and livestock, and the measuring of wood and lumber.

Twelfth. To require every merchant or trader in property of any description which is sold by measure or weight, to have his weights and measures sealed by the city sealer, or other officer designated to perform such duties.

Thirteenth. To provide for aid in the support or maintenance of public free schools; to appoint the school board for the city, and to designate the age of pupils to be admitted into the public schools and the grade of such schools.

Fourteenth. To grant aid to military companies and to contribute to the support of a band maintained within the city, to associations for the advancement of agriculture or the mechanic arts, to scientific, literary, educational or benevolent organizations or institutions and to public libraries, provided such action is not prohibited by the Constitution of the Commonwealth, and that all such societies, organizations or institutions be located in or near the city, and provided further that no appropriation for any such purposes shall be made, nor shall aid be otherwise granted through exemption from charge for use of water or light facilities or otherwise, either with or without charge beyond the city limits, unless two-thirds of all the members elected to the council vote therefor.

Fifteenth. To secure the inhabitants from contagious, infectious or other dangerous diseases; to establish a quarantine ground; to provide and maintain hospitals; to compel the removal of patients to same; to appoint and organize a board of health or a department of public welfare; to define its duties, and grant to it the necessary authority effectually to discharge them.

Sixteenth. To provide for the registration of births in the city, and to that end may require physicians, midwives, or parents to report the same to the board of health or department of public welfare under such regulations as it may deem proper.

Seventeenth. To provide in or near the city lands to be used as burial places for the dead, to improve and care for the same and the approaches thereto, and to charge for and regulate the use of ground therein; to prohibit the burial of dead within the city and to regulate public cemeteries, and to require the return of bills of mortality by the keepers of all cemeteries in or near the city.

Eighteenth. To compel the abatement and removal of all nuisances within the city, or upon property owned by the city beyond its limits, at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses or other noisome or offensive business within the said city; the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to prevent unnecessary noise therein; to regulate the location of stables and the manner in which shall be kept and constructed; to provide means for and to regulate the cleaning of all dry closets and to assess against the owner or occupant of the premises on which the same is located a reasonable charge therefor, which shall be collectible as any other city taxes, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, safety, comfort, convenience and welfare of the inhabitants of the city.

Nineteenth. To authorize and regulate the erection of party walls and fences, and to prescribe how the cost thereof shall be borne by co-terminous owners.

Twentieth. To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gun-powder, nitroglycerine, fireworks, kerosene oil or other like materials; to regulate the exhibition of fireworks, the discharge of firearms and the making of bon-fires in the streets and yards.

Twenty-first. To prevent fowls and animals being kept in or running at large in the city, and to subject the same to such taxes, regulations and confiscations as it may think proper.

Twenty-second. To prevent the riding or driving of horses or other animals at improper speed; to regulate the use of automobiles and other automotive vehicles upon the streets in accordance with law; to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

Twenty-third. To restrain and punish drunkards, vagrants and mendicants.

Twenty-fourth. To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gaming houses and gambling devices of all kinds; to prevent the carrying on of lotteries of all kinds and the conducting of raffles; to prevent lewd, indecent and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who have resided therein less than one year.

Twenty-fifth. To prevent the coming into the city of persons having no ostensible means of support, or of persons who may be dangerous to the peace and safety of the city, and for this purpose may require any railroad company bringing such passengers into the city to enter into bond, with approved security, that such persons shall not become chargeable to the city for one year, or may compel such company to take them back from whence they came, or compel such persons to leave the city if they have been in the city more than six months before the order is given.

Twenty-sixth. To regulate and control auction sales, livery stables, garages, gasoline filling stations, slaughter houses, theatrical performances or other public shows or exhibitions, the hiring or use for pay of carriages, carts, wagons and drays, automobiles and other automotive vehicles, and the business or hawkers, peddlers, persons selling goods by sample, persons keeping billiard tables, tenpin alleys and pistol galleries for profit, and all other similar businesses and occupations and employments, and as to such trades, occupations and employments, and any other of a like nature, may grant or refuse license as it may deem proper.

Twenty-seventh. To compel persons sentenced to confinement in the jail of the city for petty larceny or other misdemeanor or other violations of the city ordinances to work on the public streets, parks or other public works of the city or on the city farm, or be sent to the poorhouse, there to perform such labor as the overseers of the poor or officer having charge of such department may direct; and on the requisition of the judge of the municipal court it shall be the duty of the sergeant of the city to

deliver such person to the duly authorized agent of the city for such purposes from day to day as he may be required.

Twenty-eighth. To divide the administrative work of the city into such departments as the council, in its judgment, may deem proper and to appoint a city engineer, city surveyor, city electrician, a collector of city taxes, a city attorney and an auditor, and such other officers and employees as it may deem proper and necessary, and to prescribe their respective powers and duties, terms of office and compensation; and all such officers may have such assistants and clerks as the council may approve. Any office which the council has the power to fill by appointment or election it may abolish or declare vacant at any time whether the term of office of the incumbent has expired or not; and it may likewise at any time consolidate any such office with any other of the offices that the council has the power to fill by election or appointment, or it may consolidate any such office with any office to which the incumbent is elected by the voters of the city, provided that the fire and police departments shall not be abolished. When a vacancy occurs in any office to which the incumbent is elected by the council, the council is empowered to fill the vacancy, and when such vacancy occurs otherwise than by the regular expiration of the term of the incumbent the election shall be only for the unexpired term.

Twenty-ninth. To change the boundaries of wards and increase the number thereof.

Thirtieth. To give names to or alter the names of streets.

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

Thirty-second. To provide for the regular and safe construction of houses in the city for future, and to provide a complete building code for the city and to provide setback lines on the streets beyond which no building may be constructed.

Thirty-third. To designate and prescribe from time to time the parts of the city within which no buildings of wood shall be erected, and to regulate the construction of buildings in the city so as to protect it against danger from fire; and to enact an ordinance dividing the city into zones under the provisions of state law; and to provide for a city planning commission and define its powers.

Thirty-fourth. To prescribe penalties for the violation of any city ordinance, rule or regulation, but not exceeding any penalty established by the Commonwealth for a similar offense.

Thirty-fifth. To pass all by-laws, rules and ordinances not repugnant to the Constitution and laws of the Commonwealth which it may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property, and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in said city, or in the council, court or officers thereof, or which may be necessarily incident to a municipal corporation.

Thirty-sixth. To provide for the due publication in the newspapers or otherwise of its ordinances and resolutions.

Thirty-seventh. To contribute funds or other aid to the building or improvements of permanent public roads leading to the city, or of bridges on such roads, or to the purchase of bridges on such roads by an affirmative vote of at least two-thirds of the members elect of the council, provided that no such appropriation shall be made toward the building, purchase, or improvement of any road or bridge at a point more than forty miles beyond the corporate limits of the city measured along the route of such road.

Thirty-eighth. No ordinance or section of ordinance, hereafter passed or amended by the council for the violation of which any penalty is expressly imposed in the ordinance or section of ordinance as passed shall take effect until the same shall have been published for five days consecutively in one of the daily newspapers of the said city to be designated by the city council; provided, however, that this requirement as to publication shall not apply to an ordinance merely granting to a person some individual right or privilege, nor to any ordinance re-ordained or amended in or by a compilation or codification of said ordinances, nor to the amendment of any ordinance, or section thereof, where no specific penalty for the violation thereof is provided in the ordinance or section of ordinance as amended or re-enacted, where the penalty for the violation of such ordinance or section of ordinance so amended and re-enacted is only the penalty imposed by the general ordinances of the city for the violation of any ordinance of the city, or is only the penalty imposed for violation of any of the provisions of an ordinance, where only one or more of the sections of said ordinance are so amended or re-enacted; and provided further, that in cases where the council adopts ordinances or sections of ordinances which are substantially the same as state statutes or sections thereof, dealing with the same subject, it shall not be necessary to publish said ordinances or sections thereof, but it shall be sufficient to publish a notice that certain statutes of the Commonwealth or sections thereof, have by ordinance been adopted by the city council, said notice to cite the act of the Assembly or sections in the Virginia Code which have been so paralleled and adopted by the council, and said notice shall further give a brief description of the subject matter of the ordinance or section thereof so adopted.

The record or entry made by the clerk of said city, or a copy of such record or entry duly certified by him, shall be prima facie evidence of the fact and time of such publication; and all laws, regulations and ordinances of the city council may be read in evidence in all courts of justice and all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either from a copy thereof certified by the clerk of said council or from the volume of ordinances printed by authority of the city council. (1928, c. 343; 1930, c. 9; 1934, c. 278; 1938, c. 183; 1999, c. 172)

§ 38-A. (1) Notwithstanding any provision of § 38, or of any other sections of the charter of the city of Lynchburg, as amended, it shall be unnecessary, whenever the council of such city shall codify, recodify, revise or amend any existing ordinance or ordinances or enact any new ordinance or ordinances of said city, and cause the same, or any part thereof, to be printed at one time or from time to time in book or pamphlet form, to publish in a newspaper or otherwise any new, revised or amended ordinance or ordinances, or any other ordinance or ordinances, or any codification or recodification of any ordinance or ordinances contained in any such book or pamphlet, and all new, revised or amended ordinances, codifications or recodifications contained in any such book or pamphlet shall take effect at such time, but not less than thirty days after the same have been printed in such book or pamphlet form, as may be prescribed by the council by ordinance.

(2) Notwithstanding any provision of paragraph (1) of this section or of § 38, or of any other section of the charter of the city of Lynchburg, as amended, it shall be unnecessary to either publish in a newspaper or otherwise, or to print in a book or pamphlet form any ordinance or ordinances of said city which prohibit or regulate traffic or parking on any designated street or streets, or other designated area or areas, or which prohibit or regulate the dumping of trash or other matter, or which prohibit or regulate any other specified activity or activities in or near any designated streets, areas, buildings or other locations; provided, however, such signs are present, within or near such streets, areas, buildings or other locations, as to apprise an ordinarily observant person of such prohibitions or regulations, and such ordinance or ordinances shall take effect at such time, but not before the signs called for in said ordinance or ordinances have been erected, as may be prescribed by the council by ordinance. (1942, c. 235; 1950, c. 253)

§ 38-B. (1) In order to carry out more effectually the powers conferred by this charter, the city of Lynchburg is hereby expressly authorized to acquire by condemnation proceedings instituted in the corporation court of the city of Lynchburg, or in the circuit court of the city of Lynchburg, if the subject lies or is situated within the city, and if not within the city, in the circuit court of the county in which subject lies, land or any interest therein, any right, easement, or estate of any person or corporation therein, whenever in the opinion of its council a public necessity exists therefor, which shall be expressed in the ordinance or resolution directing such acquisition, whenever the city of Lynchburg cannot agree on terms of purchase or settlement with those entitled to such subject because of the incapacity of such owner, or some one of the owners, or because of the inability to agree upon the compensation to

be paid, or other terms of settlement or purchase, or because the owner, or some one of the owners, of the subject proposed to be acquired is a nonresident of this Commonwealth, or cannot with reasonable diligence be found in this Commonwealth, or is unknown. If the subject is situated partly within the city and partly within the county, the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the courts of the city hereinbefore enumerated. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders, any or all of whom may reside either in such county or in the city, any three of whom may act, as provided by law.

(2) In addition to the procedure prescribed by general law for the exercise of the power of eminent domain, the council of the city may, by such ordinance or resolution, direct the acquisition of such property and provide therein in a lump sum the total estimated necessary funds to compensate the owners thereof for the property or properties to be acquired or damaged. Upon the adoption of such ordinance or resolution the city may file a petition in the clerk's office of any of the courts hereinbefore enumerated, which shall be signed by the mayor, vice-mayor or city manager and shall set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when no property is to be taken but is likely to be damaged, the necessity for the work of improvement which will cause or is likely to cause damage to the property or estate of any person. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing the names and residences of the owners of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or on tenants of the freehold of such property, if known. If such owner or tenant of the freehold be unknown or a nonresident of the Commonwealth and cannot with reasonable diligence be found in this Commonwealth, or if the residence of such owner or tenant be unknown, he may be proceeded against by order of publication, which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ 8-71, 8-72, 8-76 and 25-46.10 of the Code of Virginia. Upon the filing of said petition and the deposit of the funds provided by the council for the purpose, in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor, the interest or estate of the owner of such property shall terminate and the title to such property or interest or estate of the owner shall be absolutely vested in the city in fee simple, and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works of improvement.

The clerk of the court in which such proceeding is instituted, unless such court shall also be the court in which deeds are admitted to record, shall make and certify a copy of the petition, and any exhibits filed therewith, notice and orders and deliver or transmit the same to the clerk of the court in which deeds are admitted to record. The clerk of the court in which deeds are admitted to record shall record the same in his deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the city. If the city and the owner of property so taken or damaged agree upon compensation therefor upon filing such agreement in writing in the clerk's office of such court, the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein, whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making of such inquiries by such special commissioner. If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in § 25-46.20 of the Code of Virginia, or as provided for in this section, and shall in this order appointing such commissioners designate the day and hour for them to meet, and all proceedings thereafter shall be had as provided in §§ 25-46.20 through 25-46.34 of the Code of Virginia, or as provided in § 15.1-236 thereof, insofar as they are then applicable and are not inconsistent with the provisions of this act, and the court shall order the deposit in bank to the credit of the court such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by the erection of said improvements in making their award.

(3) In all cases under the provisions of this act, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the city, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken; and provided, further, that if such enhancement in value shall exceed the damage, there shall be no recovery over against the owner for such excess.

(4) Whenever any money shall have heretofore remained or shall hereafter remain for five years in the custody or under the control of any of the courts hereinbefore enumerated in any condemnation proceedings instituted therein by the city under this section or the general law, without any claim having

been asserted thereto, such court shall, where the amount is $100 or more, cause a publication to be made once a week for two successive weeks in a newspaper of general circulation in the city, setting forth the amount of such money, the source from which it was derived and the proceedings in which it is held, and requiring all persons having any claim to said money to appear before said court within such time after the completion of the publication as the court may prescribe and establish their claim. If the sum be less than $100, the court shall direct the same to be paid into the treasury of the city, and a proper voucher for the payment taken and filed among the records of the proceeding. If no person shall appear and show title in himself, the court shall order the money, after deducting therefrom the costs of such publication if such publication is made, and any other proper charges, to be paid into the treasury of the city and a proper voucher for the payment to be taken and filed among the records of the proceeding. The city comptroller shall, in a book provided for the purpose, keep an account of all money thus paid into the city treasury, showing the amount thereof, when, by whom, and under what order it was paid, and the name of the court, and, as far as practicable, a description of the suit or proceeding in which the order was made, and as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the city shall be paid thereout to any person entitled thereto, who has not asserted a claim therefor in the proceeding in which it was held, on the order of the court having jurisdiction of such proceeding, upon satisfactory proof that he is entitled to such money. If such claim be established, the net amount thereof, after deducting costs and other proper charges, shall be paid to the claimant out of the treasury of the city on the warrant of the city comptroller. No claim to such money shall be asserted after ten years from the time when such court obtained control thereof; provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted, claim to such money may be asserted within five years after the removal of such disability. (1947, c. 5; 1968, c. 22)

§ 38-C. Property for school purposes.

The city shall have authority to acquire by purchase, eminent domain, grant, or otherwise, property within the city or without the city for a distance of one mile from the corporate limits thereof for school purposes; provided, however, that no property for such purpose outside the city shall be acquired that is held for, or devoted to, county school purposes or other public use; and the school board of the city shall have the same control over school property outside the city, the title to which is vested in the city, as it exercises upon like property within the corporate limits. Procedure in any condemnation proceedings brought under authority of this section shall be prescribed in § 38-B of this charter. (1948, c. 130)

§ 38-D. Notwithstanding any of the provisions of the Housing Authorities Law (§§ 36-1 et seq. of the Code of Virginia, as amended), the members of the council of the city of Lynchburg, Virginia, during their respective terms of office as councilmen, are authorized and empowered to act as the Com-

missioners of the Lynchburg Redevelopment and Housing Authority, whenever the said council shall adopt a resolution declaring

(1) The need for an authority to function in the city of Lynchburg; and

(2) The determination that the members of the council of the city of Lynchburg, shall act as the Commissioners of the said Authority.

Should the council determine to act as the Commissioners of the Lynchburg Redevelopment and Housing Authority as above provided, it shall designate which of the Commissioners shall be the Chairman of the Authority, and four Commissioners shall constitute a quorum of the said Authority for the purpose of conducting its business and exercising its powers and for all purposes, and action may be taken by the Authority upon the vote of a majority of the Commissioners present, unless in any case the by-laws of the Authority shall require a larger number. The determination of the council made hereunder and any determination that may be made by the Authority as constituted hereunder shall be effective without the prerequisite of an election being held to determine the question as provided by the Housing Authorities Law.

Nothing herein contained shall be construed to prevent the council and the Authority from otherwise proceeding under and in accordance with the Housing Authorities Law. (1950, c. 253; 1956, c. 244)

§ 38-E. In addition to such powers as the council may have under the provisions of § 38, or any other section or sections of the charter of the city of Lynchburg, as amended, or of any provisions of the general law, it shall have authority to limit the depth of any future excavations within the city and to regulate the rights and duties of adjoining property owners as to the lateral support of land and improvements thereon. (1950, c. 253)

§ 38-F. Except as otherwise provided in this charter, the council shall have the power to provide by ordinance the length of prior residence in the city, if any, which shall be required as a qualification for employment of regular, permanent officers and employees of the city, or any of them; and whether such officers and employees, or any of them, shall be required to reside within the city during their tenure in such office or employment. (1968, c. 22)

§ 38-G. Powers relating to public transportation.

In addition to the powers granted by other sections of this charter, the city shall have the power to acquire, operate, lease or otherwise provide for the operation of a public transportation system, including, by way of illustration but not limitation, the operation of passenger buses, both within and outside the city of Lynchburg, including providing for transportation of pupils attending public schools operated by the School Board of the city of Lynchburg; provided, however, that the operation of any such system outside the city of Lynchburg shall be only with the consent of the governing body of the political subdivision in which such operation is to occur. (1974, c. 22)

§ 38-H. Power relating to public museum.

The city shall have the authority to provide for and operate public museums and to acquire by purchase or gift, sites, landmarks, structures and all appropriate items for preservation and exhibition. The council shall have the power to appoint such boards, commissions and agencies as it deems appropriate to administer and regulate the operation of such museums. (1974, c. 22)

§ 38-I. Police jurisdiction of city-owned lands, buildings and structures located outside its corporate limits.

The powers set forth in § 15.1-887 of the Code of Virginia, as in force on January 1, 1974, are hereby conferred on and vested in the city of Lynchburg; provided, however, as to such facilities located outside the municipal corporation, that these powers shall be limited to jurisdiction over water supplies and facilities; and, airports and lands, structures, equipment and facilities appurtenant thereto, as provided in §§ 15.1-875 and 15.1-885. (1974, c. 22)

§ 39. There shall be a police department and a fire department, which may be incorporated into one department known as the "department of public safety," with the director therefor to be appointed by the city manager.

First. (a) The city manager shall, through the director of the department of public safety, if such department be established, appoint a chief of police whose duties and bond shall be such as the council may ordain. The city manager shall further, on nomination of the chief of police, through the director of the department of public safety, if such office be established, appoint such number of policemen as may be authorized by the council.

(b) The chief of police and policemen appointed as hereinbefore provided, shall constitute the police force of the city and shall hold their respective positions during good behavior or until they are removed by the city manager.

(c) The police force shall be under the control of the city manager for the purpose of enforcing peace and executing the laws of the Commonwealth and ordinances of the city. It shall perform such other duties as the council may prescribe. For the purpose of enabling it to execute its duties, every member thereof is hereby made a conservator of the peace and endowed with the powers of a constable in criminal cases, and with such other powers under the laws of the Commonwealth as may be necessary to the discharge of the duties of his office.

(d) The director of the department of public safety, if such department be established, or the chief of police, if there be no such department, may, with the approval of the city manager, in time of public emergency or at such times as there are an insufficient number of regular policemen to preserve the peace, safety and good order of the community, appoint and equip a sufficient number of special policemen to preserve the peace, safety and good order of the community. The director of the department of public safety, if such department be established, or the chief of police, if there be no such department, shall also appoint such employees of the city as may be designated by the city

manager to be special policemen who, while in the performance of their official duties, shall have the powers and duties of policemen. The director of the department of public safety, if such department be established, or the chief of police, if there be no such department, may, with the approval of the city manager, upon the application of any individual, firm or corporation showing the necessity thereof, appoint one or more special policemen to be paid by the applicant who shall have the powers and duties of policemen while in or on the premises of such applicant or in the actual performance of the duties for which employed. The appointment of any special policeman shall be revocable at any time by the director of the department of public safety, if such department be established, or by the chief of police, if there be no such department.

(e) The pay of the said police and the said special police employed by the city shall be prescribed by the council, but the uniforms, rules and regulations of said police force and of all special police shall be prescribed by the city manager or by the director of public safety with the approval of the city manager.

Second. (a) The city manager shall, through the director of the department of public safety, if such department be established, appoint a chief engineer of the fire department, whose pay, duties and bond shall be such as the council may ordain. The city manager shall further, upon the nomination of the chief engineer, appoint such number of firemen as may be authorized by the council. Vacancies in the force of firemen shall be filled in like manner. The chief engineer and firemen shall retain their position during good behavior or until they are removed by the city manager.

(b) The pay for the said members of the fire department shall be prescribed by the council, but the uniforms, rules and regulations of the said members of the fire department shall be prescribed by the city manager, or by the director of public safety with the approval of the city manager. (1928, c. 343; 1946, c. 381; 1952, c. 163)

Chapter VII. Judge and Clerk of Circuit Court, Commonwealth's Attorney, City Treasurer and Other Officers (1994, c. 98).

§ 40. Judge and clerk of circuit court, Commonwealth's attorney, city treasurer, city sheriff and commissioner of revenue.

A. There shall be for said city a judge of the circuit court, a Commonwealth's attorney, a clerk of the circuit court, a treasurer, a sheriff, and a commissioner of the revenue, each of which shall be elected in the manner and at the time, and to hold office for the term prescribed by law; they shall respectively perform such duties, have such powers, and be liable to such penalties as may be prescribed by the laws of the Commonwealth or the ordinances of the city, made in pursuance thereof; and for all services performed for said city by the treasurer or by the commissioner of revenue, or performed under any ordinance or resolution of the council, such officers shall receive such compensation as may from

time to time be fixed by the council, which compensation may be either in the shape of salary or commissions as the council may determine.

B. Notwithstanding any provision of law to the contrary, the sheriff shall, upon the adoption of an ordinance by the city council, in addition to the other duties and responsibilities imposed upon him by general law, be responsible for the operation of the city jail, lockup facilities, receiving unit and court holding facilities. (1928, c. 343; 1994, c. 98)

§ 41. There shall be elected by the qualified voters of each ward of the city one justice of the peace, who shall hold office for the term of four years and until his successor is elected and qualified, unless sooner removed from office. The said justices shall be conservators of the peace within the corporate limits of the city, and for one mile beyond the corporate limits thereof, except that the same shall not extend into the county of Amherst beyond the corporate lines, and within such limits shall possess the jurisdiction and exercise the powers conferred on justices of the peace under the laws of this Commonwealth, except that nothing herein contained shall be construed as vesting in such justices any portion of the jurisdiction given by law to the judge of the municipal court in enforcing the ordinances of the city or the criminal laws of the Commonwealth, and in case the council shall establish the municipal civil court as heretofore provided in this act, with exclusive civil jurisdiction to try civil cases, said justices of the peace shall not have authority to try civil cases, though such criminal and civil jurisdiction, or any part thereof, may be vested in them, or in any one or more of them, by resolution or ordinances of the council. (1928, c. 343)

§ 42. There shall be elected by the qualified voters of the city one high constable, who shall hold his office for the term of four years and until his successor be elected and qualified, unless sooner removed. Said high constable shall keep his office in some convenient place in the city, and shall have the same powers and duties and be subject to the same penalties as are prescribed by law for the constables, and shall further perform such other duties as may be prescribed by the ordinances of the city, for which duties his compensation shall be fixed by the council. He may be appointed as clerk of the municipal civil court. (1928, c. 343)

§ 42-A. The council may abolish the office of high constable, whether or not the term of said high constable has expired, and may transfer the duties of high constable upon the sergeant of the city, provided, however, that no action shall be taken toward the abolition of said office until the expiration of the present term of the high constable. (1947, c. 5)

§ 43. The collector, commissioner of revenue and high constable may each appoint one or more deputies, provided such appointments meet with approval of the council; but the sureties of said officers, respectively, shall be equally liable for the acts of said deputies as for those of their principals. (1928, c. 343)

Chapter VIII. Bonds, Taxes, Sinking Funds, Et Cetera.

§ 44. The council may, in the name and for the use of the city, contract debts and cause to be issued therefor notes or bonds; but no debt of the city shall be payable more than thirty-four years from the date thereof; provided that the council shall not have power to contract debts for the city or issue evidences therefor, whether notes or bonds for sums which, when added to the net debt of the city then existing after the deduction of sinking funds and all bonds issued for or allocated to the water department, shall cause the total amount of the indebtedness of the city to be greater than sixteen percent of the value of the real and personal estate, which shall include all capital on which a license is paid, in the city as assessed for taxation, either by the Commonwealth or the city; provided, however, that in determining the limitation of the power of the city to incur indebtedness there shall not be included the classes of indebtedness mentioned in subsections (a) and (b) of § 127 of the Constitution of the State; and, provided, further, that the council shall not contract debts or issue any evidence thereof for the purpose of subscribing to the capital stock of any internal improvement company or private corporation, nor shall it cause the bonds of any such company to be endorsed by the city, and the council shall provide for the retirement of said bonds either by sinking funds as hereinafter provided, or it may cause said bonds to be issued as serial bonds to be retired periodically as provided by the ordinance authorizing the same from the current revenues of the city, in which case no sinking fund shall be provided. (1928, c. 343)

§ 45. No debt shall be created by the council for a longer period than four months, unless the ordinance creating the same shall have been introduced at some meeting of the council at least thirty days before the same is passed; but an amendment to such an ordinance need not lie over for an additional thirty days. (1928, c. 343)

§ 46. For the execution of its powers and duties, the council may tax all real and personal property in the city not exempt by law from taxation, or segregated to the Commonwealth for exclusive taxation, all corporations located in the city or having their principal office therein and not exempt by law from taxation, all moneys owned by or credits due to any person living in the city, all capital of persons having a place of business in the city and doing business therein and employed in said business, though the said business may extend beyond the city; provided, that so much of said capital as is invested in real estate, or employed in the manufacture of articles outside the city limits, shall not be taxed as capital; all stocks in incorporated joint stock companies doing business in the city and by whomsoever owned and not exempt by law from taxation; income, interest on money, dividends of banks, or other corporations; provided, that no capital, interest, income or dividends shall be taxed, when a license or other tax is imposed upon the business in which said capital is employed, or upon the principal, money, credits or stocks from which the interest, income or dividend is derived; nor shall a tax be imposed at the same time upon stock of a corporation and upon the dividends thereon; and provided further, that such property has not been segregated to the Commonwealth for exclusive taxation. Assessments upon stocks and bonds shall be according to the market value thereof. The council may,

by curative ordinance, ratify and confirm irregular assessments and levies of taxes heretofore or hereafter made, and the acts of all ministerial officers in connection therewith, and any such ordinance heretofore passed is hereby ratified and confirmed. (1928, c. 343)

§ 47. The council may impose a tax of one dollar per annum upon each resident of the city who has attained the age of twenty-one years. For the purposes of this section every person domiciled in the city of Lynchburg on January 1 in any year, and every other person who has had his place of abode in this city for the longer portion of the twelve months next preceding January 1 in any year shall be deemed a resident of this city. (1928, c. 343; 1942, c. 167)

§ 48. The council may impose a tax on merchants, commission merchants, auctioneers, manufacturers, traders, lawyers, physicians, dentists, brokers, keepers of ordinaries, hotel keepers, boarding-house keepers, keepers of drinking or eating houses, keepers of livery stables, photographic artists of all kinds, agents of all kinds (including the agents of insurance companies, whose principal office is not located in the city), sellers of wines and other liquors, venders of quack medicine, public theatrical or other performances or shows, keepers of billiard tables, tenpin alleys, pistol galleries, hawkers, peddlers, sample merchants, railroad companies, canal companies, telegraphic companies, telephone companies, gas companies, electric companies, traction companies of all sorts, street railway companies, express companies, insurance companies, and any other person, firm, corporation or employment, whether of like kind with any of the foregoing or not, which it may deem proper, whether such person, firm, corporation or employment be herein specifically enumerated or not, and whether any tax be imposed thereon by the Commonwealth or not. As to all such persons, firms, corporations or employments, the council may lay a direct tax or may require a license tax therefor under such regulations as it may prescribe and levy a tax thereon; and where it is not prohibited by the laws of this Commonwealth, or of the United States, may levy both a direct tax and a license tax thereon; but the taxes herein authorized shall be subject to the provisions and conditions set forth in the third section of this chapter. But this section shall not render it legal to conduct within the city any business, calling or vocation which but for this section would be illegal. (1928, c. 343)

§ 48-A. In addition to the other powers conferred by law, the council shall have the power to impose, levy and collect, in such manner as it shall deem expedient, an admission tax on admission to any public amusement, entertainment, performance, exhibition, sport or athletic event in said city, and may provide that such tax shall be added to and collected with the price of admission or other charge for such amusement, entertainment, performance, exhibition, sport or athletic event. Furthermore, council shall have the power to impose, levy and collect, in such manner as it may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, electricity, gas, telephone, and any other public utility within the city, or upon the amount paid for any one or more of such public utility services, and council may provide that such tax shall be added to and collected with bills rendered consumers for such services. (1947, c. 5)

§ 48-B. In addition to the other powers conferred by law, the council is hereby empowered to raise annually by taxes and assessments such sums of money as the council shall deem necessary for the purposes of the city, in such manner, on such subjects and transactions, and from such sources as council deems expedient in accordance with the Constitution and laws of the Commonwealth and the United States. (1947, c. 5)

§ 49. The council may subject any person, who without having obtained a license therefor, shall do any act or follow any employment or business in the city, for which a license may be required by ordinance, to such fine or penalty as it is authorized to impose for any violation of its laws. (1928, c. 343)

§ 50. There shall be set aside annually from the revenues of the city, a sinking fund equal to not less than one percent on the aggregate outstanding debt of the city, which by its terms is not payable within one year, and on the debt of the city contracted for a new water system for said city, or for improving the present system, there may be set aside an additional fund equal to the two percent of said debt contracted for a water system for said city; provided that no sinking fund need be set aside for the retirement of serial bonds maturing periodically. Said sinking fund shall be applied to the debt or debts for the discharge of which it was created, and until so applied, shall be invested, with its accumulations of interest, in direct obligations of the United States Government, or in other bonds and/or securities, the payment of which are guaranteed both as to principal and interest by the Government of the United States, or in bonds of the Commonwealth of Virginia, or of the city of Lynchburg, or of any city in the Commonwealth of Virginia having a population of 10,000 inhabitants or over, according to the latest United States census. (1928, c. 343; 1942, c. 167)

§ 51. The council shall not appropriate any part of the sinking fund or its accruing interest otherwise than as mentioned in the preceding section, except in time of war, insurrection or invasion, and then only by a vote of two-thirds of all the members elected to such council. (1928, c. 343)

§ 52. The treasurer, collector of city taxes and assessments, the collector of delinquent taxes, the collector of water rents and water assessments, sidewalk, sewer and dry closet assessments, and any other collector of funds due to the city which it may appoint, shall have power of distress, garnishment, renting or action, or any other power now possessed, or that may hereafter be given, to any person charged with the collection of state taxes, for the purpose of collecting any taxes or assessments as above set forth due to the city. The collector of any such city taxes or assessments as above provided shall not be required to first levy or distrain on the property, goods or chattels of the person so assessed, or to find or search for such property, goods or chattels, but without first applying to any person indebted to, or having in his hands estate of, the party assessed with taxes, may garnishee the estate of any person owing taxes or assessments to the city of Lynchburg, by serving, himself or by his deputy or by any other officer authorized to serve process, written notice upon any person indebted to, or having in his hands estate of, the party assessed with such taxes, levies or assessments, which notice shall state the amount of taxes, levies or assessments, plus penalties, interest, and costs, due

to the city, shall be signed and issued by the city collector or his deputy, and shall direct the person on whom such notice is served, if the sum due for such taxes, levies, or assessments does not exceed $1,000, to appear before the judge of the municipal civil court, at the courtroom thereof, at such time as may seem reasonable, not exceeding sixty days from the date of service of such notice; and if the sum due exceeds $1,000, such notice shall direct the person on whom such notice is served to appear before the corporation court of the city of Lynchburg, at the courthouse thereof, at such time as may seem reasonable, not exceeding ninety days from the date of the service of such notice; and from the time of the service of any such notice the taxes, levies or assessments, together with any penalties, interests, and costs, shall constitute a lien on any indebtedness due from such person, or on the estate in his hands, from such time of service up to the return day. Every notice of such garnishment shall be made in triplicate, one copy to be served on the garnishee, one to be served on or mailed to the person charged with such taxes, at his address appearing on the land book or other tax or assessment rolls of the city, and the third copy to be filed with the court with the return of the officer serving or mailing the same thereon. The city collector, or his deputy, shall be entitled to a fee of fifty cents for each service made by him hereunder. Court costs, other than service fees, shall not be assessed unless a trial of said notice or garnishment is held, in which latter event court costs shall be assessed as in other cases of garnishment. Any execution on judgment entered on said notice or garnishment shall be directed to the city collector or to any other officer whom he may designate. Except as herein provided, all proceedings on said notice or garnishment shall be the same as now or hereafter provided by general law for courts of record of general jurisdiction with respect to attachments and garnishments. No deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained or sold for taxes assessed against the grantor in such deed while such goods and chattels remain in the possession of the grantor, nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for the taxes assessed thereon, no matter in whose possession they may be found. (1928, c. 343; 1942, c. 167)

§ 53. All moneys received or collected for the use of the city shall be paid over, held and disbursed as the council may order or prescribe. (1928, c. 343)

§ 54. It shall be the duty of the clerk of the corporation court of said city annually, between the first and fifteenth days of January, to furnish the commissioner of revenue for said city a certified list of all transfers of real estate which may have been made in his office during the preceding twelve months. (1928, c. 343)

§ 55. A tenant from whom payment of taxes on his landlord's property shall be obtained by distress or otherwise, shall have credit for the same against such person on account of his rent, unless by contract the tenant is to pay such taxes. (1928, c. 343)

§ 56. The council may impose a penalty of five percent for the non-payment of city taxes and levies, and may cause such penalty to be added to the amount of taxes or levies for any tax year at such time,

on and after the first of July in each year, as it may by ordinance or resolution from time to time determine; and after such penalty has been added, the treasurer, city collector of taxes, collector of delinquent taxes, and all other officers of the city authorized to collect taxes or levies for the city of Lynchburg shall have the same rights, powers and methods of collection as are provided in § 52 of this charter. If it come to the knowledge of the treasurer or collector of city taxes that any person, firm or corporation owing taxes or levies to the city, is moving or contemplating moving therefrom prior to the time said penalty may be added by the council, the treasurer or city collector shall have the right to collect the taxes by the method provided in § 52 at any time after such bills for taxes have come into his hands. (1928, c. 343; 1942, c. 167)

§ 57. On or before the fifteenth day of August in each year, the collector shall file with the clerk of the corporation court a list of all real estate in the city of Lynchburg delinquent for the non-payment of taxes thereon for the preceding year, which list shall be recorded by the clerk in the book of delinquent taxes kept in the clerk's office, indexed in the name of the parties against whom said taxes are assessed, and said clerk shall be paid for so recording said list of delinquent taxes the same sum that he has been heretofore paid for recording delinquent state taxes. (1928, c. 343; 1942, c. 167)

§ 58. There shall be a lien on all real estate, and on each and every interest therein, for the city taxes assessed thereon from the commencement of each year for which they are assessed. The city council may require real estate in the city delinquent for the non-payment of taxes, to be sold for the said taxes, with interest thereon at eight percent per annum, and such percent as they may prescribe for expenses of collection. Such real estate shall be sold and may be redeemed under the provisions of other sections of the charter. (1928, c. 343; 1942, c. 167; 1974, c. 22)

§ 59. On the second Monday in December in the year next after the year in which the real estate shall have been returned delinquent for taxes thereon for the preceding year, the city collector shall sell, a hereinafter provided, all real estate embraced in his said list of delinquent real estate for the said year, on which the levies for which the same were returned delinquent, or any part thereof, may remain unpaid on the day of sale.

Before making any such sale the collector shall give general notice thereof by posting a printed list of the real estate to be sold at the front door of the court house of the corporation court for the city, and he shall also post a copy of said list at the front door of his office or in the lobby of the city hall, and shall publish said list in one issue of some newspaper published in the city, such list to be published and posted at least thirty days before the delinquent sale.

The list to be so published and posted shall contain the names of the persons in whose names said real estate was returned delinquent and a description of the property in the same way it appears on the land books, and the amount for the satisfaction of which each certain parcel will be sold, and said list shall have appended thereto a notice to the effect that each and every parcel of real estate therein

contained, or so much thereof as may be necessary, will be sold at public auction on the second Monday in December of said year, between the hours of ten in the morning and four in the afternoon, at the front door of the court house of the city, to satisfy all levies, penalties, interest and charges due thereon, unless the same shall have been previously paid to the city collector.

The cost of printing and publishing such notices, and all other proper expenses in connection with such sale, shall be apportioned among the delinquents embraced in said list, according to the amount of levies, penalties, and interest due by them respectively.

If the sale be not completed on the day fixed in said notice, it shall be adjourned from day to day between the same hours until it shall be completed. (1928, c. 343; 1946, c. 381)

§ 60. If such taxes, levies, interest, costs, and charges and a due proportion of said expenses be not previously paid, the collector shall proceed to make sale of the said several parcels of real estate according to said notice so published, and sell the several parcels of real estate separately, or such portion of each as shall be sufficient to satisfy the taxes, penalties, interest, and costs thereon, including the proportionate cost of expenses of sale; and the sale may be adjourned from day to day, and proceed between the hours aforesaid, until it shall be completed.

The city collector, on receipt from the purchaser of the amount of purchase and also an additional sum of fifty cents as a prerequisite, shall execute to the purchaser a certificate in which he shall set forth with reasonable certainty the quantity of land so sold, the land book description of the same, in whose name it was sold, the price paid, and the aggregate amount of taxes, penalties, interest and expenses of sale against said parcel, and also the fact that the additional sum of fifty cents as a fee for the certificate was received.

The city collector shall not for himself, either directly or indirectly, purchase any real estate so sold. If he does, he shall forfeit to the city fifty dollars for every such purchase, and the purchase shall be absolutely void. (1928, c. 343; 1946, c. 381)

§ 61. If at any such sale no bid shall be made for any such parcel of land, or such bid shall not be equal to the tax or assessment, with interest and charges, then the same shall be struck off to the city. As soon as practicable after the completion of such sales the city collector shall make out a list of all sales made to the city, or to others, in which the property purchased shall be described, and the aggregate amount of tax or assessment with charges and expenses specified, and shall deposit the same with the city auditor, and a copy thereof with the clerk of the corporation court, who shall record the same in a book kept for the purpose, and indexed as heretofore provided for state taxes. (1928, c. 343)

§ 62. (a) Where sold to city. - In all cases where the city has become the purchaser of any lot at any such sale as herein provided, the original owner, or his heirs or assigns, or anyone holding a lien thereon, may, within two years from the sale, redeem the same by paying to the collector of the city the

amount for which the same was sold, and such additional taxes thereon as would have accrued to the city had it not been the purchaser, with interest on such purchase money and taxes at the rate of six percent per annum from the time the same may have or would have been paid, and all costs of sale and also the additional sum of fifty cents as a fee for the receipt therefor; and the city collector upon such payment shall give the party paying the same a receipt acknowledging receipt of taxes, interests, penalties, and costs, which receipt shall state the name of the owner in whose name the property was assessed for the year or years in which sold, the number of the lot, the feet frontage, the location, the amount of the tax due for each year, the penalty, interest and costs, and which receipt shall be acknowledged before a notary public for the purpose of providing for the satisfaction of the taxes on the delinquent land books and sale books in the clerk's office as provided in § 61 of this charter.

(b) Where sold to others. - The owner of any real estate so sold to others than the city, his heirs or assigns, or any person having a right to charge such real estate for a debt, or any person having interest in said real estate by way or reversion, remainder or otherwise, may redeem the same by payment to the purchaser, his heirs or assigns, within two years from the sale thereof, the amount for which the same was sold (including the fifty cents fee for a certificate of purchase), and such additional taxes thereon as may have been paid by the purchaser, his heirs or assigns, with interest on the purchase money at the rate of six percent per annum from the time the same may have been paid, or the same may be paid within the said two years, to the collector in any case in which the purchaser, his heirs or assigns, may refuse to receive the same, or may not reside or cannot be found in the city. (1928, c. 343; 1946, c. 381)

§ 63. Any infant, insane person, or person imprisoned, whose real estate may have been sold, or his heirs, may redeem the same by paying to the purchaser, his heirs or assigns, within two years after the removal of the disability, the amount for which the same was so sold, with the necessary charges incurred by the purchaser, his heirs or assigns, in obtaining the title under the sale, and such additional taxes on the estate as may have been paid by the purchaser, his heirs or assigns, and the appraised value of any improvement that may have been made thereon, with interest on the said items at the rate of six percent (6%) per annum within two years after the removal of such disability, the purchaser, his heirs or assigns, shall, at the cost of the original owners, his heirs or assigns, convey to him or them, by deed with special warranty, the real estate sold. (1928, c. 343)

§ 64. The purchaser of any real estate sold for taxes and not redeemed shall, after the expiration of two years from the sale, obtain from the city auditor a deed conveying the same, wherein shall be set forth what appears in the auditor's office in relation to the sale. In no case shall a deed to any such real estate be made to any such purchaser until after he has paid in full any other delinquent taxes against said real estate and until after he has given to the person in whose name the real estate so stood at the time of said sale and to the person to whom said real estate so sold has been conveyed by record subsequent to the time of such sale, or if any of said persons be dead, then to his or their

personal representatives and heirs or devisees, and to the trustees, mortgagees, and beneficiaries as shown by the records in any deed of trust or mortgage on such property, or their personal representatives, four months' written notice of his said purchase; provided, that no notice need be given to any trustee, mortgagee or beneficiary of a mortgage which has been recorded, or the lien thereon renewed, more than twenty years prior to the date of such sale, and the person entitled to redeem the real estate shall have such right of redemption at any time before the expiration of said four months, although such time extends beyond the two years mentioned herein. Such notice to any person entitled to redeem, who is a resident of Virginia, shall be served by an officer authorized to serve process without the necessity of court procedure. Where, however, one or more persons entitled to redeem are non-residents of the Commonwealth, or where diligence has been used by and on behalf of the purchaser to ascertain in what county or corporation such persons are, without effect, or where a copy of the notice has been twice delivered to the proper officer of the county or city in which he resides without being executed, or where the names of persons who may be interested in said real estate are unknown, the purchaser may file a petition in any court of record for the city, in which petition shall be set forth the facts relating to his purchase, and the person or persons, known or unknown, who are or may be entitled to redeem shall be made parties defendant to the proceeding. After the filing of the petition, on affidavit by the purchaser setting forth the reason or reasons why personal service of notice could not be had and also setting forth the last known post office address of any person entitled to redeem, or that such address is unknown, an order of publication may be entered by the court, or clerk thereof, against such parties. The object of the proceedings shall be to give notice to parties who are or may be entitled to redeem the real estate from the purchaser, and to determine whether any party claiming the right to redeem is in fact so entitled. The order of publication shall direct such parties, including unknown parties, if any there be, to appear within four months after due publication thereof and do what is necessary to protect their interests. It shall be published once a week for four successive weeks in some newspaper published in the city, and shall be posted by the clerk at the front door of the court house wherein the court is held, on or before the first day of the next term of court. The clerk shall also mail a copy thereof to each party whose address is stated in said affidavit directed to the post office address as stated therein, and file an affidavit stating the fact of such publication, posting and mailing of the papers in the proceeding.

When such order shall have been published as heretofore provided, if the defendants against whom it is published shall not appear within four months after the completion of the expiration of the four weeks required for the completion of such publication, the proceeding may be tried or heard as to them, and no other publication or notice shall thereafter be required. Any party having the right to redeem and who desires so to do may, within the time limit hereinbefore provided, file an answer to said petition setting forth the facts on which his right to redeem is based. If on the trial the court adjudicates that such person is entitled to redeem, an order shall be entered providing for such redemption on the payment to the purchaser of the amount set forth in § 62 (b) hereof, and, in addition, the costs of

the proceeding. In the event, however, that no party shall appear, or in the event that any party appears and upon trial the court adjudicates that such party is not entitled to redeem, the court shall enter an order directing the auditor to convey the property to the purchaser. An appeal shall lie from the judgment of said court to the Supreme Court of Appeals in the same manner as provided by law for appeals in civil cases.

When any purchaser has assigned the benefit of his purchase, the deed may, with his assent, evidenced by his joining therein, or by writing annexed thereto, be executed to his assignee. If the purchaser shall have died, his heirs or assigns may move the corporation court of said city to order the auditor to execute a deed to such heirs or assigns. Such deed shall be executed in the name of the city by the auditor, under the seal attested by the treasurer, and shall be with special warranty. For each deed the auditor shall be paid by the purchaser one dollar. (1928, c. 343; 1946, c. 381)

§ 64-a. The provisions of § 64, as amended, shall apply to lands sold for taxes whether the same were purchased prior or subsequent to the enactment of the section, as amended; but this section shall not operate to defeat any person's right of redemption by law. (1952, c. 623)

§ 65. When the purchaser of any real estate sold for taxes, his heirs or assigns, shall have obtained a deed therefor within sixty days from the date of such deed shall have caused the same to be recorded, a fee simple estate shall stand vested in the grantee in such deed at the commencement of the year for which the said taxes were assessed, subject to be defeated only by proof that the taxes for which said real estate was sold were not chargeable thereon, or that the taxes properly chargeable on such real estate have been paid. And if it be alleged that the taxes, for the non-payment of which sale was made, were not in arrears, the party making such allegations must establish the truth thereof by proving that the taxes were paid; but nothing in this section shall be construed to affect or impair the lien of the city on the real estate and on each and every interest therein, or affect, limit or impair the right of the city, when it becomes a purchaser of real estate under the next succeeding section. (1928, c. 343)

§ 66. In case that any real estate struck off to the city as hereinbefore provided, shall not be redeemed within the time specified, the auditor shall, within sixty days after the expiration of two years from the sale, cause to be recorded in the clerk's office of the corporation court, a certificate of sale with his oath that the same has not been redeemed, and thereupon the said corporation, or its assignee, shall acquire an absolute title in fee to such real estate, and every interest therein, for life, in reversion, in remainder and otherwise, subject to be defeated only by proof that the taxes for which said real estate was sold were not properly chargeable thereon, or that the taxes properly chargeable thereon had been paid at the time of the execution of such certificate. The said certificate shall be recorded in the said clerk's office in a record book known as "deed book, recording conveyances to city of lands sold for delinquent taxes," for recording which certificate the clerk shall be entitled to a fee of ten cents, payable out of the city treasury. The city council may impose penalties upon its officers for their failure to comply with the requirements of this section. The said certificate, or the record thereof, or a certified

copy thereof, shall, in all courts and other places, be evidence of the facts therein stated; provided, however, that the failure to obtain or record such certificate shall not invalidate the lien of the city for all taxes assessed against such real estate, but the city may, at any time, elect to enforce its lien for taxes in a court of equity and release its right as purchaser, or to become a purchaser of such real estate. (1928, c. 343)

§ 67. When lands and lots returned delinquent for taxes are sold for taxes and have been redeemed as hereinbefore provided, and a receipt of the city collector or a receipt of the purchaser at the tax sale showing that all taxes, costs or other expenses to which he is entitled upon such redemption, duly assigned by him and acknowledged as a deed is required to be acknowledged, has been delivered to the clerk of the corporation court, the clerk shall endorse the satisfaction of such payment upon the delinquent land book opposite the entry of such tract or lot for the year or years for which it was redeemed, or in case the property has been purchased, on the delinquent sales book for the year or years for which it was sold to the purchaser. The clerk shall receive a fee of twenty-five cents to be paid by the person for whose benefit the endorsement was made for endorsing the fact of redemption or payment on delinquent land book or sales book. (1928, c. 343)

Chapter IX. Streets, Highways, Damages, Etc.

§ 68. The city shall not take or use any private property for streets or any other public purposes without making just compensation for the same, but where the city cannot obtain the title to ground necessary for its purpose, it may proceed to condemn the same in the mode prescribed by law. (1928, c. 343)

§ 68-A. Limited access streets.

(a) A limited access street is defined as a street especially designed for through traffic over which abutters have no easement or right of light, air, or access to by reason of the fact that their property abuts upon such limited access street.

(b) The city shall have the same power and authority with respect to the planning, designation, acquisition, opening, construction, reconstruction, improvement, maintenance, discontinuance, and regulation of the use of limited access streets; the designation of existing streets as limited access streets, and the extinguishment of easements in connection therewith; the regulation and restrictions of access to such streets; the construction of service roads in connection therewith; and all other authority with respect to such streets, and incidental thereto as the State Highway Commission has under the provisions of chapter seventy-eight of the Acts of the General Assembly, 1942, approved February 26, 1942, or as said State Highway Commission may hereafter be granted, by amendment to said act or otherwise. (1948, c. 130)

§ 69. No order shall be made and no injunction shall be granted by any judge or court of this Commonwealth to stay the proceedings of the city in the exercise of any power herein granted it over its

streets and railways, unless it be manifest that it is exceeding its powers and that the interposition of the court is necessary to prevent injury which cannot be adequately compensated in damages. (1928, c. 343)

§ 70. In every case where there has been or shall be encroachments upon a street by a fence, building or otherwise, the judge of the municipal court may require the owner to remove the same. If such removal shall not be made within the time ordered, the judge of the municipal court may impose a penalty to be fixed by the council for each day which it is allowed to continue thereafter, and may cause the encroachment to be removed at the risk and cost of the owner, although the right to impose such penalty or require the removal of such encroachment involves the validity of a bona fide title to real estate. (1928, c. 343)

§ 71. Wherever any ground shall have been opened to and used by the public as a street for ten years it shall be considered as dedicated to the public, and the city shall have the same authority and jurisdiction over and right and interest therein as it has over other streets. (1928, c. 343)

§ 72. No property within the territorial limits of the city shall be laid out by the owner thereof with streets and alleys therein except upon a plan to be first approved by the council. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of the city by a plan or plat of record shall be deemed and held to be dedicated to the public use and the council shall have authority, upon the petition of any person interested therein, to open any such street or alley or any portion of the same. No agreement between or release of interest by the persons owning the lands immediately contiguous to any such alley or street, whether the same has been opened or used by the public or not, shall avail or operate to abolish said alley or street so as to divest the interest of the public therein or the authority of the council over the same; provided, however, that the right may be reserved by the owner of any subdivision and set forth on said plat to modify said plat by abolishing any block with the streets or alleys in said block, provided no lot has been sold in said block, and provided, further, that no such change shall be made which shall cut off the owner of any other property from convenient access to the main avenues of the city; and provided, further, that where said plat has been submitted for approval by the council before its recordation, no such modification shall be allowed without the approval of the council. (1928, c. 343)

§ 73. (a) In any action against the city to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the city for such negligence, every such person or corporation shall be joined as defendant with the city in any action brought to recover damages for such negligence, and where there is judgment or verdict against the city, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(b) If it be ascertained by the judgment of the court that some person or corporation other than the city is primarily liable, there shall be a stay of execution against the city until execution against such person or persons or other corporation or corporations shall have been returned without realizing the full amount of such judgment.

(c) If the city, where not primarily liable, shall pay the said judgment, in whole or in part, the plaintiff shall, to the extent that said judgment is paid by the city, assign the said judgment to the city without recourse on the plaintiff, and the said city shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit in equity to enforce the said judgment, or an action at law, or scire facias to revive or enforce said judgment. (1928, c. 343)

Editor's note: Chapter 343 of the 1928 Acts of Assembly did not create § 74 or 75.

§ 76. No action shall be maintained against the same city for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the city or of any officer, agent, or employee thereof, unless a written statement verified by the oath of the claimant, his agent or attorney, or the personal representative of any decedent whose death is the result of the alleged negligence of the city, its officers, agents, or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the city attorney of said city within six months after such cause of action shall have accrued. And no officers, agents or employees of the city shall have authority to waive such conditions precedent or any of them. (1928, c. 343)

Chapter X.

§ 77. All acts and parts of acts inconsistent with this act are hereby repealed; and all acts and parts of acts in any way concerning the city of Lynchburg and the rights of the people thereof, or any of them, not inconsistent with this act, shall be in full force, to all intents and purposes, as if this act had never been passed. (1928, c. 343)

Editor's note: Complete amendments listing for the City of Lynchburg:

Current charter
Charter, 1928, c. 343.

Editor's note: Chapter 343 of the 1928 Acts of Assembly did not create § 74 or 75.

Amendments to current charter
1930, c. 9 (§ 38)
1930, c. 11 (§ 25)
1934, c. 278 (§ 38)
1938, c. 183 (§ 38)

1942, c. 167 (§§ 7, 24 through 26, 27, 29 through 36, 36-a through 36-m [added], 47, 50, 52, 56, 57, 58)
1942, c. 235 (§ 38-A [added])
1946, c. 381 (§§ 39, 59, 60, 62, 64)
1946, c. 383 (§ 36-h)
1947, c. 5 (§§ 26-A [added], 38-B [added], 42-A [added], 48-A and 48-B [added])
1948, c. 130 (§§ 38-C [added], 68-A [added])
1950, c. 253 (§§ 38-A, 38-D [added], 38-E [added])
1952, c. 163 (§ 39)
1952, c. 623 (§64-a [added])
1956, c. 244 (§ 38-D)
1958, c. 156 (§ 26-A)
1960, c. 479 (§ 14-A [added])
1968, c. 22 (§§ 7, 29, 38-B, 38-F [added])
1970, c. 9 (§§ 30, 33)
1974, c. 22 (§§ 38-G [added], 38-H [added], 38-I [added], 58)
1976, c. 3 (§ 5)
1976, c. 298 (§ 7)
1982, c. 398 (§§ 19.1 through 19.20 [added])
1994, c. 98 (§ 40)
1999, c. 172 (§§ 20, 38)
2021 Special Session I, c. 320 (§ 7)

Madison, Town of

County of Madison

History of incorporation

Incorporated by order of Circuit Court, December 8, 1931.
Circuit Court Order, December 8, 1931; repealed 1976, c. 629.

Current charter

Charter, 1976, c. 629.

Amendments to current charter

1994, c. 93 (§§ 3, 8)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Madison, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Madison, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1976, c. 629)

§ 1.2. Boundaries.

The boundaries of the town of Madison shall be as described by order of the Circuit Court of Madison County, Virginia, of record in Court Order Book No. 8, Page 457, of such court, dated December 8, 1931, which is incorporated herein by reference. (1976, c. 629)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Madison shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1976, c. 629)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-915, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1976, c. 629)

§ 2.3. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of Madison. (1976, c. 629)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

The town of Madison shall be governed by a town council composed of four councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for mayor and councilmen shall be held on the first Tuesday in May, 1976 and on the first Tuesday in

May of every fourth year thereafter. The mayor and councilmen elected the first Tuesday in May, 1976 and thereafter shall enter upon their duties on the first day of July next succeeding their election, and shall each serve for a term of four years or until their successors have qualified. (1976, c. 629)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the remaining members of the council. (1976, c. 629)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term from among the qualified voters of the town, including the members of the council, by a majority vote of the council. (1976, c. 629)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1976, c. 629)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor for the purpose of enforcing peace and good order and executing the laws of the State and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary; and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1976, c. 629)

§ 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor over the acts of the council. (1976, c. 629)

§ 3.7. Acting mayor.

If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time but shall not exercise the veto power of the mayor over the acts of the council. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1976, c. 629)

§ 3.8. Meetings of council.

The town council shall fix the time of its stated meetings, and it shall meet at least once every other month and except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Three members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meetings and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. Nor ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. (1976, c. 629; 1994, c. 93)

§ 3.9. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected. (1976, c. 629)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The town council may, in its discretion, appoint a town manager, town clerk, a town treasurer, a chief of police, a town sergeant, a town attorney and such other officers, and may create such other boards and departments as may be authorized by law. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties, not inconsistent with general law, as this

charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any such officers herein named. (1976, c. 629)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1976, c. 629)

§ 4.3. Term of office.

Appointees hereunder shall serve at all times during the pleasure of the town council and may be dismissed at any time by the council. (1976, c. 629)

§ 4.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1976, c. 629)

§ 4.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1976, c. 629)

§ 4.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1976, c. 629)

§ 4.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for this purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. The records in his office shall be public records and open to inspection during regular business hours. (1976, c. 629)

Chapter 5. Court.

§ 5.1. Jurisdiction of county court within the town.

The General District Courts of Madison County, or their successors, shall have the same jurisdiction both criminal and civil within the town of Madison over cases arising therein as those courts have in the county of Madison. (1976, c. 629)

Chapter 6. Financial Provisions.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1976, c. 629)

Chapter 7. Miscellaneous.

§ 7.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1976, c. 629)

§ 7.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1976, c. 629)

§ 7.3. Ordinances continued in force.

All ordinances now in force in the town of Madison, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1976, c. 629)

§ 7.4. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1976, c. 629)

§ 7.5. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1976, c. 629)

§ 7.6. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1976, c. 629)

Manassas Park, City of

History of incorporation

Incorporated as a Town by order of the Circuit Court of Prince William County on January 21, 1957.
Became a city by court order on May 15, 1975.
Secretary of the Commonwealth letter May 22, 1975.
City of second class June 1, 1975.
Charter, 1962, c. 126; repealed 1976, c. 722.
Charter, 1976, c. 722; repealed 1993, c. 912.

Current charter

Charter, 1993, c. 912.

Amendments to current charter

2002, c. 373 (§ 2.1)
2005, c. 560 (§ 4.1)

2007, c. 169 (§§ 3.5, 3.9, 4.2)

Chapter I. Incorporation and Boundaries.

§ 1.1. Municipal corporation continued; name and style; general rights, privileges and authority.

The City of Manassas Park, notwithstanding any other provision of law, shall be and continue to be a municipal corporation under the name and style of the City of Manassas Park, clothed with all the rights, privileges and authority granted it under this charter and by the general laws of the Commonwealth of Virginia. The City of Manassas Park shall have perpetual succession, may sue and be sued, contract and be contracted with, and shall have a corporate seal which it may alter at its pleasure. (1993, c. 912)

§ 1.2. Corporate limits.

The corporate limits of the City of Manassas Park, Virginia, shall be the boundaries of the town of Manassas Park, its predecessor, as ordered in the final decree of the Circuit Court of Prince William County entered on January 21, 1957, recorded in Common Law Order Book 17, page 429, and as said boundaries were enlarged by certain orders of the Circuit Court of Prince William County, sitting as a duly constituted Annexation Court, one entered December 31, 1974, recorded in Common Law Order Book 67, page 297, and the other entered January 31, 1990, recorded in Common Law Order Book 130, page 1263. In addition to the above, the corporate limits shall include such territory as is otherwise added from time to time to the municipality as provided by law. (1993, c. 912)

Chapter II. Vestment of Powers.

§ 2.1. General grant of powers.

Except as may be otherwise provided in this charter, all powers of the City and the administration and government of the City shall be vested in the Mayor and City Council, as defined in §§ 3.4 and 3.6, as the Governing Body, as defined below, of the City of Manassas Park, and in such boards and officers as are hereafter mentioned, or as may be by law otherwise provided. The powers set forth in the Code of Virginia, and all other powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth, are hereby conferred on and vested in the City of Manassas Park, Virginia.

The enumeration of certain powers in this charter shall not be construed to impair or diminish any of the rights, powers or authority conferred upon cities or their officers by the general laws of the Commonwealth.

The Governing Body shall have, subject to the provisions of this charter, the control and management of the fiscal and municipal affairs of the City and make such ordinances and bylaws relating to the same as it shall deem proper and necessary to carry out the following powers, which are hereby vested in it:

A. Eminent domain. The powers of eminent domain as set forth in the Code of Virginia, as amended, are hereby conferred upon the City of Manassas Park with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the City, including but not limited to, mutatis mutandis, the rights, privileges and obligations set forth in the Code of Virginia, as amended, applicable to the Commonwealth Transportation Commissioner and the Department of Transportation, as set forth in Title 33.1, Chapter 1, Title 15.2 and Title 25, Chapter 1.1, of the 1950 Code of Virginia with respect to all lawful purposes for which the City is permitted to exercise the power of eminent domain.

B. Financial powers. In addition to the powers granted elsewhere in this charter, the City shall have the power:

1. To raise by taxes and assessments, as permitted by general law, in the City, such sums of money as the Governing Body may deem necessary to pay the debts and defray the expenses of the City. In the event the fees, rents or charges payable for the use and services of any public utility or public service supplied by the City of Manassas Park for or in connection with any real property shall not be paid when due, interest may be charged on such unpaid balance at the legal rate of interest. Such fees, rents or charges and the interest due thereon shall constitute a lien against such property, ranking on a parity with liens for unpaid town, city or county taxes, and shall also be recoverable by the City in an action at law or a suit in equity. In addition to, but not as a limitation upon, this general grant of power, the City shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for public amusement, entertainment, performance, exhibition, sport or athletic event in the City, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, and local general retail sales and use taxes as provided by law; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect to all businesses, professions vocations and callings which cannot, in the opinion of the Governing Body, be reached by the ad valorem system; and to require licenses of all owners of vehicles or trailers of all kinds for the privilege of using the streets, and other public places of the City, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the City without such license, said City to have the power to require as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all personal property taxes then due and payable to the City of Manassas Park.

2. To impose, levy and collect, in such manner and in an amount permitted by the Code of Virginia, a consumer or subscriber tax upon the amount paid for use of water, gas, electricity,

telephone, and any other public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services.

C. Grants. The City of Manassas Park shall have the power to receive and accept from any federal, state or private agency, grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces, or any recreational facility and to do all such things or make any convenants or agreements which may be necessary or required in order to obtain and use such grants. The City may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purpose for which such grants and contributions may be made.

D. Debts, bonds, notes, etc. Governing Body may, in the name and for the use of the City, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the City or solely upon the credit of specific property owned by the City or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the City subject to the provisions of the Code of Virginia and the Constitution of Virginia.

1. Pending the issuance and sale of any bonds, notes or other obligations by this charter authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the City to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or use current funds, to be ultimately repaid from the proceeds of the said bonds, notes or other obligations or from city taxes and revenues, as the case may be, subject to the provisions of the Code of Virginia and the Constitution of Virginia.

2. The credit of the City shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation.

3. Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the terms for which they shall be issued, and the maximum rates of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; however, if there is omitted from this charter any provision essential to the valid authorization, sale, execution and issuance of any bonds of the City, the provisions of general law with reference to similar bonds shall supply said omission.

4. Any bonds issued by the City under this charter shall be signed by the Mayor and attested by the City Clerk, as defined below, under the Seal of the City, and shall be made payable in the office of the City Treasurer, as defined below, or such other place in or out of the Commonwealth as the Council may provide in the ordinance authorizing the issuance of the particular bonds.

Such bonds shall be advertised by the Mayor and sold by the City Treasurer, or by the City Manager, as defined below, as may be provided in such ordinance, under the supervision of the Mayor, City Manager and City Clerk, and the sale reported to and approved by the Governing Body, and the proceeds from said sale shall be paid to the City Treasurer.

5. So long as there exists any unpaid bonded indebtedness, the Governing Body shall set aside, or cause to be set aside, a sufficient portion or the revenues of the City during each fiscal year for the sinking fund requirement for that year and none of the funds so set aside shall be appropriated or used for any purpose other than the retirement of outstanding bonds and the payment of the interest on same.

E. Public improvements. With the exception of electric utilities, the Governing Body shall have the power to construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings and structures necessary or appropriate for the use and proper operation of the various departments of the City and the performance of its duties and functions.

F. Waterworks and sewers. The Governing Body shall have the power to establish, maintain, and operate waterworks and sewer systems within and without the City; to purchase water therefor; to contract and agree with the owners of any land, springs, wells or water supplies for the use of or purchase thereof; or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supply, sewer systems, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of the City.

G. Streets, sidewalks and alleyways generally. The Governing Body shall have the power to open, extend, widen or narrow, close, lay out, graduate, curb, and pave, and otherwise improve streets, sidewalks, and public alleys in the City, and have them kept in good order and properly lighted. In order to properly light the streets of the City, the Governing Body may erect and operate such number of lamps and fixtures thereto belonging as it may deem necessary. It may build bridges in and culverts under streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in the City, and may permit shade trees to be planted along streets. No person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleyways of the City without the consent of the Governing Body, duly entered upon its records.

1. Removal of street encroachments. In every case where a street in the City has been, or shall be encroached upon by a fence, building or otherwise, the Governing Body may require the owner to remove the same, and if such removal be not made within the time prescribed, it may impose such penalty as it may prescribe by ordinance for each and every day it is allowed to

continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same process that it is hereinafter empowered to collect taxes. Except, in any case where there is a bona fide dispute as to the true boundary line or the location of the true street line, and if passage over such street is not seriously impeded, the same shall first be established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the City or the property owner for that purpose before the City shall take any steps to remove the said obstruction or encroachment, or to impose a penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon persons claiming thereunder as against the City.

2. Dedication of streets. Dedication of any street, alley or lane in the City may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots, of any portion of the territory within the corporate limits of the City, by a plan or plot of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The Governing Body shall have the right to elect, by resolution entered on its minutes whether it will, or will not accept the dedication of any street or alley.

H. Encumbering streets, sidewalks, etc. The Governing Body shall have the power to prevent the encumbering of streets, sidewalks, alleyways, lanes, or bridges throughout the City in any manner whatever.

I. Route and grade of public utilities. The Governing Body shall have the power to determine and designate the route and grade of any public utility laid out in the City, which power may be delegated to the appropriate officer of the City.

J. Nuisances, unsafe or unsanitary structures, dangerous and unhealthy businesses, transportation of explosives, garbage, etc., and speed of trains; dangerous buildings.

1. The Governing Body shall have the power to require and compel the abatement and removal of all nuisances within the City, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to require all lands, lots, and other premises within the City to be kept clean, sightly, sanitary and free from weeds or to make them so at the expense of the owners or occupants thereof; to make such rules, regulations, orders or ordinances as will protect its citizens from unsafe and unsanitary structures or walls, and to that end it shall have the power to cause to be condemned and taken down any such structure or wall, but no such condemnation shall be made or such structure or wall taken down until the owner thereof, or in the case of an infant or person declared incompetent pursuant to the Code of Virginia, his guardian or committee, is duly summoned before a board or a committee of the Governing Body or the full Governing Body as charged by the ordinances with such duty, and

allowed reasonable opportunity to show cause against such action; to regulate the exercise of any dangerous, offensive or unhealthy business, trade or employment within the City; to regulate the transportation of coal, explosives, garbage and other articles through the streets of the City; to restrain and regulate the speed of locomotive engines and cars upon the railroads within the City.

2. The Governing Body may by resolution, duly adopted and recorded, order the repair, wrecking or removal of any building or structure which has been complained of by the City Manager or other authorized agent as a menace to adjoining property or to persons using a public thoroughfare or a public place adjacent to such building or structure; and condemnation shall be made only after such building or structure has been inspected and found unsafe by a committee composed of the City Manager or other authorized agent and two reputable builders appointed by the Governing Body. If the owner of such menace fails or refuses to repair, wreck or remove the same within thirty days from the date of written notice from the City Clerk, transmitting such resolution of condemnation, the Governing Body may then order the City Manager or other authorized agent to repair, wreck or remove such building or structure, and the cost of such repair, wrecking or removal by the City Manager or other authorized agent shall be a charge against the property on which such menace is located; such costs shall be collectible by due process of law.

K. Accumulations of stagnant water, unwholesome substances, etc., on private grounds; removal; collection of expenses, etc. If any ground in the City shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the Governing Body may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them, except in cases where such nuisance is caused by the action of the city authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the City shall pay the expense of abating the same, by distress and sale in the same manner in which taxes levied upon real estate for the benefit of the City are authorized to be collected; provided that reasonable notice and opportunity to be heard shall be first given to such owners or their agents. In the case of nonresident owners who have no agent in the City, such notice shall be given by publication at least once a week for not less than two consecutive weeks in any newspaper having general circulation in the City.

L. Establishing fire zones; adoption of building codes, etc.; fire prevention; discharge of fireworks and firearms. The Governing Body shall have the power to establish fire zones and regulate the character of buildings which may be erected or restored within same; to regulate and direct the storage of explosives and combustible substances and liquids; to prohibit the discharge of fireworks

and firearms within the City, the building of bonfires within the City and the use of candles or lights in barns, stables, warehouses, etc.

M. Franchises. Subject to the provisions of the Code of Virginia, the Constitution of Virginia and the provisions of this charter, the Governing Body shall have the power to grant franchises under terms and conditions to be fixed by the Governing Body.

N. Diversion of streams. The Governing Body shall have the power to divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation pursuant to the Code of Virginia and this charter.

O. Passage of ordinances, etc., to promote general welfare, etc. The Governing Body shall have the power to do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and bylaws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the City, or its inhabitants, not in conflict with the Code of Virginia and the Constitution of Virginia or the Constitution of the United States.

P. Public utilities generally. The Governing Body shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the City, and to this end it shall have full authority to employ from time to time such employees as it deems necessary to properly maintain, conduct and operate the same. The Governing Body shall have full authority to incur indebtedness, unless otherwise prohibited by law, whenever the Governing Body may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the City, or such as may hereafter be acquired by it.

Q. Requiring connection with sewers. The Governing Body shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of the City to connect with such sewerage pipes or connection as may hereafter be installed or constructed by the City, whenever public health may render necessary such connection, upon such reasonable terms as may be prescribed by the Governing Body, together with all other authority necessary to proper maintenance and operation of an effective sewerage system.

R. Special election required for sale of public utilities. The Governing Body shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the City of Manassas Park, which election shall be conducted as now provided by general law governing special elections. The Circuit Court of Prince William County shall order such special election upon the petition of twenty-five percent of the qualified voters of the City of Manassas Park or upon a resolution passed by a majority of the Governing Body of the City. For a period of not less than four weeks prior to such special election, the substantial terms of any proposed sale shall be published over the signature of the City Clerk,

once a week for four successive weeks in some newspaper having general circulation in the City of Manassas Park. The qualifications of voters in said special election shall be determined by existing statutes governing special elections.

S. Penalty for ordinance violations. Where, by provision of this charter, or by general law, the Governing Body has the authority to pass ordinances on any subject that it may prescribe a penalty, the penalty for a violation of such ordinances shall not exceed the penalty authorized by general law; however, such penalty shall not exceed the penalty authorized in general law for a like offense. Such penalties may be pursued through all avenues available under general law and recovered with the costs in the name of the City of Manassas Park. (1993, c. 912; 2002, c. 373)

Chapter III. Administration and Government.

§ 3.1. Designation of governing body and municipal officers.

The Governing Body of the City of Manassas Park shall consist of the Mayor and City Council. All powers of the City of Manassas Park as a body politic and corporate shall be vested in the Governing Body. The municipal officers of the City shall consist of a Mayor, six Council Members ("City Council"), a City Clerk, a City Treasurer, a Commissioner of Revenue, a City Attorney and a City Manager so long as the City shall retain a managerial form of government. The Mayor, Council Members, City Treasurer and Commissioner of Revenue shall be elected by qualified voters of the City. The City Manager, City Clerk and City Attorney shall be appointed by the Governing Body as hereinafter provided. (1993, c. 912)

§ 3.2. Mayor and City Council to have power and authority prescribed by law.

The power and authority of the Mayor and City Council as the Governing Body of the City of Manassas Park shall, in addition to those mentioned and authorized by this charter, be such as are mentioned and prescribed by law. (1993, c. 912)

§ 3.3. Oath and bond of officers.

All municipal officers of the City, before entering upon the duties of their respective offices, shall be sworn in, pursuant to the laws of the Commonwealth by anyone authorized to administer oaths under the laws of the Commonwealth. If any person elected or appointed to any office in the City shall neglect to take such oath on or before the day on which that person is to enter upon the discharge of the duties of the office, or shall for twenty days after the beginning of the term of office fail to give such bond as may be required of that person by City Council, a vacancy in said office shall then exist. (1993, c. 912)

§ 3.4. Mayor.

The Mayor shall be elected by popular vote of the qualified voters of the City as provided in this charter. The Mayor shall preside at the meetings of the City Council and perform such other duties as may be prescribed by this charter, and as may be imposed by the Governing Body, consistent with his

office. The Mayor shall serve as the chief executive officer of the City, responsible to the Governing Body to see that the bylaws, ordinances, acts and resolutions of the Governing Body are executed and obeyed faithfully. At no time shall the Mayor be authorized to serve concurrently as Mayor and City Manager, nor shall the Mayor be authorized to act as City Manager in an interim capacity. The Mayor shall not have the authority to veto any action of the Governing Body, notwithstanding any other provision in this charter or by general law.

The Mayor shall have the right to vote as a member of the Governing Body, and as such shall have all rights, privileges, powers, duties and obligations of a voting member of the Governing Body, while performing the duties of Mayor.

The Mayor shall have the power to suspend and the Governing Body to remove any city officer appointed by the Governing Body for misconduct in office or neglect of duty to be specified in the order of suspension or removal. No removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense.

The Mayor may receive a salary to be fixed by the Governing Body, payable in such a manner and at such times as the Governing Body may direct. (1993, c. 912)

§ 3.5. Vice-mayor; acting mayor.

The Governing Body shall biennially, at its first regular meeting in January following the regular municipal election, choose one of its members as vice-mayor. The vice-mayor shall perform the duties of Mayor during the Mayor's absence or disability. In the event of the death, removal or resignation of the Mayor, the vacancy shall be filled in accordance with general law.

Should a member of City Council be chosen to serve as Mayor until the next municipal election, such City Council seat will be deemed to be vacant upon qualification of the former City Council member as Mayor. The vacancy thereby created in the City Council shall be filled by the Governing Body as provided in this charter.

The member of the City Council who shall be chosen as vice-mayor shall continue to have all rights, privileges, powers, duties and obligations as a member of the Governing Body while performing the duties of Mayor in the absence or disability of the Mayor of the City. (1993, c. 912; 2007, c. 169)

§ 3.6. City Council.

The City Council shall be composed of six members. They shall be elected by popular vote of the qualified voters of the City as provided in this charter.

In the event of the death, removal or resignation of a member of City Council, the vacancy shall be filled in accordance with general law.

Each member of the City Council may receive a salary to be fixed by the Governing Body, payable at such times and in such manner as the Governing Body may direct. (1993, c. 912)

§ 3.7. Governing Body, generally.

A. The Governing Body shall establish its own rules of procedure. In addition to the foregoing, the Governing Body shall have the following powers:

1. To exercise all powers granted to the City of Manassas Park by general law and this charter.

2. To inquire into the official conduct of any office or officer under its control and to investigate the accounts, disbursements, and expenses of any city employee; for these purposes, it may subpoena witnesses, administer oaths and require the production of books, papers and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

3. To provide for the performance of all the governmental functions in the City, and, to that end, provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter what officer or employee of the City shall exercise any power or perform any duty conferred upon or required of the City or any officer thereof by general law, then any such power shall be exercised or duly performed by that officer or employee of the City so designated by ordinance or resolution of the Governing Body. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the Governing Body to the appropriate department or agency. The Governing Body may further create, abolish, reassign, transfer or combine any city functions, activities, or departments. The Governing Body shall appoint a City Manager. The Governing Body, in its discretion, may appoint the same person to more than one appointive office; however, said appointments may not result in dual compensation or benefits of any kind.

4. To fix a schedule of compensation for all City Officers and employees. The Governing Body may by ordinance define certain classes of city employees whose salaries shall be set by the Governing Body.

5. To prescribe the amount and condition of surety bonds to be required of such officers and employees of the City as the Governing Body may designate, not inconsistent with general law.

6. The Governing Body may appoint a City Attorney. The City Attorney shall be an attorney licensed to practice under the laws of the Commonwealth and need not be a resident of the City of Manassas Park.

7. To provide for a board of equalization as authorized by the Code of Virginia.

8. To place the control and supervision of the police force of the City under either the Mayor or the City Manager as may appear advisable to the Governing Body.

9. To take from any officer or employee of the City, whether elected by the voters of the City or appointed by the Governing Body, a bond, with surety, to be approved by the Governing Body, in

such penalty as it may deem proper, payable to the City, with condition for the faithful discharge by the officer or employee of the duties of the designated office.

10. To exercise full police powers, and it shall establish and maintain a police force for the City of Manassas Park with such number of police officers and employees as the Governing Body may deem necessary; the head of such force may be known as the Chief of Police. The Chief of Police and the police officers and employees of the police force shall be under the control and supervision of the City Manager or Mayor as the Governing Body may deem expedient. The compensation and terms of office or employment of the Chief of Police and such police officers and employees of the police force shall be fixed and determined by the Governing Body. Each member of the police force and the Chief of Police are hereby made and constituted conservators of the peace and endowed with all powers of a constable in criminal cases and all other powers which under the laws of the Commonwealth of Virginia and the ordinances and resolutions of the City may be necessary to enable the police officers to discharge the duties of their offices.

11. To maintain a Fire Department for the City of Manassas Park and provide fire-fighting apparatus and equipment for such department, and it may accept for use of the department gifts, grants or donations in the form of money or equipment which, when made, shall be the property of the City as completely as if purchased and paid for by the City. The Governing Body may by ordinance or resolution prescribe such rules and regulations as it may deem necessary regulating the operation of Fire Department and the use of the apparatus, equipment, etc., as herein provided. The Fire Department may be manned by either volunteer firemen or firemen who are paid employees of the City. If maintained as a Volunteer Fire Company, the Governing Body may grant the members of such company the right to select their own membership and officers subject to the approval of the Governing Body. The Governing Body may at its discretion add to the Volunteer Fire Company such full-time, or part-time, paid members as may seem advisable to the Governing Body.

12. Neither the Governing Body nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the City Manager or by any of his subordinates except as specifically provided in this charter. Except for the purpose of inquiry, the Governing Body and its members shall deal with the administrative services solely through the City Manager, and neither the Governing Body nor any member thereof shall give orders either publicly or privately to any subordinate of the City Manager.

B. Except as herein provided, the Governing Body shall establish its own rules of procedure.

1. The Governing Body shall meet in regular session at least once each month.

2. The Governing Body shall provide for the calling of special meetings by the Mayor, or any three members of the Governing Body, and shall prescribe the method of giving notice thereof.

3. Except as otherwise provided by law, ordinances, resolutions, motions, and votes shall be adopted only by the affirmative votes of a majority of the quorum of the Governing Body present at a regularly scheduled or special meeting open to the public.

C. The Governing Body shall have general power over all the officers and employees of the City as provided in this charter. (1993, c. 912)

§ 3.8. Quorum; required vote for appropriation of money or levy of taxes or licenses; reconsideration, at special meeting, of matters decided at stated meeting.

Four members of the Governing Body shall constitute a quorum for the transaction of business. No ordinance shall be passed or resolution adopted having for its object the appropriation of money in any sum, or the levy of taxes and licenses, except by the concurrence of at least four members of the Governing Body. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and four of them concur, each having been members of the Governing Body who previously voted in favor of the prevailing side during the previous voted decision on the issue in question. (1993, c. 912)

§ 3.9. Induction of members.

The City Clerk shall administer the oath of office to the duly elected members of City Council and the Mayor on or before December 31, immediately following their election. In the absence of the City Clerk, the oath may be administered by anyone authorized to administer oaths under the laws of the Commonwealth. (1993, c. 912; 2007, c. 169)

§ 3.10. Meetings generally.

The Governing Body shall, by ordinance, fix the time for its stated meetings. Special meetings shall be called by the City Clerk upon written request of the Mayor, or any three members of the Governing Body; no business shall be transacted at a special meeting but that for which it shall be called, unless the Governing Body so agrees by unanimous vote. The meetings of the Governing Body shall be open to the public, except when in the judgment of the Governing Body the public welfare shall require executive sessions as provided by law. (1993, c. 912)

§ 3.11. Persons receiving emolument from federal government not barred from holding office.

No person presently receiving any emolument from the federal government shall be barred because of such fact from continuing to serve as an elected officer of the City or to seek reelection and to serve as a member of the Governing Body or to serve as a member of any board or commission of the City. (1993, c. 912)

§ 3.12. City Clerk.

The Governing Body shall appoint a City Clerk for an indefinite term. The City Clerk shall be the clerk of the Governing Body, shall keep a journal of its proceedings and shall record all ordinances in a book kept for that purpose. The City Clerk shall be the custodian of the corporate seal of the City and

shall be the officer authorized to use and authenticate said seal. All records in the office of the City Clerk shall be public records and open to inspection at any time during regular business hours. The City Clerk shall receive compensation to be fixed by the Governing Body and all fees received by the City Clerk shall be paid into the city treasury. (1993, c. 912)

§ 3.13. Election and general powers and duties of Commissioner of Revenue and City Treasurer; filling of vacancies.

By general election every four years, there shall be elected by the qualified voters of the City of Manassas Park a Commissioner of Revenue and a City Treasurer. In case of a vacancy in the office of Commissioner of Revenue or City Treasurer, the vacancy shall be filled in accordance with general law. The City Treasurer and the Commissioner of Revenue shall have such powers and perform such duties and receive such compensation as are provided by the Constitution of Virginia, and, except as are otherwise provided in this charter, as are provided by the provisions of general laws for cities. (1993, c. 912)

§ 3.14. Specific duties of City Treasurer.

The City Treasurer shall be charged with receiving and paying out all moneys of the City. The City Treasurer shall hold such moneys and/or place same in such depositories as the Governing Body may by resolution direct, and shall pay out such moneys under such conditions and in such manner as the Governing Body by resolution may direct. The City Treasurer shall keep the moneys of the City in the name of the City and shall keep books showing accurately all receipts and disbursements and separate records for the several funds or accounts of the City as may be prescribed by the Governing Body from time to time. The City Treasurer's books shall be open at all reasonable times for inspection as required by law. The City Treasurer is specifically charged with the preparation and delivery of all bills for tax levies and license taxes due the City and the prompt collection of such taxes. Should any tax or taxes become delinquent, the City Treasurer shall promptly proceed to collect the same in such a manner as prescribed by ordinance or law. The City Treasurer shall furnish, in addition to any bond required by the Commonwealth of Virginia, a bond payable to the City of Manassas Park in such amount as the Governing Body may prescribe and conditioned upon the faithful and true performance of all the duties placed upon the City Treasurer by this charter. The City Treasurer shall immediately deliver all such moneys, records and other property in that individual's possession to his duly appointed or elected successor, and the bonds as herein provided shall remain in force and effect until such moneys, records and property have been so transferred, accounted for, and by audit the funds and property are properly accounted for in the records so transferred. (1993, c. 912)

§ 3.15. Specific duties of Commissioner of Revenue.

The Commissioner of Revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the Governing Body for the purpose of levying city taxes and licenses. The Commissioner of Revenue shall have

power to administer such oaths as may be required by the Governing Body in the assessment of license taxes or other taxes of the City. The Commissioner of Revenue shall make such reports in regard to the assessments of both property and licenses, or either, as may be required by the Governing Body. The Commissioner of Revenue shall perform such other duties as may be required by the Governing Body. (1993, c. 912)

§ 3.16. City Attorney.

The Governing Body shall appoint a duly licensed attorney as City Attorney, who need not reside within the City, the scope of whose duties and whose compensation shall be fixed by the Governing Body and who shall serve at the pleasure of the Governing Body. (1993, c. 912)

§ 3.17. City Manager, generally.

There shall be a City Manager who shall be the administrative officer of the City and shall be responsible to the Governing Body for the proper administration of the city government. The City Manager shall have no direct responsibility or accountability to the Mayor other than as shall be directed by this charter or the direction of the Governing Body. The City Manager shall serve at the pleasure of the Governing Body and shall be appointed for a term acceptable to the Governing Body and the City Manager. The City Manager shall be chosen on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of this office and need not, when appointed, be a resident of the City of Manassas Park or the Commonwealth, but during his term of office, the City Manager shall reside within the City. No member of the Governing Body shall, during the time for which elected or appointed, be chosen as City Manager.

The City Manager may be suspended by the Mayor or Governing Body and removed from office by the Governing Body for cause. Before the City Manager may be suspended or removed, the City Manager shall, at the option of the City Manager, be given a written statement of the reasons for suspension or removal and the right to be heard concerning the proposed removal at a meeting of the Governing Body prior to the final vote on the question of his removal. Pending and during such hearing on removal from office, the Governing Body may suspend the City Manager from office. The action of the Governing Body in suspending or removing the City Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the Governing Body. The Mayor shall have no direct oversight or power to direct the City Manager in matters relating to normal administration of city business, nor shall the Mayor have the power to act in the capacity of City Manager in the absence of the incumbent.

In the case of the absence, disability, death or resignation of the City Manager, the Governing Body may by ordinance designate some qualified person to perform the duties of the office during such absence or disability, or until appointment of a successor. (1993, c. 912)

§ 3.18. Duties of the City Manager.

It shall be the duty of the City Manager to:

1. Supervise the administrative affairs of the City.

2. Make such recommendations to the Governing Body concerning the affairs of the City as may seem to him desirable or advisable.

3. Keep the Governing Body advised of the financial condition and future needs of the City.

4. Prepare and submit to the Governing Body the annual budget estimate and be responsible for its administration after its adoption.

5. Prepare in suitable form for publication and submit to the Governing Body not later than its first meeting following December 5 of each year a concise, comprehensive report of the financial transactions and administrative activities of the city government during the fiscal year ending on the preceding June 30 and cause to be printed such number of copies thereof as the Governing Body shall direct.

6. Prepare and submit to the Governing Body such reports as may be required by that body, including adequate financial and activity reports at each regular meeting of the Governing Body.

7. Attend all meetings of the Governing Body with the right to speak but not to vote.

8. Perform such other duties as may be prescribed by this charter or required of the City Manager by order or resolution of the Governing Body or which may be required of the chief administrative officer of the City, not inconsistent with this charter and the general laws of the Commonwealth other than those duties conferred on the Mayor by this charter. (1993, c. 912)

§ 3.19. Powers with respect to city personnel.

Except as otherwise provided in this charter, the City Manager may appoint or employ and he may remove or discharge such officers, employees and assistants as may be necessary to carry on the work in those departments and offices of the City committed to him by ordinance, in all their respective details, in an economical and satisfactory manner. Whenever the interests of the City require, irrespective of any other provisions of this charter, the City Manager shall have the power and authority to assign employees of any city department, bureau, office or agency, with the exception of the school division, to the temporary performance of duties in another city department, bureau, office or agency. The City Manager may not remove or discharge appointive city officers; however, he may recommend their removal to the Governing Body. The salaries and conditions of employment of employees and assistants shall be recommended by the City Manager subject to the approval of the Governing Body and as provided in general law. The City Manager's action in all respects shall be subject to review by the Governing Body, and he shall be accountable to that Body only. (1993, c. 912)

§ 3.20. Relationship of City Manager to boards, commissions and agencies.

The City Manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance. (1993, c. 912)

Chapter IV. Elections.

§ 4.1. General.

A. The qualified voters of the City of Manassas Park shall elect the Mayor and each City Council member. The Mayor, City Council, Commissioner of Revenue and City Treasurer shall be elected at large. The Mayor, City Council members, Commissioner of Revenue and City Treasurer each shall be a qualified voter and a resident of the City. Elections for the offices of Mayor, City Council, Commissioner of Revenue and City Treasurer shall be in the manner and time provided by general law. Individual citizens of the City of Manassas Park may qualify as a candidate for elective office within the City by being recognized as the nominated candidate of a political party recognized by the State Board of Elections or through petition to the City Board of Elections, said petition containing the validated signatures of registered voters of the City of Manassas Park pursuant to the general laws of the Commonwealth. Those citizens seeking elective office must meet state residency requirements as detailed in the general laws of the Commonwealth.

B. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of elections. Any member of the Governing Body or any member of a board or commission appointed by the Governing Body for a specified term may be removed in accordance with general law. (1993, c. 912; 2005, c. 560)

§ 4.2. Mayor and City Council.

The Mayor and City Council members in office on the effective date of this charter shall continue to serve in office until July 1, following termination of their respective terms of office. Three City Council members shall be elected to four-year terms on the first Tuesday in May 1994 and every four years thereafter. The Mayor and three City Council members shall be elected to four-year terms on the first Tuesday in May 1996 and every four years thereafter. The Mayor and members of City Council shall take office on July 1, following their election. The incumbent Mayor and City Council members shall hold office until the duly elected successor has qualified. However, beginning with the elections to be held in 2008, the Mayor and City Council shall be elected at the time set for the November general election to take office on January 1 following their election. The Mayor and members of Council in office on June 30, 2008, shall continue to serve until their duly elected successors have qualified. (1993, c. 912; 2007, c. 169)

§ 4.3. Commissioner of Revenue and City Treasurer.

The Commissioner of Revenue and City Treasurer in office on the effective date of this charter shall continue to serve in office until January 1 following termination of their respective terms of office. The

Commissioner of Revenue and City Treasurer shall be elected to four-year terms of office on the first Tuesday in November and shall take office on January 1, following election. The incumbent Commissioner of Revenue and City Treasurer shall hold office until their duly elected successors have qualified. (1993, c. 912)

Chapter V. Miscellaneous Provisions.

§ 5.1. Enforcement of surety bonds.

In all cases where a bond is required of any officer, such bond or bonds shall be with corporate surety and conditioned for the faithful discharge by the officer, or that officer's deputies, assistants or other subordinates, of the duties imposed by this charter and all other ordinances passed in pursuance thereof. (1993, c. 912)

§ 5.2. Officers to hold over until their successors are appointed and qualified.

Whenever, except as otherwise provided in this charter, any officer of the City or member of any board or commission is elected or appointed for a fixed term, such officer or member shall continue to hold office until that officer's successor is elected or appointed and qualified. (1993, c. 912)

§ 5.3. Restriction on appointment of city officers.

Whenever any officer of the City or member of any board or commission entitled to receive a salary by virtue of election or appointment to that position voluntarily resigns from that position prior to the expiration of the term of office required by this charter or general law, the city officer, board or commission member may not subsequently or concurrently be appointed to another city office, board or commission member position entitled to receive compensation or salary for a period of one year from the effective date of voluntary resignation. (1993, c. 912)

§ 5.4. Validation and ratification of bonds, taxes and contracts.

All bonds issued and sold, all contracts, agreements and obligations made at any time prior to the enactment of this charter or any amendment thereto by the Governing Body of the City, and the former Town of Manassas Park, not inconsistent with the Constitution of Virginia and general law, all taxes assessed and levied when the City was a town, and when the City was in transition from the status of a town to that of a City of the second class to the effective date of this charter and its amendments, are hereby validated, ratified and confirmed; and all other proceedings authorizing the issuance of bonds, notes or other obligations of the City of Manassas Park and the former Town of Manassas Park heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this charter, and such bonds, notes or other obligations may be authorized, sold or issued in accordance with the provisions of law in force prior to the effective date of this charter or in accordance with the provisions of this charter. (1993, c. 912)

§ 5.5. Continuation of officers and boards.

The present Mayor, members of the City Council and all other officials, board and commission members shall continue to hold office until their successors have been elected or appointed and shall have qualified as provided by this charter. The Mayor and any member of the City Council shall be eligible for reelection. All powers and authority conferred by this charter shall be effective on the date of this charter's adoption and shall be conferred on the present city officers. (1993, c. 912)

§ 5.6. School division and school board.

The City of Manassas Park shall constitute a separate school division. The school board shall consist of five members, appointed by the Governing Body, and the terms are to be for a period of three years. (1993, c. 912)

§ 5.7. Present ordinances and rules and regulations continued in effect.

All ordinances of the City and the former Town of Manassas Park and all rules, regulations and orders legally made by any department, board, commission or officers of the City and the former Town of Manassas Park, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. No ordinance, petition or suit adopted or filed by the former Town of Manassas Park shall be invalidated or dismissed by reason of the Town of Manassas Park having become a City. (1993, c. 912)

§ 5.8. Severance clause.

If any clause, sentence, paragraph or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair, or invalidate the remainder of said charter, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been ordered. (1993, c. 912)

Manassas, City of

History of incorporation

Originally called Manassas Junction.
Town incorporated, 1873, c. 362; repealed 1938, c. 184.
Incorporation and charter, 1938, c. 184; repealed 1976, c. 721.
Became a city by court order in 1975, effective May 1, 1976.

Current charter

Charter, 1976, c. 721.

Amendments to current charter

1977, c. 275 (§§ 18, 46)
1980, c. 68 (§ 18)
1990, c. 16 (§ 18)

1994, c. 95 (§ 18)
1995, c. 161 (§ 45)
1996, c. 43 (§ 45 [repealed])
1996, c. 248 (§§ 21, 27)
2014, cc. 404, 713 (§§ 6, 6-a [added], 18)

Chapter I. General Provisions.

§ 1. The city of Manassas, notwithstanding any other provision of law, shall be and continue a municipal corporation under the name and style of the city of Manassas, clothed with all of the rights, privileges and authority granted it under this charter or by the general laws of the Commonwealth of Virginia. (1976, c. 721)

§ 2. The corporate limits of the city of Manassas, Virginia, shall be the boundaries of the town of Manassas, its predecessor, as ordered in the final decree of the circuit court of the County of Prince William on January 7, 1971, in the annexation proceeding styled Town of Manassas, Virginia, v. County of Prince William, Virginia, which decree is recorded in the clerk's office of the circuit court of the County of Prince William in common law order book 46 pages 413, et seq. In addition to the above, the corporate limits shall include such territory as is otherwise added to the municipality as provided by law. (1976, c. 721)

§ 3. Except as may be otherwise provided in this charter, all powers of the city and the administration and government of the city shall be vested in the council of the city of Manassas and in such boards and officers as are hereafter mentioned, or may be by law otherwise provided. (1976, c. 721)

§ 3-a. The powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1976, are hereby conferred on and vested in the city of Manassas, Virginia and all other powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth. (1976, c. 721)

§ 4. The municipal officers of the city shall consist of a mayor, six councilmen, a city clerk, a city treasurer, a commissioner of revenue, a city attorney and a city manager so long as the city shall retain a managerial form of government. The mayor, councilmen, city treasurer and commissioner of revenue shall be elected by the qualified voters of the city. The city manager, city clerk and city attorney shall be appointed by the council as hereinafter provided. (1976, c. 721)

§ 4-a. No person presently receiving any emolument from the federal government shall be barred because of such fact from continuing to serve as an elected officer of the city, or to seek reelection and to serve as a member of the governing body or to serve as a member of any board or commission of the city. (1976, c. 721)

§ 5. The power and authority of the councilmen shall, in addition to those mentioned and authorized by this charter, be such as are mentioned and prescribed by law. (1976, c. 721)

§ 6. Election, terms, and salary of mayor and councilmen.

Those councilmen and mayor in office on the effective date of this charter shall continue in office until the first day of January following termination of their respective terms and until their respective successors shall have been duly elected and qualified.

On the Tuesday after the first Monday in November 2014, and every two years thereafter, there shall be elected by the qualified voters of the city three councilmen, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of January, following the date of their election and thereafter until their respective successors shall have been duly elected and qualified.

On the Tuesday after the first Monday in November 2016, and every four years thereafter, there shall be elected by the qualified voters of the city of Manassas, a mayor, who shall be one of the electors of the city, and whose term of office shall begin on the first day of January following the date of his election and continue for four years and thereafter until his duly elected successor shall have qualified.

The remaining members of council shall fill any vacancy that may occur in the membership of the council in accordance with applicable law.

Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct.

The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct. (1976, c. 721; 2014, cc. 404, 713)

§ 6-a. School Board.

The members of the School Board of the City of Manassas at the time of this charter amendment shall remain in office until the first day of January following termination of their respective terms and until their respective successors shall have been duly elected and qualified. The School Board shall be composed of seven members elected by the voters of the City of Manassas for staggered four-year terms as provided in this section and in accordance with general law.

On the Tuesday after the first Monday in November 2014, and every four years thereafter, there shall be elected by the qualified voters of the city three School Board members, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of January following the date of their election and qualification, and thereafter until their respective successors shall have been duly elected and qualified.

On the Tuesday after the first Monday in November 2016, and every four years thereafter, there shall be elected by the qualified voters of the city four School Board members, who shall be electors of the

city, who shall hold office for terms of four years each, beginning on the first day of January following the date of their election and qualification, and thereafter until their respective successors shall have been duly elected and qualified.

The remaining members of the School Board shall fill any vacancy that may occur in the membership of the School Board in accordance with applicable law. (2014, cc. 404, 713)

§ 7. All municipal officers of the city, before entering upon the duties of their respective offices, shall be sworn in, in accordance with the laws of the Commonwealth by anyone authorized to administer oaths under the laws of the Commonwealth. If any person elected or appointed to any office in the city shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office fail to give such bond as may be required of him by council, a vacancy in said office shall then exist. (1976, c. 721)

Chapter II. Mayor, Etc.

§ 8. The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his office.

The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall vote to break the tie not later than the next regular council meeting. (1976, c. 721)

§ 9. The council shall biennially, following the regular municipal election, choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability. In the event of the death, removal or resignation of the mayor the council shall choose one of the councilmen or some other qualified voter of the city of Manassas who shall serve as mayor until the next succeeding municipal election, at which time a successor shall be elected by the qualified voters of the city of Manassas to fill the office of mayor for the remainder of the unexpired term.

Should a member of the council be chosen to serve as mayor until the next municipal election such councilman shall be deemed to have surrendered his office as councilman forthwith upon his qualification as mayor and his office of councilman shall thereupon be vacant. The vacancy thereby created in the council shall be filled by the council as provided in § 6 hereof.

The member of the council who shall be chosen as vice-mayor shall continue to have all rights, privileges, powers, duties and obligations of councilman while performing the duties of mayor during the absence or disability of the mayor of the city. (1976, c. 721)

Chapter III. Council.

§ 10. The council of the city shall be composed of six members. They shall be elected by the popular vote of the qualified voters of the city, as provided in § 6 hereof. (1976, c. 721)

§ 11. The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor, or any three members of the council; no business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public, except when in the judgment of the council the public welfare shall require executive sessions as provided by law.

If any member of the council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council, and thereupon his unexpired term shall be filled according to the provisions of this charter. (1976, c. 721)

§ 12. The council shall appoint a city clerk to serve at the will of the council, and shall have authority to adopt such rules and appoint such officers and committees as it may deem proper for the regulation of its proceedings and for the convenient transaction of business and enforce orderly conduct at meetings.

The council shall keep a minute book, in which the city clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed. (1976, c. 721)

§ 13. Three members of the council shall constitute a quorum for the transaction of business. No ordinance shall be passed or resolution adopted having for its object the appropriation of money exceeding the sum of $500, or the levy of taxes and licenses, except by the concurrence of at least four members. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and three of them concur. (1976, c. 721)

Chapter IV. City Manager.

§ 14. The council may appoint a city manager who shall be the chief administrative officer of the city. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the city or the Commonwealth, but during his term of office he shall reside within the city. No member of the council shall, during the time for which elected or appointed, be chosen as city manager. The city manager shall be appointed for a term acceptable to the council and the city manager. He shall be removable by the council for cause. Before the city manager may be removed, he shall, if he so demand, be given a written statement of the reasons alleged for his removal and the right to be heard thereon at a meeting of the council prior to the final vote on the question of his removal, but pending and during such hearing the council may suspend him from office. The action of the council in suspending or removing the city

manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the city manager the council may designate some qualified person to perform the duties of the office during such absence or disability. (1976, c. 721)

§ 15. It shall be the duty of the city manager to supervise the administration of the affairs of the city; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this charter or required of him by order or resolution of the council, not inconsistent with this charter.

The council shall have authority to place the control and supervision of the police force of the city under either the mayor or the city manager as may appear advisable to the council. (1976, c. 721)

§ 16. Except as otherwise provided in this charter, the city manager may appoint or employ and he may remove or discharge such officers, employees and assistants as may be necessary to carry on the work in those departments and offices of the city committed to him by ordinance, in all of their respective details, in an economical and satisfactory manner; provided, however, that he may not remove or discharge appointive city officers without the consent of the council. The salaries and terms of office or employment of such officers, employees and assistants shall be fixed by the city manager subject to the approval of the council and as provided by general law. His action in all respects shall be subject to review by the council and he shall be accountable to the council only. (1976, c. 721)

Chapter V. Powers of Council, Etc.

§ 17. The council of the city shall have general power over all officers and employees of the city as provided in this charter. (1976, c. 721)

§ 18. General powers.

The council of the city shall have, subject to the provisions of this charter, the control and management of the fiscal and municipal affairs of the city and of all property, real and personal, belonging to the city and may make such ordinances and bylaws relating to the same as it shall deem proper. The council shall in addition to other powers given by general law, have power to make such ordinances, orders, bylaws and regulations as it may deem proper and necessary to carry out the following powers, which are hereby vested in it:

A. Public market. To establish a public market in and for the city, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrating.

B. Public improvements. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, jails and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city and the performance of its duties and functions.

C. Establishing, etc., electric generating equipment, etc. To establish, maintain and operate electric generating equipment and distribution system within and without the city; to purchase electric energy for the use of the city and for distribution and resale, including resale of its surplus electricity without the city; to acquire land or rights-of-way by gift, purchase or condemnation for the location, extension or enlargement of an electric generating and/or distribution system; to acquire by gift, purchase or condemnation riparian rights for hydroelectric generation and to protect by ordinance, prescribing adequate penalties, the said electric generating equipment and/or distribution system and their appurtenances whether within or without the limits of the city.

D. Waterworks and sewers. To establish, maintain, and operate waterworks and sewer systems within and without the city; to purchase water therefor; to contract and agree with the owners of any land, springs or water supplies for the use of or purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supply, sewer systems, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of the city.

E. Streets, sidewalks and alleys generally. To open, extend, widen or narrow, close, plan, grade, curb, and pave, and otherwise improve streets, sidewalks, and public alleys in the city, and have them kept in good order and properly lighted; in order to properly light the streets of the city, the council may erect and operate such number of lamps and fixtures thereto belonging as it may deem necessary; it may build bridges in and culverts under streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in the city, and may permit shade trees to be planted along streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleys of the city, without the consent of the council, duly entered upon its records.

F. Cumbering streets, sidewalks, etc. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the city in any manner whatever.

G. Route and grade of public utilities. To determine and designate the route and grade of any public utility laid out in the city.

H. Airports and landing fields. To establish, maintain and operate a landing field or airport located within or without the city, and for such purposes to have the right to acquire real estate by gift, lease,

purchase or condemnation; to lease such landing field or airport to others to be used for any lawful purpose; to erect and maintain buildings and appurtenances necessary for the use of such landing field or airport and to prescribe and enforce rules and regulations, not in conflict with laws, rules and regulations prescribed by the Commonwealth of Virginia and the federal government, for the use and protection of such landing field or airport.

I. Board of health and department of public welfare. To appoint and organize a board of health and a department of public welfare for the city, with the necessary authority for the prompt and efficient performance of their duties, including the authority to coordinate their duties and efforts with appropriate agencies and departments of the Commonwealth and other of its political subdivisions.

J. Nuisances; unsafe or unsanitary structures; dangerous and unhealthy businesses; transportation of explosives, garbage, etc.; speed of trains. To require and compel the abatement and removal of all nuisances within the city, at the expense of the person or persons, causing the same, or the owner or owners of the ground whereon the same shall be; to require all lands, lots and other premises within the city to be kept clean, sightly, sanitary and free from weeds or to make them so at the expense of the owners or occupants thereof; to make such rules, regulations, orders or ordinances as will protect its citizens from unsafe and unsanitary structures or walls, and to that end it shall have the power to cause to be condemned and taken down any such structure or wall, but no such condemnation shall be made or such structure or wall taken down until the owner thereof, or in the case of an infant or insane person, his guardian or committee, be duly summoned before a board or a committee of council or the full council as charged by the ordinances with such duty, and allow reasonable opportunity to show cause against such action; to regulate soap factories and candle factories within the city, and the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the streets of the city, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the city.

K. Accumulations of stagnant water, unwholesome substances, etc., on private grounds; removal; collection of expenses, etc. If any ground in the city shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner, or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the city authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the city shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of the city are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to such owners or their agents.

In case of nonresident owners who have no agent in the city, such notice shall be given by publication at least once a week for not less than two consecutive weeks in any newspaper having general circulation in the city.

L. Establishing fire zones; adoption of building, etc., codes; fire prevention; discharge of fireworks and firearms. To establish fire zones and regulate the character of buildings which may be erected or restored within same; to regulate and direct the storage of explosives in combustible substances and liquids; to prohibit the discharge of fireworks and firearms within the city; the building of bonfires within the city and the use of candles or lights in barns, stables, warehouses, etc.

M. Water, gas, electricity and sewage rates; requiring deposit, etc. To establish, impose and enforce water, gas, electricity and sewage rates and rates for charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the city, and to assess, or cause to be assessed, water, gas, electricity and sewage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by such ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of such services to any person, firm or corporation.

Such fees, rents, charges and interest due thereon shall constitute a lien, which shall rank on a parity with liens for unpaid city taxes, against the property, which lien may be indexed and filed among the judgment records of the circuit court of Prince William County, the cost of such filing to be included in the total amount of such lien. Such fees, rents, charges and interest due thereon may also be recovered by the city by an action at law or a suit in equity; provided, however, this paragraph shall not become operative unless and until the provisions of this paragraph have been duly adopted by an ordinance enacted pursuant to the city charter.

N. Franchises. Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises under terms and conditions to be fixed by the council.

O. Diversions of streams. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation all in accordance with general law.

P. Contract debts, borrow money and issue bonds. Subject to the provisions of the Constitution of Virginia and of this charter to contract debts, borrow money and make and issue bonds and other evidence of indebtedness.

Q. Eminent domain. To exercise the power of eminent domain within this Commonwealth with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the city.

The city shall also have mutatis mutandis, the rights, privileges and obligations set forth in §§ 33.1-119 through 33.1-129 of the Code of Virginia, as amended, applicable to the Commonwealth

Transportation Commissioner and the Department of Transportation, with respect to all lawful purposes for which the city is permitted to exercise the power of eminent domain, as made and provided in §§ 15.1-897, 15.1-898, 15.1-899 and 15.1-900 of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1976.

R. Slaughterhouses. To provide by ordinance for the licensing, regulation, control and location of slaughterhouses within the corporate limits of the city; and for such services to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

S. Passage of ordinances, etc., to promote general welfare, etc. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and bylaws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the city, or its inhabitants, not in conflict with the Constitution and general laws of the Commonwealth, or the Constitution of the United States.

T. Public utilities generally. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the city, and to this end it shall have full authority to employ from time to time such employees as it deems necessary to properly maintain, conduct and operate the same; and it shall have full authority to incur indebtedness; unless otherwise prohibited by law, whenever the said council may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the city, or such as may hereafter be acquired by it.

U. Requiring connection with sewers. The council shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of the city to connect with such sewerage pipes or connection as may hereafter be installed or constructed by the city, whenever public health may render necessary such connection, upon such reasonable terms as may be prescribed by council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

V. Special election required for sale of public utilities. The council shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the city of Manassas, which election shall be conducted as now provided by general law governing special elections. The Circuit Court of Prince William County, or the judge thereof in vacation, shall order such special election upon the petition of twenty-five percent of the qualified voters of the city of Manassas or upon a resolution passed by a majority of the council of the city. For a period of not less than four weeks prior to such special election the substantial terms of any proposed sale shall be published over the signature of the city clerk, once a week for four successive weeks in some newspaper published within the city of

Manassas. The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

W. Schools. To establish, operate, and maintain a public school system as a separate school division in accordance with the provisions of the Code of Virginia applicable thereto.

X. Residential rental unit inspections. Upon an affirmative finding of the need to protect the public health, welfare and safety of its citizens, to provide by ordinance for the issuance of certificates of compliance with current building regulations for existing residential buildings located in conservation and rehabilitation districts designated by the local governing body after inspections of such buildings upon a termination of the tenancies or when such rental property is sold. (1976, c. 721; 1977, c. 275; 1980, c. 68; 1990, c. 16; 1994, c. 95; 2014, cc. 404, 713)

§ 19. The council is empowered to acquire, by purchase, gift, devise or condemnation or otherwise, lands to be used as places for the burial of the dead. The said council shall have the power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the Commonwealth for the use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, any portion thereof for the interment of strangers and the indigent poor, to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease. The cemeteries, when established and enclosed, with the property included in it, shall be exempt from all municipal taxation. (1976, c. 721)

§ 20. So long as there exists any unpaid bonded indebtedness, the council shall set aside, or cause to be set aside, a sufficient portion of the revenues of the city during each fiscal year for the sinking fund requirement for that year and none of the funds so set aside shall be appropriated or used for any purpose other than the retirement of outstanding bonds and the payment of the interest on same. (1976, c. 721)

§ 21. Penalty for ordinance violations.

Where, by provisions of this charter, or by general law, the council has authority to pass ordinances on any subject that may prescribe a penalty, such penalty for a violation thereof shall not exceed any provided for in general law for a like offense. Such penalties may be prosecuted and recovered with costs in the name of the city of Manassas. (1976, c. 721; 1996, c. 248)

§ 22. In every case where a street in the city has been, or shall be encroached upon by any fence, building or otherwise, the council may require the owner to remove the same, and if such removal be not made within the time prescribed by the council, they may impose such penalty as they may prescribe by ordinance for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same process that they are hereinafter empowered to collect taxes. Except, in any case where there is a bona fide dispute as to the true boundary line or the location of the true street line (and if

passage over such street is not seriously impeded) the same shall first be established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the city or the property owner for that purpose before the city shall take any steps to remove the said obstruction or encroachment, or to impose any penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the city. (1976, c. 721)

§ 23. Dedication of any street, alley or lane in the city may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots, of any portion of the territory within the corporate limits of the city, by a plan or plot of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The council shall have the right to elect, by resolution entered on its minutes whether it will, or will not accept the dedication of any street or alley. (1976, c. 721)

§ 24. The council may by resolution, duly adopted and recorded, order the repair, wrecking or removal of any building or structure which has been complained of by the city manager or other authorized agent as a menace to adjoining property or to persons using a public thoroughfare or a public place adjacent to such building or structure; and condemnation to be made only after such building or structure has been inspected and found unsafe by a committee composed of the city manager or other authorized agent and two reputable builders appointed by the council. If the owner of such menace shall fail or refuse to repair, wreck or remove the same within thirty days from the date of written notice from the city clerk, transmitting such resolution of condemnation, the council may then order the city manager or other authorized agent to repair, wreck or remove such building or structure and the cost of such repair, wrecking or removal by the city manager or other authorized agent shall be a charge against the property on which such menace is located and such costs shall be collectible by due process of law. (1976, c. 721)

§ 25. The council may take from any officer or employee of the city, whether elected by the voters of the city or appointed by it, a bond, with surety, to be approved by the council, in such penalty as it may deem proper payable to the city, with condition for the faithful discharge by the said officer or employee of the duties of his office. (1976, c. 721)

§ 26. The council may appoint a duly licensed attorney as city attorney, who need not reside within the city but who shall have an office within the city, the scope of whose duties and whose compensation shall be fixed by the council and who shall serve at the pleasure of the council. (1976, c. 721)

§ 26-a. At the general election to be held on the first Tuesday following the first Monday in November in the year 1977, and on the said date every four years thereafter, there shall be elected by the qualified voters of the city a commissioner of revenue and a city treasurer. In case of a vacancy in the

office of commissioner of revenue or city treasurer, the council, by a majority vote, shall select a qualified person, who must be an elector of the city, to fill the office in which such vacancy occurs for the unexpired term. The city treasurer and commissioner of revenue shall have such powers and perform such duties and receive such compensation as are provided by the Constitution of the Commonwealth, and, except as are otherwise provided in this charter, as are provided by the provision of general law for cities. (1976, c. 721)

§ 27. Specific duties of treasurer.

The city treasurer shall be charged with receiving and paying out of all monies of the city. He shall hold such monies and/or place same in such depositories as the council may by resolution direct, and he shall pay out such monies under such conditions and in such manner as the council may by resolution direct. The city treasurer shall keep the monies of the city in the name of the city. He shall keep books showing accurately all receipts and disbursements and separate records for the several funds or accounts of the city as may be prescribed by the council from time to time. His books shall be open at all reasonable times for inspection as required by law. The city treasurer is specifically charged with the preparation and delivery of all bills for tax levies and license taxes due the city and the prompt collection of such taxes. Should any tax or taxes become delinquent, the city treasurer shall promptly proceed to collect the same in such manner as prescribed by ordinance or law. The city treasurer shall furnish, in addition to any bond required of him by the Commonwealth of Virginia, a bond payable to the city of Manassas in such amount as the council may prescribe and conditioned upon the faithful and true performance of all the duties placed upon the city treasurer by this charter. The city treasurer shall immediately deliver all such monies, records and other property in his possession to his duly appointed or elected successor and the bonds as herein provided shall remain in full force and effect until such monies, records and property have been so transferred and accounted for. He may perform such other duties as may be required by the council. (1976, c. 721; 1996, c. 248)

§ 28. The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. He shall make such reports in regard to the assessments of both property and licenses, or either, as may be required by the council. He shall perform such other duties as may be required of him by the council. (1976, c. 721)

§ 29. The council may exercise full police powers and it shall establish and maintain a police force for the city of Manassas with such number of policemen and employees as the council may deem necessary and the head of such force may be known as the chief of police. The chief of police and the policemen and employees of the police force shall be under the control and supervision of the city manager or of the mayor as the council may deem expedient. The compensation and terms of office or

employment of the chief of police and such policemen and employees of the police force shall be fixed and determined by the council.

Each member of the police force and the chief of police are hereby made and constituted a conservator of the peace and endowed with all the powers of a constable in criminal cases and all other powers which under the laws or the Commonwealth of Virginia and the ordinances and resolutions of the city may be necessary to enable him to discharge the duties of his office. (1976, c. 721)

§ 30. The city council shall create and maintain a fire department for the city and provide fire-fighting apparatus and equipment for such department, and it may accept for use of said department gifts, grants or donations in the form of money or equipment which, when made, shall be the property of the city as completely as if purchased and paid for by the city. The council may by ordinance or resolution prescribe such rules and regulations as it may deem necessary regulating the operation of the fire department and the use of the apparatus, equipment, etc., as herein provided. The fire department may be manned by either volunteer firemen or firemen who are paid employees of the city. If maintained as a volunteer fire company, the council may grant the members of such company the right to select their own membership and officers subject to the approval of the council. The council may at its discretion add to the volunteer fire company such full time or part time, paid members as may seem advisable to the council. (1976, c. 721)

Chapter VI. City Officers.

§ 31. The council may combine offices when not prohibited by general law. (1976, c. 721)

§ 32. The council shall grant and pay to all city officers and employees such salaries or compensation, if any, as the said council may from time to time deem just and proper, except as such salaries or compensation may be fixed by general law. (1976, c. 721)

§ 33. If any person, having been an officer of such city, shall not within ten days after he shall have vacated, or been removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the council shall allow, deliver over to his successor in office all property, books, and papers belonging to the city, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of $500, to be sued for in the name of the city and recovered with costs; and all books, records, and documents used in any such office by virtue of any provision of this charter, or of any ordinance or order of the council, or of any superior officer of the city, shall be deemed the property of the city and appertaining to said office. (1976, c. 721)

§ 34. All officers hereafter elected under this charter shall be elected at the times and for the terms, as hereinbefore provided, and shall enter upon the discharge of their duties, in accordance with the provisions of the general law of this Commonwealth concerning city officers. (1976, c. 721)

§ 35. The enumeration of certain powers in this charter shall not be construed to impair or diminish any of the rights, powers or authority conferred upon cities or their officers by the general law of the Commonwealth. (1976, c. 721)

§ 36. In addition to all the other powers mentioned in this charter, the council shall have power to raise annually by taxes and assessments in the city on all subjects the taxation of which by cities is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purposes of the city, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this Commonwealth and of the United States. (1976, c. 721)

§ 37. The council is hereby vested with power to impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments. (1976, c. 721)

§ 38. The council may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the city, whether a license may be required therefor by the Commonwealth or not, and may exceed the state license, if any be required, except when prohibited by general law. (1976, c. 721)

§ 39. Any payment of delinquent taxes made by the tenant, unless under an expressed contract contained in his lease, shall be a credit against the person to whom he owes the rent. (1976, c. 721)

§ 40. The council may require of owners of motor vehicles, trailers, and semitrailers, which are normally garaged, stored or parked in the city, licenses for the privilege of operating such vehicles in the city, such licenses to be issued and the fees therefor fixed by the council. (1976, c. 721)

§ 41. All goods and chattels wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust nor mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes. (1976, c. 721)

§ 42. No tax shall be levied unless by ordinance or resolution passed by recorded vote of the council pursuant to § 13 of this charter. (1976, c. 721)

§ 43. There shall be a lien on real estate for the city taxes assessed thereon from the commencement of the year for which they were assessed. The council may require real estate in the city delinquent for the nonpayment of city taxes to be sold for said taxes and the accrued penalties thereon, with interest on the aggregate thereof, at a rate to be set by ordinance not in excess of the maximum lawful rate of interest permitted by general law. The city shall have the right to enforce the payment of all taxes and levies, due the said city by such proceeding at law or equity as may be appropriate under any pro-

vision of the general law for the enforcement of payment of any taxes, whether state or municipal, with the right of election of any and all remedies, which remedies are cumulative.

The council may provide by ordinance the time or times for payment of annual taxes or levies on real estate, which may, in the discretion of the council, be in installments; and may provide by ordinance penalties for nonpayment on time, and may provide for payment of the interest on delinquent taxes, such penalty and interest not to exceed the maximum rate provided by general law.

As promptly as possible after the thirtieth day of June and not later than the first day of August of each year, the city treasurer shall make up a list of all taxes delinquent on real estate for the preceeding year and record or have the same recorded in a book kept for that purpose in the clerk's office where deeds are recorded for the city. Such taxes, together with such penalties and interest thereon as provided by general law, shall be a lien on the real estate against which such taxes were assessed, and the failure of the clerk to record or have recorded such delinquent taxes shall not affect the lien of such taxes, interest and penalties. (1976, c. 721)

§ 44. All ordinances and resolutions passed by the council shall take effect at the time indicated in such ordinances and resolutions, but in event no effective date shall be set forth in any such ordinance, resolution or bylaw passed by the council, the same shall become effective thirty days from the date of its passage.

An emergency measure is an ordinance or resolution to provide for immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least three members of the council shall be required to pass any ordinance or resolution as an emergency measure. In case there shall be a tie among the members of the council, the vote of the mayor shall be controlling. (1976, c. 721)

§ 45. (1976, c. 721; 1995, c. 161; repealed 1996, c. 43)

§ 46. A. The council may, in the name of and for the use of the city, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the city subject to the provisions of the Constitution of Virginia. Debts may be contracted and bonds, notes or other obligations may be issued to make public improvements for any purpose authorized by law or the provisions of this charter and specifically, to finance in whole or in part the cost of such public improvements for the joint use and benefit of the city of Manassas, the city of Manassas Park, and Prince William County.

B. Pending the issuance and sale of any bonds, notes or other obligations by this charter authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the

city to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or use current funds, to be ultimately repaid from the proceeds of the said bonds, notes or other obligations, or from city taxes and revenues, as the case may be subject to the provisions of the Constitution of Virginia.

C. The credit of the city shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation.

D. Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; provided, however, if there shall be omitted from this charter any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of the city, the provisions of general law with reference to similar bonds shall supply said omission.

E. Any bonds issued by the city under this charter shall be signed by the mayor and attested by the city clerk under the seal of the city, and shall be made payable in the office of the city treasurer or such other place in or out of the Commonwealth as the council may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds shall be advertised by the mayor and sold by the city treasurer, or by the city manager as may be provided in such ordinance, under supervision of the mayor, city manager and city clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the city treasurer. (1976, c. 721; 1977, c. 275)

Chapter VIII. General Provisions.

§ 47. The mayor and city clerk shall have the power to administer oaths, and to take and sign affidavits in the discharge of their respective official duties. (1976, c. 721)

§ 48. The council, mayor, and any officer, board or commission authorized by the council, shall have power to make investigations as to city affairs and for that purpose to subpoena witnesses, administer oaths and compel the production of books and paper. (1976, c. 721)

§ 49. The city authorities may use the Prince William County jail, or penal farm if there be one, and the jailer, or keeper of such penal farm, is authorized to receive into said jail, or at such penal farm, all persons committed to the custody of either such jailer or keeper, and such jailer or keeper shall be entitled to the same fees, and the same compensation for board of such prisoners as may be incarcerated in such jail or placed on such farm by the city as are allowed by law. But in computing the compensation for board of such city prisoners, the computation shall be based upon the total number of prisoners confined in the jail or upon the penal farm from all sources, and not merely upon the number of the city prisoners. (1976, c. 721)

§ 50. The plan of government provided by this charter may be changed to any other plan for the government of cities in the manner provided by general law. (1976, c. 721)

§ 51. All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed. (1976, c. 721)

§ 52. All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. (1976, c. 721)

§ 53. If any clause, sentence, paragraph or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof which is so held invalid. (1976, c. 721)

Marion, Town of

County of Smyth

History of incorporation

Established, 1835, c. 182.
Charter, 1849, c. 294; amended and reenacted in 1870, 1892, and 1920; repealed 1960, c. 9.
Charter, 1870, c. 253; repealed 1960, c. 9.
Charter, 1892, c. 84; repealed 1960, c. 9.
Charter, 1920, c. 457; repealed 1960, c. 9.

Current charter

Charter, 1960, c. 9.

Amendments to current charter

1972, c. 109 (§§ 2, 4, 5)
1975, c. 62 (§ 3)

§ 1. The boundaries of the town of Marion, Virginia, shall be and remain as now established, but the boundaries thereof are incorporated herein by reference to the recordation in the Clerk's Office of Smyth County, Virginia, of the final decree or order of the Circuit Court of Smyth County establishing such boundaries which final decree or order was entered December 16, 1949 in said Clerk's Office in Common Law Order Book 13, Page 509, and by reference to the recordation in said Clerk's Office of the final decree or order of such court establishing such boundaries which final decree or order was entered December 1, 1958 in said Clerk's Office in Common Law Order Book 15, Page 467. (1960, c. 9)

§ 2. The powers set forth in §§ 15.1-837 through 15.1-915 of the Code of Virginia as in force on January 1, 1972, are hereby specifically conferred upon the town of Marion. (1960, c. 9; 1972, c. 109)

§ 3. The mayor shall be elected for a term of four years, at the time and in the manner provided by law and his compensation shall be fixed by the Council. (1960, c. 9; 1975, c. 62)

§ 4. Three electors of the town of Marion shall be elected as councilmen of the town on the first Tuesday of May, 1972 and every four years thereafter; four electors of the town of Marion shall be elected as councilmen of the town on the first Tuesday of May, 1974 and every four years thereafter. They shall constitute the council. (1960, c. 9; 1972, c. 109)

§ 5. All town councilmen, officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation by law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the town as set forth in § 15.1-845 of the Code of Virginia. (1960, c. 9; 1972, c. 109)

§ 6. All ordinances and resolutions heretofore made and adopted by the town, not in conflict with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the town. (1960, c. 9)

Martinsville, City of

History of incorporation
Established in 1791.
Incorporated as a town in 1873.
Became a city by court order in 1928.
Charter, 1942, c. 69; repealed 1950, c. 193.

Current charter
Charter, 1950, c. 193.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. Incorporation and Powers.

§ 1. Incorporation.

The inhabitants of the territory comprised within the present limits of the City of Martinsville, as hereinafter described, or as the same may be hereafter altered and established by law, shall continue to be a body politic and corporate, to be known and designated as the City of Martinsville, and as such shall have and may exercise all powers which are now, or hereafter may be conferred upon, or delegated to the City under the Constitution and laws of the Commonwealth of Virginia, as fully and as

completely as though said powers were specifically enumerated herein and no enumeration of particular powers by this charter shall be held to be exclusive; and the said City of Martinsville as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The administration and government of the said City shall be vested in the Council of the City of Martinsville as hereinafter constituted, and in such other boards and officers as are hereinafter mentioned, or may be by law or the Council otherwise provided. And it shall continue to consist of one ward until such time as it may be subdivided into additional wards in the manner prescribed by law.

All contracts and obligations of the City of Martinsville heretofore made by the present council and government, while in office, not inconsistent with this charter and the general laws and Constitution of the State, shall be and are hereby declared to be valid and legal obligations of the City of Martinsville.

The metes and bounds of said City as its limits now are, are as follows, to wit:

BEGINNING at a concrete post with a brass tablet set in top on the North bank of Smith River in J. R. Wray's land; thence N 33° 37' 15" E 12,108.76 feet to a brass tablet set in a concrete post; thence N 56° 29' 15" E 2,153.65 feet to a brass tablet set in a concrete post; thence S 70° 04' 45" E 11,628.14 feet to a brass tablet set in a concrete post; thence S 9° 25' 15" W 18,303.77 feet to a brass tablet set in a concrete post, said post being located in the North right of way line of Mulberry Road; thence N 63° 30' 05" W 217.99 feet crossing Mulberry Road, to a brass tablet set in a concrete post, said post being located in the South right of way line of Mulberry Road; thence following the South right of way of Mulberry Road as it meanders N 10° 11' 25" W 140.20 feet, N 2° 53' 35" E 313.19 feet, N 3° 25' 45" E 120.00 feet, N 0° 17' 25" E 129.97 feet, N 11° 26' 05" W 150.04 feet, N 29° 36' 25" W 149.91 feet, N 30° 11' 25" W 50.20 feet, N 35° 43' 55" W 114.85 feet, N 37° 15' 40" W 100.50 feet, N 37° 27' 15" W 101.40 feet, N 38° 19' 45" W 99.28 feet, N 38° 37' 10" W 100.05 feet, N 41° 23' 30" W 102.87 feet, N 46° 23' 05" W 160.33 feet, N 48° 33' 00" W 205.49 feet, N 48° 48' 25" W 106.98 feet, N 48° 40' 05" W 106.92 feet, N 54° 45' 15" W 104.00 feet, N 61° 40' 30" W 99.93 feet, N 72° 21' 00" W 200.78 feet, N 72° 17' 00" W 114.95 feet, N 72° 04' 30" W 84.90 feet, N 72° 01' 35" W 99.90 feet, N 70 ° 46' 25" W 100.10 feet, N 68° 20' 20" W 100.00 feet, N 67° 10' 00" W 100.00 feet, N 60° 00' 05" W 100.85 feet, N 25° 43' 25" W 185.50 feet, N 44° 00' 10" W 98.00 feet, N 64° 19' 20" W 130.60 feet, N 70° 29' 30" W 105.10 feet, N 71° 02' 30" W 100.15 feet, to a brass tablet set in a concrete post, said post being located in the south right of way line of Mulberry Road, and marking the corner of Lots Number 13 and 14 of Section "K" of Lanier Farms, Inc., Sub-Division.

The above traverse lines being the lot fronts, or chord lengths of the curved lines, of Sections "Q," "O," "M" and "K" of Lanier Farms, Inc., Sub-Divisions.

Thence leaving Mulberry Road, S 16° 51' 00" W 216.89 feet to a brass tablet set in a concrete post; thence S 39° 10' 00" W 223.96 feet to a brass tablet set in a concrete post; thence N 70° 54' 00" W

3,017.70 feet to a brass tablet set in a concrete post; thence N 72° 56' 00" W 4,010.34 feet to a brass tablet set in a concrete post; thence N 23° 21' 45" W 1,257.85 feet to a brass tablet set in a concrete post, said post being located on the west side of U. S. Route Number 220; thence N 61° 53' 45" W 1,010.40 feet to a brass tablet set in a concrete post; thence N 84° 43' 45" W 2,779.15 feet to a brass tablet set in a concrete post, said post being located at the end of old road leading to Roundabout Farm and near the property line of E. I. DuPont Company; thence N 15° 56' 00" W 514.47 feet to a brass tablet set in a concrete post; thence N 24° 30' 30" W 633.30 feet to a brass tablet set in a concrete post; thence N 59° 08' 55" W 361.86 feet to a brass tablet set in a concrete post; thence N 19° 00' 55" W 1,095.53 feet to a brass tablet set in a concrete post; thence N 51° 09' 45" W 900.81 feet to a brass tablet set in a concrete post; thence N 7° 44' 30" W 484.57 feet to a brass tablet set in a concrete post; thence N 10° 36' 50" W 298.81 feet to a brass tablet set in a concrete post; thence N 52° 39' 15" W 1,110.31 feet to the point of beginning, as described in Paragraph No. 1, as shown on the map prepared by the City of Martinsville.

All of the above bearings refer to the True Meridian, and include all of the territory previously set out as the corporate limits of the City of Martinsville in the charter granted said City by the Act of March 30, 1936, by the General Assembly, and also include the territory annexed to said City by annexation proceedings in the Circuit Court of Henry County, Virginia, by Order entered in said proceedings on the 12th day of July, 1939, in Law Order Book No. 7, page 511, and also includes the territory annexed to said City by annexation proceedings in the Circuit Court of Henry County, Virginia, by Order entered in said proceedings on the 18th day of July, 1946, in Law Order Book No. 8, page 370. (1950, c. 193)

§ 2. Powers of the city.

In addition to the powers mentioned in the preceding section the said City shall have power:

(1) To raise annually by taxes and assessments in said City on all subjects the taxation of which by cities is not forbidden by general law, such sums of money as the Council herein provided for shall deem necessary for the purposes of said City, and in such manner as said Council shall deem expedient, in accordance with the Constitution and laws of this Commonwealth and of the United States.

(2) The City Council may levy a tax or a license on any person, firm, or corporation conducting any business, employment or profession whatsoever in the City, except when expressly prohibited by general law, whether a license may be required therefor by the Commonwealth or not, and may exceed the State license, if any be required.

(3) The Council may require of owners of motor vehicles, trailers and semitrailers, residing in or having a place of business in the City in which business the said motor vehicle is used, licenses for the privilege of operating such vehicles in the City, such licenses to be issued and the fees therefor fixed by the Council.

(4) All goods and chattels wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes.

(5) There shall be a lien on real estate for the City taxes as assessed thereon from the commencement of the year for which they were assessed. The Council may require real estate in the City delinquent for the nonpayment of City taxes to be sold for said taxes, with interest thereon at a percent per annum prescribed by Council but in no event to exceed the maximum interest rate allowed by law, and such percent as the Council may prescribe for charges. Such real estate may be sold and may be redeemed in the manner provided by law; provided that at any such sale, where no person bids the amount chargeable on any such real estate, it shall be lawful for the City treasurer to purchase the same for the benefit of the City upon the same terms and conditions prescribed by general law, for the purchase of delinquent real estate by the treasurer for the benefit of a city.

(6) To impose special or local assessments for local improvements and enforce payment thereof, subject, however, to limitations prescribed by the Constitution of Virginia, as may be in force at the time of the imposition of such special or local assessments.

(7) To contract debts, borrow money and make and issue evidence of indebtedness.

(8) To expend the money of the City for all lawful purposes.

(9) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without the City or Commonwealth and for any of the purposes of the City; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any other part thereof.

(10) To acquire or lease in any lawful manner for municipal purposes or for the purpose of encouraging commerce and manufacture, lands within and without the City not exceeding at any one time five thousand acres in the aggregate, and may from time to time sell or lease the same or any part thereof for all lawful purposes.

(11) To make and maintain public improvements of all kinds, including municipal and other public buildings, airports, armories, markets, municipal off street parking stations, swimming pools, libraries, hospitals, comfort stations or rest rooms and all buildings and structures necessary or appropriate for the use of the departments of fire and police; and to establish a market or markets in and for said City for the sale of food stuffs, to appoint proper officers therefor; to prescribe the time and place for holding the same; to provide suitable buildings and grounds therefor and to make and enforce such rules and regulations as shall be necessary to restrain and prevent huckstering, forestalling and regrating, and for the purpose of regulating and controlling the sale of fresh meats, seafood, farm and domestic products and all perishable foods in said City; the council shall also have

authority to confine the sale of such articles or products to the public markets and public squares provided by the City for that purpose, and shall have full power and authority to regulate the same.

(12) To furnish all local public services; to purchase, hire, construct, own, lease, maintain and operate local public utilities, to acquire by condemnation or otherwise, within or without the corporate limits, lands and property necessary for any such purposes.

(13) To own, operate and maintain electric light and/or gas works, either within or without the corporate limits of the said City for the generating of electricity and/or the supplying of gas for illuminating, power and other purposes, and to supply the same whether said gas and/or electricity be generated or purchased by said City to its customers and consumers both at such price and upon such terms as it may prescribe, and to that end it may contract with owners of land and water power for the use thereof, or may have the same condemned, and to purchase such electricity and/or gas from the owners thereof, and to furnish the same to its customers and consumers, both within and without the corporate limits of the said City at such price and on such terms as it may prescribe.

(14) To establish, impose and enforce water, light and sewerage rates and rates and charges for public utilities, or other service, products or conveniences, operated, rendered or furnished by the City; and to assess, or cause to be assessed, water, light and sewerage rates and charges against the proper tenant or tenants or such persons, firms, or corporations as may be legally liable therefor; and the Council may by ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of said services to any person, firm or corporation, but nothing herein shall be construed as conferring upon said Council authority to regulate rates and charges of public utilities which are subject to the jurisdiction of the State Corporation Commission.

(15) Subject to the provisions of the Constitution of Virginia to grant franchises for public utilities.

(16) To acquire in the manner provided by the general laws any existing water, gas or electric plant, works or system, or any part thereof. Any public utility owned or operated by the City of Martinsville, whether it be water, gas, electric plant or otherwise shall not be sold until the same shall have been first submitted to the qualified voters of the City at a general or special election and shall have been approved by two-thirds of such voters voting on the question of such sale, which two-thirds shall include the majority of qualified registered voters owning real estate in said City and voting in such election on such sale.

(17) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter, or close the same; to establish and maintain public parks, playgrounds and other public grounds; to construct, maintain and operate public bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstruction of such street drains and

highways; to regulate the operation and speed of all locomotives, cars, and vehicles using the streets or railroads within the City; to regulate the services to be rendered and rates to be charged by public busses, motor cars, taxicabs and other public vehicles used for hauling passengers and baggage for hire, except when prohibited by the State Corporation Commission of Virginia, or the Interstate Commerce Commission; to require any telephone and telegraph wires and any wires and cables carrying electricity to be placed in conduits under ground and to prescribe rules and regulations for the construction and use of such conduits; and to do all other lawful things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(18) To construct and maintain, or aid in constructing and maintaining, public roads, boulevards, parkways and bridges beyond the limits of the City, in order to facilitate public travel to and from said City and any property owned by said City and situated beyond the corporate limits thereof, and to acquire land necessary for such purpose by condemnation or otherwise.

(19) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire and operate plants for the utilization or destruction of such materials, or any of them; or to contract for and regulate the collection and disposal thereof.

(20) To compel the abatement and removal of all public nuisances within the City, or upon property owned by the City, beyond its limits; to require all lands, lots and other premises within the City to be kept clean, sanitary and free from weeds; to regulate or prevent slaughter houses or other noisome or offensive businesses within said City, the keeping of animals, poultry or other fowls therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles or materials through the streets of the City; to compel the abatement of smoke, odors and dust; to prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City.

(21) If any ground in the said City shall be subject to be covered by stagnant water or if the owner or occupant thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said Council may cause such ground to be filled up, raised or drained, or may cause such substance to be covered or removed therefrom, provided that reasonable notice shall be first given to the said owner or occupant or his agent. In case of nonresident owners who have no agent in said City, such notice may be given by publication for not less than ten days in any newspaper published in said City or having general circulation therein.

(22) To direct or prevent the location of all buildings for storing gunpowder or other explosive or combustible substances, to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosives or

combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and light in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons.

(23) To prevent the running at large in said City of all animals and fowls, and to regulate the keeping or raising of same within said City, and to subject the same to such levies, regulations and taxes as it may deem proper.

(24) To inspect, test, measure and weigh any commodity or article offered for human consumption or use within the City.

(25) To provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.

(26) To establish, organize and administer public schools subject to the general laws establishing a standard of education for the Commonwealth.

(27) To provide and maintain, either within or without the City, charitable, recreative, curative, corrective, detentive, or penal institutions.

(28) To provide for the preservation of the general health of the inhabitants of said City, make regulations to secure the same, inspect all food and foodstuffs and prevent the introduction and sale in said City of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the City limits, and to enforce the removal of persons afflicted with contagious or infectious disease to hospitals provided for them, to provide for the organization of a department of health, to have the powers of a board of health, for said City, with the authority necessary for the prompt and efficient performance of its duties, with powers to invest any or all the officials or employees of such department of health with such powers as the police officers of the City have; to establish a quarantine ground within or without the City limits and such quarantine regulations against infectious and contagious disease as the said Council may see fit, subject to the laws of the Commonwealth and the United States; to provide and keep records of vital statistics and compel the return of all births, deaths and other information necessary thereto.

(29) To acquire by purchase, gift, devise, condemnation or otherwise lands, either within or without the City, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of the dead.

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

(31) To create, regulate and maintain a fire department for the City and to prescribe the duties of said department and its officers.

(32) (a) For the purpose of guarding against the calamities of fires, the City Council may, from time to time, designate such portions and parts of the City as it deems proper within which inflammable buildings may not be erected. It may prohibit the erection of wooden buildings or buildings of inflammable material in any portion of the City without its permission, and may provide for the removal of such buildings or additions which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; or if any building in process of erection or already built appears clearly to be unsafe, the Council may cause such building to be taken down, after reasonable notice to the owner; it may provide for the disposition of garbage and waste; provide precautionary measures against danger from fires; provide for the removal of buildings or structures of any kind, erected in violation of ordinances, at the expense of the builder or owner; and may do all other things lawful to be done, looking to the health and safety of the inhabitants of the City.

(b) The Council may, by proper ordinance, divide the City into zones; specify the kind and character of buildings which may be erected in the different zones; and may, after recommendation from the planning commission and public notice and hearing pursuant to § 15.2-2204, establish design overlay districts to encourage compatible development in areas of the City identified on an adopted comprehensive plan as having historic value or unique architectural value and located within an area designated on an adopted plan for conservation, rehabilitation or redevelopment. In such areas, the Council shall adopt specific standards as to new construction or rehabilitation within view from public streets and provide for a design review process. City Council may establish a fee applicable to such design review process which shall not exceed the actual cost of such review process.

(33) (a) The City Council shall not take or use any private property for streets or other public purposes without making the owner thereof just compensation for the same; but in cases where the Council cannot by agreement obtain title to the ground for such purposes the Council may exercise the power of eminent domain, as provided by law; and shall, subject to the following paragraphs, have all the powers provided in Chapter 19 (§ 15.2-1900 et seq.) of Title 15.2, of the Code of Virginia, as amended, which is incorporated herein by reference.

(b) The City may enter upon the property to be condemned at any time after the filing of its petition for condemnation and prior to the determination and deposit of the award of just compensation for its purposes if, upon the petitioner's application to do so, the court, after thirty days' notice to the parties and after hearing all parties in interest, finds (1) that a public necessity or an essential public convenience requires such entry for such purposes, and that an emergency exists justifying such entry, before the time when just compensation can be determined and the amount so determined paid into court, and (2) that the interests of the owners of such property

will be adequately protected by the payment into court or to the clerk thereof for the benefit of the owners of the amount of the offer made in accordance with law. Upon such payment, the petitioner shall have the right to enter upon the property as described in its petition. At any time after such payment into court or to the clerk thereof, a party whose property or interest therein is to be taken or damaged may apply to the court for the withdrawal of his share thereof in the manner provided by law.

(c) At any time during the condemnation proceedings, if it appears necessary so to do in order to protect the owners of the property or estate or interest therein to be condemned and assure unto them the payment of just compensation to which they are entitled, the court may require the petitioner to pay such additional sums into court as deemed necessary to protect the owners of the property or estate in interest being condemned.

(d) If the petitioner enters upon the property under this section and does any work thereon, or causes any injury or damage to such property, it shall not thereafter be entitled, without the consent of the owner, to abandon the proceedings for the condemnation thereof, but shall conduct such proceedings with reasonable dispatch to final judgment and the petitioner shall pay to the owner of the property or into court the amount of just compensation determined in the condemnation proceedings.

(34) In every case where a street in said City has been, or shall be encroached upon by any fence, building or otherwise, the Council may require the owner to remove the same, and if such removal be not made within the time prescribed by the Council, it may impose such penalty as it deems proper for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs by the same process that Council is hereinafter empowered to collect taxes.

Except, in case where there is a bona fide dispute as to the true boundary line or the location of the true street line (and if such passage over such street is not seriously impeded) the same shall be first established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the City or the property owner for that purpose before the said City shall take any steps to remove the said obstruction or encroachment, or to impose any penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the said City.

(35) Dedication of any street, alley or lane in said City may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said City, by a plan or plot of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for

private use. The Council shall have the right to elect, by resolution entered on its minutes, whether it will or will not accept the dedication of any street or alley.

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

(37) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, by fine or confinement, or both; which shall not exceed the maximum of such penalties allowable under the general laws of this Commonwealth for misdemeanors or, in the case of traffic infractions, the maximum penalties allowable under the general laws of this Commonwealth for such traffic infractions; and the City may maintain a suit to restrain by injunction the violation of any ordinance notwithstanding such ordinance may provide punishment for its violation. The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein or implied thereby, or appropriate to the exercise thereof, the said City shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this State not inconsistent with this charter.

(38) Notwithstanding any of the provisions of the Housing Authorities Law (§ 36-1 et seq., of the Code of Virginia, as amended), the members of the Council of the City of Martinsville, Virginia, during their respective terms of office as councilmen, are authorized and empowered to act as the Commissioners of the Martinsville Redevelopment and Housing Authority, whenever the said Council shall adopt a resolution declaring:

(a) The need for an authority to function in the City of Martinsville, and

(b) The determination that the members of the Council of the City of Martinsville shall act as the Commissioners of the said Authority.

Should the Council determine to act as the Commissioners of the Martinsville Redevelopment and Housing Authority as above provided, it shall designate which of the Commissioners shall be the Chairman of the Authority, and four Commissioners shall constitute a quorum of the said Authority for the purpose of conducting its business and exercising its powers and for all purposes, and action may be taken by the Authority upon the vote of a majority of the Commissioners present, unless in any case the bylaws of the Authority shall require a larger number.

The determination of the Council made hereunder and any determination that may be made by the Authority as constituted hereunder shall be effective without the prerequisite of an election being held to determine the question as provided by the Housing Authorities Law. Nothing herein

contained shall be construed to prevent the Council and the Authority from otherwise proceeding under and in accordance with the Housing Authorities Laws; provided, however, that notwithstanding any other provision of Title 36 of the Code of Virginia, no bonds of the Authority shall be issued unless and until a majority of the voters voting on the question of such bond issue shall have approved the same in a referendum called and held in accordance with § 41 of this charter. (1950, c. 193; 1956, c. 589; 1962, c. 329; 1975, c. 416; 1982, c. 193; 1991, c. 15; 1995, c. 172; 1998, c. 635)

Chapter 2. The Council.

§ 1. Creation of council.

There shall be a council which shall have full power and authority, except as herein otherwise provided, to exercise all the powers conferred upon the City, and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the State and of this charter. (1950, c. 193)

§ 2. Election of council; composition of council; vacancies.

The Council shall be elected as provided by general law. The Council shall consist of five members, who shall be elected at large and serve for a term of four years from the first day of January next following the date of their election and until their successors have been elected and qualified. Three council members shall be elected on the November 2012 general election date and every four years thereafter, and two council members shall be elected on the November 2014 general election date and every four years thereafter.

The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of said body, or any of them. When a vacancy occurs in the council, it shall be filled by a majority vote of the remaining members within thirty days of such vacancy. If a majority of the remaining members cannot agree, or do not act within said thirty-day period, and if at least one hundred eighty days remain in the unexpired term at the expiration of said thirty-day period, the council, immediately upon expiration of said thirty-day period, shall petition the Circuit Court of the City of Martinsville to issue a writ of election to fill such vacancy. Upon receipt of such petition, the court shall issue the writ of election, directed to the secretary of the Electoral Board of the City of Martinsville, designating the office to be filled and the time and place of holding such election; and, upon receipt of such writ, the said secretary shall publish a copy thereof at not less than ten public places within the city or publish the same in a newspaper of general circulation at least ten days before such election. No such special election shall be ordered held within the sixty days prior to a general or primary election. Any member of the council who shall be voluntarily absent from three regular meetings of the council consecutively, may be removed from

office by resolution of the council declaring his seat vacant. (1950, c. 193; 1975, c. 416; 1977, c. 132; 2011, cc. 328, 598)

§ 3. Qualification of members.

Any person qualified to vote in the City shall be eligible to the office of councilman. (1950, c. 193)

§ 4. Limitations on powers and disqualifications.

(a) Any member of the council who shall have been convicted of a felony while in office shall thereby forfeit his office.

(b) No member of the council or other officer shall be interested directly or indirectly in the profits of any contract or work, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services (other than official services). Any member of the council or any other officer of the City, who shall knowingly offend against the provisions of this section, shall be subject to removal from office by proceedings in either the Circuit Court or Corporation Court of the City for such purpose in the manner provided by law for removal of public officials from office by reason of malfeasance or misfeasance.

(c) Except for the purpose of inquiry, the council and its members shall so long as the city manager form of government obtains deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall have authority to give orders to any of the subordinates of the city manager, either publicly or privately. (1950, c. 193)

§ 5. Organization rules of the council.

(a) At nine o'clock ante meridian on the first regular business weekday of January following a regular municipal election, the council shall meet at the council chamber of the City, at which time the newly elected councilmen, after first having taken the oaths prescribed by law, shall assume the duties of their office. Thereafter the council shall meet at such times as it may prescribe by ordinance or resolution, except that it shall regularly meet not less than once each month. The mayor, and any member of the council, or any two members of the council, or the city manager and any councilman, may call special meetings of the council, at any time after at least twelve hours' written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, provided all members of the council attend and vote unanimously on all matters acted upon. No business other than that mentioned in the call shall be considered at such meetings.

(b) The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules or procedure, may punish its own members for misconduct in office and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the Council shall constitute a quorum to do business, but no resolution or ordinance shall be adopted except by affirmative vote of a majority of

all members elected to the council, but a smaller number may adjourn from time to time and compel the attendance of absentees. All elections by the council shall be viva voce and the vote recorded in the journal of the council. No vote or question decided at a regular meeting shall be reconsidered at a special meeting unless all members are present and three of them concur. (1950, c. 193; 1975, c. 416; 2011, cc. 328, 598)

§ 6. Compensation of council.

Each member of the City council shall receive not to exceed eighty dollars for each regular or special meeting he attends, provided however, that the annual compensation paid to any councilman shall not exceed twenty-four hundred dollars for his services as such. (1950, c. 193; 1968, c. 645)

§ 7. Powers of mayor.

The mayor shall be elected by the council for a term of two (2) years from the date of his election by council at its organizational meeting until his successor qualifies. Provided, however, the mayor elected by the council on September one, nineteen hundred seventy-eight shall serve a term of one year and ten months. He shall preside at meetings of the council and perform such other duties consistent with his office as may be imposed by the council and he shall have a vote and voice in the proceedings, but no veto. He shall be the official head of the City, but shall have no jurisdiction or authority to hear, determine, or try any judicial matters. In times of public danger, or emergency, he, or during his absence or disability, the city manager, may take command of the police and maintain order and enforce the laws, and for this purpose, may deputize such assistant policemen as may be necessary. During his absence or disability, except as above provided, his duties shall be performed by another member appointed by the council. He shall authenticate by his signature such instruments as the council, this charter, or the laws of the State shall require. (1950, c. 193; 1975, c. 416)

§ 8. Clerk.

The council shall appoint a clerk to serve at the will of the council, and shall have authority to adopt rules and appoint such officers and committees as they may deem proper for the regulations of their proceedings and for the convenient transactions of business; to compel the attendance of absent members; and enforce orderly conduct at meetings.

The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed. (1950, c. 193)

Chapter 3. Ordinances.

§ 1. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one subject. (1950, c. 193)

§ 2. Enactments.

(a) Each proposed ordinance, or resolution, shall be introduced in a written or printed form, and the enacting clause of all ordinances passed by the council shall substantially be "Be it ordained by the Council of the City of Martinsville, Virginia," and all resolutions shall begin with "Be it resolved by the Council of the City of Martinsville, Virginia."

(b) No ordinance shall be passed on the same day it is introduced before the council unless said ordinance shall state that an emergency exists, in which case all councilmen present vote in the affirmative on the question of the emergency. (1950, c. 193)

§ 3. Emergency measures.

(a) No ordinance passed by the council shall take effect until at least ten (10) days from the date of its passage; except that the council may, by the affirmative vote of the majority of its members, pass emergency measures to take effect at the time indicated therein.

(b) An ordinance may be enacted as an emergency measure in all cases except that no ordinance providing for the selling or conveying of any real estate or making a grant, renewal, extension of a franchise or other special privileges, or regulating the rate to be charged for its services by any public utility shall ever be so passed. (1950, c. 193)

§ 4. Record.

Every ordinance or resolution having the effect of an ordinance when passed shall be recorded by the clerk of council in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the said clerk. (1950, c. 193)

Chapter 4.

§ 1. Courts.

The City may pay to any Judge of the Circuit Court that serves the City of Martinsville, when such Judge resides within the City, a salary of not less than Five Hundred Dollars per year, to be fixed by the council. (1950, c. 193; 1975, c. 416)

§ 2. (1950, c. 193; 1958, c. 92; repealed, 1975, c. 416)

§ 2.1. District courts.

There shall be established for the City of Martinsville a General District Court and a Juvenile and Domestic Relations District Court. The District Courts shall have such jurisdiction and powers as shall be set by state law. (1983, c. 24)

Chapter 5. The City Manager.

§ 1. General provisions.

The administrative and executive powers of the City, including the powers of appointment of officers and employees, are vested in an official to be known as the City Manager, who shall be appointed by the council at its first meeting, or as soon thereafter as practicable. The City council shall appoint the city manager for an indefinite term and may remove him at any time by a majority vote of all its members. At least sixty (60) days before such removal shall become effective the council shall advise the manager in writing of the reason for his removal. The council may suspend the manager from duty (with pay) during the sixty (60) day period. The manager shall receive such compensation as shall be fixed by the council, by ordinance, and shall devote his entire time to the business of the City. (1950, c. 193)

§ 2. Powers and duties of the city manager.

The city manager shall be responsible to the council for the proper administration of all affairs of the City coming within his jurisdiction under this charter, the general law or the ordinances or resolutions of the council. He shall have power and it shall be his duty:

(a) To see that all laws and ordinances are enforced.

(b) To see that such city officers and employees as the council shall determine are necessary for the proper administration of the City be appointed, and may be removed by the city manager, except those in the legal and judicial departments, and the clerical and other attendants of the council; but the city manager shall report each appointment and removal to the council at the next meeting thereof following any such appointment or removal; to see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise or any contract are faithfully kept and performed; upon knowledge of any violation thereof to call the attention of the same to the council, whose duty it shall be forthwith to direct such steps as are necessary to protect and enforce the same.

(c) To exercise supervision and control over all departments and divisions created therein, or that may be hereafter created by the council and have general supervision over all public improvements, works and undertakings, except as otherwise provided in this charter.

(d) To attend all meeting of the City council with the right to take part in the discussion but having no vote.

(e) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(f) To prepare the annual budget and be responsible for its proper administration after adoption, and keep the City council full advised as to financial conditions and needs of the City.

(g) To make all such contracts in behalf of the City as may be authorized by this charter, or in accordance with the provisions of the appropriation made by the council or under continuing

contracts or loans authorized under the provisions of this charter, or pursuant to resolution or ordinance of the council.

(h) To perform such other duties as may be prescribed by this charter.

(i) He shall be bonded as the council may deem necessary. (1950, c. 193)

Chapter 6. City Officers.

§ 1. The City council shall grant and pay to all city officers such salaries or compensation, if any, as the said council may from time to time deem just and proper, or shall be fixed by this act, except such salaries or compensation as may be fixed by general law. (1950, c. 193)

§ 2. If any person, having been an officer of such City, shall not within ten (10) days after he shall have vacated, or been removed from office, and upon notification or request of the clerk of the council deliver over to his successor in office all property, books and papers belonging to the City, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the City the sum of Five Hundred Dollars, to be sued for and recovered with costs; and all books, records and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the City council, or any superior officer of the said City, shall be deemed the property of the said City and appertaining to said office, and the chief officer thereof shall be responsible therefor. (1950, c. 193; 1958, c. 92)

§ 3. Election of officers by council; enumeration and terms of officers.

At the meeting prescribed in § 5 of Chapter 2 of this Charter, or as soon thereafter as may be practicable, the council shall elect a clerk, city attorney and such other officers as may come within their jurisdiction, each of whom shall serve at the pleasure of the council. The municipal officers of the City of Martinsville, other than those above mentioned and unless provided for herein, shall, from the date this charter becomes effective and thereafter consist of five councilmen as provided for in this charter; a sheriff; a commissioner of the revenue; a treasurer; a commonwealth's attorney; and a clerk of the circuit court or for any other court of record that may be or hereafter be established by law for the City; and such additional officers as are provided for or may be provided for by the council.

The mayor of the City shall be elected by the council from their number as provided in this charter. The present commissioner of the revenue, treasurer, commonwealth's attorney and clerk of the circuit court shall continue in office until the expiration of the terms for which they were respectively elected. Upon the completion of their present term of office, elections shall be held at the time, in the manner and for the term provided by law. (1950, c. 193; 1975, c. 416; 2011, cc. 328, 598)

§ 4. Commonwealth's attorney.

The commonwealth's attorney for the City of Martinsville shall be the commonwealth's attorney for the Circuit Court of said City and such other courts in said City as may be established by the General

Assembly. The duties of the commonwealth's attorney shall be those defined and set out by law and in addition thereto, it shall be his duty to prosecute persons charged with misdemeanors, traffic infractions, and violations of City criminal ordinances in the district courts of the City and juveniles alleged to be delinquent or in need of services in the Juvenile and Domestic Relations District Court of the City, and all such cases appealed from the district courts to the circuit court of the City. Any duly appointed assistant commonwealth's attorney may exercise any of the powers and duties of the commonwealth's attorney, subject to his control and supervision. The City Council may in its discretion allow additional compensation or salary to the commonwealth's attorney and any employee of his office. (1950, c. 193; 1982, c. 193)

§ 5. Clerk of the court.

The Clerk of the Circuit Court of said City shall have and possess all and singular the authority, power and privileges, and be subject to the limitations, and shall discharge all and singular the duties provided by law for clerks of circuit courts in cities of the first class in this Commonwealth. The Clerk shall be elected at such times and for such terms as provided by general law. (1950, c. 193; 1982, c. 193)

§ 6. Sheriff.

The sheriff shall attend the terms of the Circuit Court serving such City and shall act as an officer of such Court and shall have the authority, powers and jurisdiction which is granted to sheriffs by general law. He shall receive such compensation and emoluments allowed by law to sheriffs. He shall perform such other duties as may be prescribed and ordained by the City council. But the sheriff shall have no authority or custody over prisoners held in jail or on the city farm except such as may be required and necessary in serving the Court or Courts of said City. But nothing herein shall be construed to prevent the council from conferring additional authority or custody of prisoners on said sheriff by special authority enacted by the council.

The sheriff, as well as policemen and other officers and conservators of the peace, shall in the matter of criminal offenses have jurisdiction for one mile beyond the City limits in enforcing the criminal laws of the State.

The City council may in its discretion allow additional compensation or salary to the sheriff. (1950, c. 193; 1975, c. 416)

§ 7. Commissioner of the revenue.

The commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying taxes that may be ordered by the City council, and such other duties as the council may prescribe or direct. He shall keep his office in some convenient place in the City, and shall keep therein such books, schedules and records, and in such manner as the City council may direct and prescribe, which books, records, and other papers shall be subject to the inspection and

examination of the members of the City council, or any committee thereof, and of the collector of city taxes. He shall receive for his services the compensation allowed by law. The commissioner of revenue, in ascertaining the value of real property taxable in said City, shall assess the same as required by law. (1950, c. 193)

§ 8. Jailer.

The jailer of the City of Martinsville, or the person in charge of the prison or prison farm of the said City is authorized to receive into jail, prison, or prison farm in the manner provided by law all persons apprehended by the sheriff or any police officer of said City for violation of the rules, regulations, bylaws, or ordinances, or for disturbing the peace of the said City, and shall be authorized to retain such persons in his custody until ten o'clock the following morning, at which time they shall be discharged unless regularly committed to his custody by a mittimus or warrant. (1950, c. 193; 1975, c. 416)

§ 9. City treasurer.

(a) The city treasurer shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in the penalty of such amount as may be fixed by the council from time to time, payable to the City of Martinsville, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses and levies except charges for services furnished by the public utilities of the City. He shall be personally responsible to the City for the conduct of his office. He shall have sole authority to appoint or employ and to remove or discharge such deputies, employees and assistants as he may deem necessary to carry on the work in his department and he may fix their duties, terms of office and compensation, except such as are fixed by general law. Delinquent taxes and levies shall be transferred from the treasurer's hands into the hands of the city collector for the collection of any taxes, licenses and other levies at any time before they become delinquent, if in the discretion of the council it shall be proper so to do.

(b) The city treasurer shall receive all moneys belonging to the City which it is his duty to collect from persons owing the same to the City, or which it is the duty of other officers of the City to collect and pay over to him, and pay the same out as the ordinances of the City may prescribe; to keep such moneys safely and account therefor, and to pay all drafts or orders made on him in conformity with the ordinances of the City.

(c) The funds of the City shall be deposited by the treasurer in such bank or banks or savings and loan associations as the council may direct, and such bank or banks or savings and loan associations shall give bond in such sum or sums as the council shall fix. He shall keep books showing accurately the state of his accounts and the money of the City shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly of indirectly the City's money, checks

or warrants in his custody and keeping for his own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

(d) The books and accounts of the city treasurer and all papers relating to the accounts and transactions of the City, shall be at all times subject to the inspection of the mayor, the City council, and such other persons as the council may appoint, to examine the same, and all such books and accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment, or delivered up as the council may at any time require.

(e) Repealed 1982, c. 193.

(f) Repealed 1982, c. 193.

(g) All taxes, levies, or other sums of money of whatever nature received by the city treasurer belonging to the City of Martinsville, shall be credited by the treasurer on his books to the City of Martinsville.

(h) All moneys received on all special assessments shall be held by the treasurer as a special fund, to be applied to the payment of the matter for which the assessment was made, and said moneys shall be used for no other purpose.

(i) The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the State.

(j) The city treasurer shall receive for his services the compensation allowed by law. (1950, c. 193; 1982, c. 193)

§ 10. City collector.

The council may direct the city manager to appoint a city collector, and may define his powers, duties and compensation and may require such bond to the City, with security to be approved by the council, conditioned to secure the faithful discharge of his duties to the City, in such penalty as the council shall deem proper.

Subject to the consent of the city manager, the city collector may appoint such deputies and such other employees and assistants as may be necessary to carry on the work in his department in all of its details in an economical and satisfactory manner. The salaries of such deputies, employees and assistants shall be fixed by the City council.

The city collector, his deputies, employees and assistants shall be at all times subject to removal by the city manager. (1950, c. 193)

§ 11. The City council may combine offices where not expressly prohibited, excepting that the assessing and collecting officers shall not be the same person.

All officers hereafter elected under this act, shall be elected at the times and for the terms, as hereinbefore provided, and shall enter upon the discharge of their duties, in accordance with the provisions of the general laws of this State concerning City officers.

The City of Martinsville and the officers thereof, elected or appointed in accordance with the provisions of this act, shall be clothed with all the powers, and be subject to all the provisions of law not in express conflict with the provisions of this act. (1950, c. 193)

Chapter 7. Department of Law.

§ 1. There shall be a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance. (1950, c. 193)

§ 2. Qualifications and appointment of city attorney.

The head of the department of law shall be the city attorney. He shall be an attorney at law licensed to practice under the laws of the Commonwealth and shall have actively practiced his profession therein for at least five (5) years immediately preceding his appointment. He shall be appointed by the council for an indefinite term. (1950, c. 193)

§ 3. Powers and duties of city attorney.

The city attorney shall:

(a) Be the legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the City, including the school board, in all matters affecting the interest of the City and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties.

(b) At the request of the city manager or any member of the council prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and render his opinion as to the form and legality thereof.

(c) Draw or approve all bonds, deeds, leases, contracts or other instruments to which the City is a party or in which it has an interest.

(d) Have the management and control of all the law business of the City and the departments, boards, commissions and agencies thereof or in which the City has an interest, and represent the City as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue.

(e) Institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interest of the City.

(f) Attend in person or assign one of his assistants to attend all meetings of the council.

(g) Appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter.

(h) Have such other powers and duties as may be assigned to him by ordinance. (1950, c. 193)

Chapter 8. City Planning.

§ 1. The City council shall have authority to continue in force the City plan heretofore adopted showing the streets, highways, and parks heretofore laid out, adopted, and established. Such City plan shall be final with respect to the location, length, and width of such streets and highways, and the location and dimensions of such parks. Such City plan is hereby declared to be established for the promotion of the health, safety, and general welfare. Upon the adoption of any amendments thereto, a certificate to that effect, together with a plat, shall be filed immediately with the clerk of every county affected by such City plan or amendment. (1950, c. 193)

§ 2. The City Planning Commissioners shall continue in office for the remainder of their terms and until their successors are appointed by the council. The City Planning Commission shall continue to exercise such duties, powers, and functions as it now has under the existing charter and ordinances, or as may be delegated to or required of said commission by the council by proper ordinances and resolutions. The City Planning Commission shall be constituted, perform the duties and functions, and otherwise be controlled by Chapter Eighty-eight of the Acts of the General Assembly of Nineteen Hundred and Thirty-four (1934), and amendments thereto, except in so far as said chapter and amendments thereto are in conflict with this charter or the express ordinances of the City now in force or hereafter enacted. (1950, c. 193)

§ 3. City planning.

The council may at any time, after a public hearing, amend the City plan, by widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the City plan, the council shall refer the proposed amendment to the City Planning Commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of sixty (60) days has elapsed after the date of reference to the commission unless such time shall be extended by council. Failure by the commission to act within such time period on such amendment shall be tantamount to approval. Any amendment of the City plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of any street and highway, and the location and dimensions of any park. Any widening, relocating, closing, or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the City plan, and shall be subject in all respects to the provisions of this chapter. (1950, c. 193; 1975, c. 416)

§ 4. The City Planning Commission shall have such other authority and powers as may now or hereafter be granted by the council of the City of Martinsville or to municipal planning commissions by the general law. (1950, c. 193)

Chapter 9. Zoning.

§ 1. For the purpose stated in Article 1 of Chapter 24 of Title 15 of the Code of Virginia, the City council is hereby empowered to pass zoning ordinances in conformity with the said act, as amended, subject, however, to the following modifications thereto:

(a) For any or all of the aforesaid purposes, the council may divide the City.

(b) The zoning ordinances and set back lines as they now exist shall continue to be in full force and operation until amended or repealed by the City Council.

(c) Any zoning ordinances, regulations, restrictions, and boundaries of districts may be changed from time to time by the council, either upon its own motion or upon petition, under such conditions as the council may prescribe, after a public hearing, and adequate notice to all owners and parties affected, as required by § 15-822 of the Code of Virginia. If a protest or protests be filed with the council, signed by the owners of twenty per centum or more of the area of the land included in the proposed change, or by the owners of twenty per centum or more of the area of the land immediately adjacent to the land included in the proposed change, within a distance of one hundred feet therefrom, or by the owners of twenty per centum or more of the area of the land directly opposite across any street or streets from the land included in the proposed change, within a distance of one hundred feet from the street lines directly opposite, then no such change shall be made except by the majority vote of all of the members of the council. No change shall be made by the council in any zoning ordinance or map until such change has been referred to the city planning commission for a report thereon, and no action shall be taken by the council until a report has been received from the commission, unless a period of thirty (30) days has elapsed after the date of reference to the commission.

(d) The Board of Zoning Appeals as now constituted shall continue in office for the remainder of their terms and until their successors are appointed by the council. The Board of Zoning Appeals shall consist of five (5) members appointed by the City council for a term of three (3) years, and in so far as not inconsistent with this charter and the existing ordinances now in effect or hereinafter enacted, the powers, duties, authority and procedure of Article 1 of Chapter 24 of Title 15 of the Code of Virginia shall govern.

(e) The Board of Zoning Appeals shall elect a secretary who shall keep a written record of proceedings at its meetings. All official orders, decisions and permits issued by the Board shall be in

writing and a copy thereof shall be delivered to the office of the building inspector of the City within five (5) days after such order, decision, or permit is arrived at or issued.

(f) The council may remove any member of the board for cause, after a public hearing. If a vacancy occurs otherwise than by the expiration of the term of the different members, it shall be filled by the council for the unexpired term.

(g) Unless the council designates some member of the board as chairman, the board shall select a chairman and secretary from among its own members. The board may employ such persons as the council may approve, and may expend such sums as are appropriated by the council for its work. (1950, c. 193)

Chapter 10.

§ 1. The supervision of the public schools in the City shall be vested in a school board composed of not less than three (3) nor more than five (5) qualified voters of the City appointed by the council. Vacancies on the said board shall be filled by the council. (1950, c. 193)

Chapter 11. Bond Issue.

§ 1. Purposes for which bonds may be issued.

The council may issue bonds of the City of Martinsville for any municipal purpose provided for in this act or in any general law now or hereafter in effect. (1950, c. 193; 1981, c. 201)

§ 2. Election on question of the issuance of bonds.

Except as otherwise provided in this chapter, no bonds of the City of Martinsville shall be issued until the question of issuing these shall have first been submitted to the qualified voters of the city at a general or special election and shall have been approved by a majority of such voters voting on the question of such issue. The question or propositions submitted to the voters as aforesaid shall state in general terms the purpose or purposes of the proposed bond issue and the actual or maximum amount of the bond issue. All other details of the bond issue shall be left to be determined by ordinance adopted by the council of the City of Martinsville. Any election held pursuant to this chapter shall be conducted in accordance with, and the form of ballot used in such election shall be in such form as prescribed by, general law now or hereafter in effect. No question as to the validity of such an election, or as to the determination of the result thereof shall be raised in any court except in an action or proceeding commenced in the Circuit Court of the City of Martinsville within ten days (10) days after the determination of the result of said election. No election shall be required with respect to any indebtedness described in Article VII, Section 10 (a) (1) of the Constitution of Virginia of nineteen hundred seventy-one (1971). (1950, c. 193; 1981, c. 201)

§ 3. When bonds to be made payable.

All bonds of the City of Martinsville hereafter issued shall be made payable within the probable life of the improvement or undertaking on account of which they are to be issued. The determination of or by the council as to the probable life of any such improvement or undertaking shall be conclusive. The probable life of any improvement or undertaking shall not be deemed to be more than thirty (30) years; provided, however, that the probable life of real property acquired by the City may be deemed to be as long as forty (40) years. In case of a bond issue for a hydroelectric project, the probable life of the improvement or undertaking requiring said bond issue, and of any real property acquired therefor, may be deemed to be as long as fifty (50) years. In case of a bond issue for several different purposes, having different probable periods of usefulness; the council shall determine the average of said period, taking into consideration the amount of bonds to be issued on account of each purpose for which a period is determined and the bonds shall mature within such average period. (1950, c. 193; 1980, c. 7)

§ 4. Bonds to be serial or term.

Bonds of the City of Martinsville may be issued as serial or term bonds, or any combination thereof. Serial bonds shall mature in annual installments commencing not later than five (5) years after the date of the bonds. Term bonds may be redeemed prior to the maturity thereof by mandatory sinking fund redemption. (1950, c. 193; 1954, c. 104; 1981, c. 201)

§ 5. Procedure for issuing bonds.

A. Whenever the council of the City of Martinsville proposes to issue bonds, the council shall adopt an ordinance reciting the expediency of borrowing money by the City of Martinsville and the issuance of bonds therefor, the purpose or purposes, in general terms, for which bonds are to be issued, the actual or maximum amount of bonds to be issued, or if bonds are to be issued for more than one purpose, the actual or maximum amount to be issued for each purpose and the maximum length of time such bonds will be outstanding.

B. Upon the adoption by the council of the ordinance described in subsection A, a copy thereof, certified by the clerk of the council, shall be filed with the judge of the Circuit Court of the City of Martinsville, Virginia, whereupon the judge of such circuit court shall enter such order as may be required by general law now or hereafter in effect ordering that the question of issuing bonds be submitted to the qualified voters of the City of Martinsville at a regular or special election and may enter such additional orders as may be required by general law now or hereafter in effect.

C. Notice of the proposed bond issue shall be published in a newspaper of general circulation in the City of Martinsville at least once a week for two successive weeks after the adoption of the ordinance described in subsection A. Such notice shall set forth in general terms the purpose or purposes for which the bonds are to be issued, the actual or maximum amount of such bonds or if bonds are to be issued for more than one purpose, the actual or maximum amount of bonds to be issued for each purpose, and the maximum time such bonds will be outstanding.

D. In lieu of the election required by § 2 of this chapter, in any bond issue which does not exceed two percent of the assessed valuation of the real estate of the city subject to taxation, the council may hold a public hearing on the proposed bond issue. In the event that council elects to hold a public hearing in lieu of an election, the notice described in subsection C shall be published in the display advertising of the newspaper and, in addition, shall be broadcast at least once a week for two successive weeks on all radio and television stations whose broadcast facilities are located within the city, and the notice shall specify the time and place of the hearing at which persons may appear and present their views. The hearing shall not be held less than six nor more than twenty-one days after the date the second notice appears in the newspaper.

E. Following approval of the bonds by the qualified voters of the City of Martinsville or, where applicable, following said public hearing, the council may at any time thereafter adopt an ordinance authorizing the issuance of the bonds approved by the voters or any portion thereof. Such ordinance shall set forth the specific terms of the bond issue, including the term thereof and the rate of interest thereon. Any such ordinance may be amended or supplemented from time to time.

F. Any ordinance adopted pursuant to this § 5 may be adopted on the same day it is introduced before the council and may take effect on the date of its adoption. The provisions of this subsection shall not apply to any ordinance enacted for the purpose of authorizing the issuance of bonds after a public hearing.

G. Any ordinance adopted by the council pursuant to this § 5 and any bonds issued pursuant to this chapter may contain such provisions and be in such form as required or permitted by general law, now or hereafter in effect, unless specifically provided or permitted otherwise by this chapter. (1950, c. 193; 1981, c. 201; 1992, c. 31)

§ 6. Debt limitation.

The City of Martinsville shall not issue bonds or other interest-bearing obligations to an amount, which including existing indebtedness, shall, at any time, exceed such amount as permitted by law now or hereafter in effect; provided, however, that in determining this limitation to incur indebtedness, there shall not be included the classes of indebtedness specifically provided for in Article VII, Section 10 (a) (1), (2), (3) and (4) of the Constitution of Virginia of nineteen hundred and seventy-one (1971). (1950, c. 193; 1981, c. 201)

§ 7. Payment of principal and interest.

Irrespective of the provisions of Chapter 1, § 2, paragraph (1) of this charter relating to the tax limit on real and personal property, the full faith and credit of the City of Martinsville shall be deemed to be pledged for the punctual payment of the principal of and interest on every bond and note issued under this act, except the classes of indebtedness specifically provided for in Article VII, Section 10 (a) (1), (2), (3) and (4) of the Constitution of Virginia of nineteen hundred and seventy-one (1971). The council

of the City of Martinsville shall have power to annually levy and collect a tax ad valorem upon all taxable property in the city, sufficient to pay the principal and the interest on all bonds issued under this act, as such principal and interest become due; provided, however, that such tax may be reduced by the amount of other moneys appropriated and actually available for said purposes. In the case of bonds pledging the full faith and credit of the City of Martinsville, the council may, if it deems prudent, annually set aside from the resources of the city a sum not less than one (1) per centum of the aggregate bonded indebtedness of the city pledging the full faith and credit thereof, not payable within one year, whether heretofore, or hereafter contracted, except that no sinking fund shall be required for bonds heretofore or hereafter issued in serial form or for revenue bonds or term bonds required to be redeemed by mandatory sinking fund redemption; provided, however, that nothing herein contained shall be construed to authorize the council to discontinue any sinking fund which may be required for bonds issued pursuant to Clause B, Section 127 of the Constitution of Virginia of nineteen hundred and two; provided further, any such amounts required to be set aside for bonds heretofore issued, shall continue to be set aside until such bonds have been paid or provided for. The fund thus set aside shall be called the sinking fund and shall be applied to the payment of the bonded indebtedness of said city, as it shall become due, and if no part be due and payable, the sinking fund may be invested as permitted by law now or hereafter in effect. (1950, c. 193; 1954, c. 104; 1981, c. 201)

§ 8. Sinking fund commissioners.

The sinking fund commission for the City shall be composed of the mayor, city commissioner of revenue and the city treasurer, whose duties shall be to take over annually from the treasurer, and invest the sinking fund as herein provided; and shall annually submit a report to the council showing the condition and amount of the sinking fund. A bond with satisfactory surety shall be required of the sinking fund commissioners, the amount of which shall be fixed by ordinance. No fees nor commissions shall be paid to any officer for the handling and control of the sinking fund. (1950, c. 193)

Chapter 12. Budget, Accounting and Audit.

§ 1. By ordinance, the City council shall not later than July First, Nineteen Hundred and Fifty (1950), provide for a modern budget and accounting system to be maintained on a current modern basis, which shall include a pre-audit, control and approval of all expenditures with appropriate records and reports. The officer in charge of this activity shall be the city manager or some qualified employee appointed by him. (1950, c. 193)

§ 2. By ordinance, the City council shall not later than July First, Nineteen Hundred and Fifty (1950), provide for a thorough system of post audit of all expenditures, receipts and financial affairs of the City. The council shall cause this work to be done by a Certified Public Accountant of their selection and appointment or the Auditor of Public Accounts of the Commonwealth of Virginia. The council may direct an audit of any or all financial records at any time but they shall cause a complete audit to be

made of all accounts, books, records and financial transactions of the City at least once each fiscal year. (1950, c. 193)

§ 3. The City may establish and maintain a municipal trust or equivalent arrangement for the purpose of accumulating and investing proceeds from the sale of assets owned by the City, and such other funds as the council may contribute pursuant to this section. The principal of the trust or equivalent arrangement shall be (i) all of the proceeds of the sale of any asset owned by the City that generates between $10 million and $20 million, (ii) one-half of any such proceeds in excess of $20 million, (iii) such income generated by the trust or equivalent arrangement remaining unexpended at the close of each fiscal year, and (iv) such other funds as the council may by majority vote to contribute to the trust or equivalent arrangement. Deposits to such trust or equivalent arrangement and any earnings on those deposits shall be exempt from state and local taxation and the assets of any such trust or equivalent arrangement shall not be subject to execution, attachment, garnishment, or any other process. Investment of the assets of the trust or equivalent arrangement shall be managed by a competent professional investment entity, as designated by a contract awarded by the council for a three-year term. All assets or funds of the trust or equivalent arrangement shall be invested in accordance with the prudent person standard established by § 51.1-803 of the Code of Virginia and such investments shall not be limited by Chapter 45 (§ 2.2-4500 et seq.) of Title 2.2 of the Code of Virginia. The principal of the trust or equivalent arrangement may be expended only after a public hearing that has been advertised for two successive weeks in a newspaper having general circulation in the City and upon the two-thirds vote of the council membership. No more than 25 percent of the principal of the trust or equivalent arrangement may be expended in any fiscal year except by unanimous vote of the council membership. Income generated by the fund in each fiscal year may be appropriated, in whole or in part, for any purpose allowed by law by majority vote of the council. (2008, cc. 435, 607)

Chapter 13. General Provisions.

§ 1. Vacancies.

Vacancies in any offices provided for in this charter shall be filled by the authority and in the manner provided herein for the original appointment or election of such officers. (1950, c. 193)

§ 2. Oaths of office and qualification.

Except as otherwise provided by general law or by this charter, all officers elected or appointed under the provisions of this charter shall take the oath of office and execute such bond as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the circuit court clerk, before entering upon the discharge of their duties, and if the requirements of this section have not been complied with by any officer within ten (10) days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. (1950, c. 193)

§ 3. Officers to administer oaths.

The commissioner of the revenue, clerk of council, city treasurer and city manager shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties. (1950, c. 193)

§ 4. Bonds.

All officers elected or appointed under the provisions of this charter shall, unless otherwise provided by general law or by this charter, execute such bonds, with such approved corporate surety, as may be required by general law, by this charter or by ordinance or resolution of the council, and file the same with the circuit court clerk before entering upon the discharge of their duties. The City shall pay the premiums on such bonds. (1950, c. 193)

§ 5. Investigations.

The council, the city manager, and any officer, board or commission authorized by them, or either of them, shall have power to make investigation as to city affairs, and for the purpose to subpoena witnesses, administer oaths, and compel the production of books and papers.

Any person refusing or failing to attend, or to testify or to produce such books and papers, may by summons issued by such board or officer be summoned before the general district court of the said City by the board or official making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be fined by the general district court not exceeding one hundred dollars or imprisonment not exceeding thirty (30) days, and such person shall have the right to appeal to the Circuit Court of the City of Martinsville. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1950, c. 193; 1982, c. 193)

§ 6. Working prisoners.

Subject to the general laws of the State regulating the working of those convicted of offenses against the State, the council shall have the power to provide by ordinance for the employment or the working of prisoners, either within or without the City limits, or within or without any city prison or jail, for the violation of the laws of the State of Virginia, or the ordinances of the City of Martinsville. (1950, c. 193)

§ 7. Penalty for officers failing to perform duties.

If any officer of the City of Martinsville, whether he be elected by vote of the people or by the council, or appointed by the council, or the city manager, shall fail or refuse to perform any of the duties required of him by this chapter or by ordinance or resolution of the City council, he shall be subject to a fine of not less than five dollars nor more than one hundred dollars for each offense, and he and his sureties on his official bond shall be liable for all damages which may accrue to the City or any other person by reason of such failure or refusal. (1950, c. 193)

Chapter 14.

§ 1. Nothing in this act shall authorize the adoption of any ordinance in conflict with any of the provisions of the Virginia Alcoholic Beverage Control Act. (1950, c. 193)

§ 2. All valid contracts and obligations heretofore or hereafter made by the council of the City of Martinsville while in office, not inconsistent with this charter, or with the Constitution or general laws of the State of Virginia, shall be and are hereby declared to be valid and legal. (1950, c. 193)

§ 3.All ordinances and resolutions in force in the City of Martinsville immediately before the passage of this Act shall be and remain in force until altered, amended, or repealed by the council of the said City. (1950, c. 193)

Editor's note: Complete amendments listing for the City of Martinsville:

Current charter

Charter, 1950, c. 193.

Amendments to current charter

1954, c. 104 (Ch. 11, §§ 4, 7)

1956, c. 589 (Ch. 1, § 2)

1958, c. 92 (Ch. 4, § 2; Ch. 6, § 2)

1962, c. 329 (Ch. 1, § 2)

1968, c. 645 (Ch. 2, § 6)

1975, c. 416 (Ch. 1, § 2; Ch. 2, §§ 2, 5, 7; Ch. 4, §§ 1, 2 [repealed]; Ch. 6, §§ 3, 6, 8; Ch. 8, § 3)

1977, c. 132 (Ch. 2, § 2)

1980, c. 7 (Ch. 11, § 3)

1981, c. 201 (Ch. 11, §§ 1, 2, 4, 5, 6, 7)

1982, c. 193 (Ch. 1, § 2; Ch. 6, §§ 4, 5, 9; Ch. 13, § 5)

1983, c. 24 (Ch. 4, § 2.1 [added])

1991, c. 15 (Ch. 1, § 2)

1992, c. 31 (Ch. 11, § 5)

1995, c. 172 (Ch. 1, § 2)

1998, c. 635 (Ch. 1, § 2)

2008, cc. 435, 607 (Ch. 12, § 3 [added])

2011, cc. 328, 598 (Ch. 2, §§ 2, 5; Ch. 6, § 3)

McKenney, Town of

County of Dinwiddie

History of incorporation

Incorporated by order of the Circuit Court, April 29, 1922.

Current charter
Charter, 1944, c. 308.

Amendments to current charter
1956, c. 276 (§ 10.1 [added])
1972, c. 28 (§§ 4, 7)

§ 1. The inhabitants of the Town of McKenney, in Dinwiddie County, as its boundaries are described by § 2 hereof, or as its boundaries may be hereafter established, be and continued to be a body politic and corporate, in part and in name, to be known and designated as the Town of McKenney, and as such shall have and may exercise all powers which are now, or may hereafter be conferred upon or delegated to towns under the Constitution and the laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1944, c. 308)

§ 2. The territory contained within the limits of the said town is described as follows: Beginning at the corner of the First Baptist (Colored) Church property and Jones land, thence along the line of said Church property, N. 88.30 E. 17.15 chains to a stake east of the Depot Road, thence S. 30.15 E. 95.10 chains to a stake, thence S. 65.45 W. 13.55 chains to a stake, thence N. 70 W. 65.90 chains to a stake near and west of R. A. Haskins dwelling thence N. 51.30 W. 37.95 chains to a point near C. G. Zehmer's dwelling, thence N. 43 E. 56.20 chains to the point of beginning and shown on plat of survey made by W. C. Rives & Bro., Surveyors, of record in the clerk's office of the Circuit Court of Dinwiddie County, Virginia. (1944, c. 308)

§ 3. Creation of council.
There is hereby created a council which shall have full power and authority, except as herein otherwise stated, to exercise all the powers conferred upon the town, and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the State and of this charter. (1944, c. 308)

§ 4. Composition of council and vacancies.
The council shall consist of a mayor and five other electors of the town, who shall be denominated the council of said town. The mayor and councilmen shall be elected for a term of two years at a general election held for that purpose on the first Tuesday of May, 1972, and the first Tuesday in May every two years thereafter as provided by law, and the persons so elected shall enter upon the duties of their office on the first day of July next succeeding their election, and shall continue in office until their successors are qualified.

Every person elected a councilman of the town, shall, on or before the day on which he enters upon the performance of his duties, qualify by taking and subscribing an oath faithfully to execute the duties

of his office to the best of his judgment; and the person elected mayor shall take and subscribe the oath prescribed by law for State officers.

Any such oath of councilmen and mayor may be taken before any officer authorized by law to administer oaths, and shall, when so taken and subscribed, be forthwith returned to the recorder of the town, who shall enter the same on record on the minute book of the council.

The councilmen shall judge of the election, qualification and returns of its members; may fine them for disorderly behavior, and, with the concurrence of two-thirds of its membership expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held in the town on such date as the council may prescribe, except that where there shall be vacancies in the majority of the council, the circuit court of Dinwiddie County, or the judge thereof in vacation, shall fill such vacancies. Any vacancy occurring otherwise during the term for which any of the said persons have been elected may be filled by the council by the appointment of anyone eligible for such office. A vacancy in the office of the mayor may be filled by the council from the electors of said town. (1944, c. 308; 1972, c. 28)

§ 5. Qualification of mayor and councilmen.

Any person, qualified to vote in the town in the election in which he offers shall be eligible to the office of mayor or councilman. (1944, c. 308)

§ 6. Disqualification of mayor and councilmen.

Any member of the council who shall have been convicted of a felony while in office shall forfeit his office. (1944, c. 308)

§ 7. Organization and meetings of council.

At eight o'clock postmeridian on the first day in July following a regular municipal election, or if such day be a Sunday or a legal holiday, then on the day following, the council shall meet at the usual place for holding its meetings, at which time the newly elected mayor and councilmen, after first having taken the oaths prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. The mayor or any three members of the council may call specific meetings of the council at any time after giving at least twelve hours written notice to the other members of the purpose, place, and time of such special meeting. Special meetings may also be held at any time without notice, provided all members of the council attend.

A majority of all members shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absentees.

The council shall fix the compensation of its members and of all other officers and/or agents and employees of the town. (1944, c. 308; 1972, c. 28)

§ 8. Powers of mayor.

The mayor shall be the chief executive officer of the town. He shall control the police of the town, and may appoint special police officers when he deems it necessary.

All by-laws and ordinances, before they become valid and operative, shall have his signature, but the mayor shall vote only in cases where the vote is a tie.

In the absence or disability of the mayor, his duties shall be performed by such member of the council as may be designated and appointed by the council.

In addition to the powers and duties herein specifically enumerated, the mayor shall be vested with all such other powers and charged with all such other duties, not in conflict herewith, as are provided by the Constitution and general laws of the State. (1944, c. 308)

§ 9. The town sergeant.

There shall be a sergeant for said town who shall be elected by the council, who shall serve at the will and pleasure of the council. The sergeant shall be the chief police officer of the town and shall perform such duties and be invested with such authority as is provided by the general law for sergeants of towns, and shall perform such other duties and be invested with such other authority as the council may prescribe. (1944, c. 308)

§ 10. Other officers.

The council may create, appoint, or elect such other officers, assessors, attorneys, or agents, departments, bodies or boards for the town as may be deemed necessary or proper, and may fix their compensation and define their duties, and require such bond as may seem necessary. (1944, c. 308)

§ 10.1. The council may appoint pursuant to the provisions of § 16-129 of the Code of Virginia, a trial justice for the town who shall serve for a term of two years or until his successor is appointed by the council and qualifies. The mayor, or any other qualified voter of the town of McKenney whom the council deems qualified, may be appointed by it as such trial justice. If the mayor is appointed as trial justice he shall discharge such duties as the trial justice of the town under this charter and not as mayor of the town, in addition to the execution of the duties of the mayor imposed upon him by this charter; and his powers, duties, authority and jurisdiction as such trial justice shall be as hereinafter provided for the trial justice; he may receive the salary of mayor provided by the council for the discharge of his duties as mayor as well as such salary of trial justice as may be provided by the council, if any.

The trial justice is hereby vested with the right and authority to issue warrants, summon witnesses and try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other debts due and owing to the town.

Fees and costs shall be assessed by the trial justice and shall be collected as provided by the laws of the State of Virginia relating to trial justices as the same shall now be or as hereafter amended. All

fees and costs collected by the said trial justice and all fines collected for violations of all ordinances of the town shall be paid into the town treasury for the use and benefit of the town.

Removals may be taken, and appeals from the decisions of the trial justice may be taken, to the Circuit Court of Dinwiddie County in the same manner, upon the same terms and shall be tried in the same way as removals, or as appeals from the decision of trial justices, as the case may be, are provided to be taken and tried by the laws of the State of Virginia, relating to trial justices as the same shall now be or as hereafter amended.

The council may also appoint such clerk or clerks as may in their discretion be necessary, provide for just compensation therefor and provide necessary records.

The council of said town shall provide a salary to compensate such trial justice in such amount and payable at such times as the council shall deem proper, and the council may provide also for a vacation period, either with or without pay, and for such duration as in the judgment of the council may be proper.

Like provisions may be made for a substitute justice, and when such substitute acts, he shall receive the compensation which would have been paid him had the principal acted, and which compensation shall be deducted from salary or allowance made to the principal.

The town of McKenney may combine with the county of Dinwiddie for the use of one trial justice and one substitute trial justice for such combined town and county, in such manner as may be provided by the laws of the State of Virginia relating to trial justices; and if the town of McKenney and the county of Dinwiddie shall at any time combine for the use of one trial justice and one substitute trial justice for the said town and the said county, the laws of the State of Virginia relating to trial justices, so far as applicable, shall control and not this section of this charter. (1956, c. 276)

§ 11. Powers of the town.

In addition to the powers mentioned in § 1 hereof, the said town of McKenney shall have the following powers:

First: To raise annually by taxes and assessments in said town such sums of money as the council thereof shall deem necessary for the purposes of said town, and in such manner as said council shall deem expedient, in accordance with the Constitution of this State and the United States, and of the general laws of the State in pursuance thereof.

Second: To impose special or local assessments for local improvements and enforce payment thereof, subject however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

Third: To contract debts, borrow money, and make and issue evidence of indebtedness.

Fourth: To expend the money of the town for all lawful purposes.

Fifth: To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without said town for any of the purposes of the town; and to hold, improve, sell, lease, or dispose of the same or any part thereof, including property now owned by the town.

Sixth: To own, operate, and maintain water works and to acquire within or without said town such water lines, property rights, and riparian rights as the council of said town may deem necessary for the purpose of providing an adequate water supply for said town, and of piping or conducting the same into the town; to lay all necessary mains and service lines, either within or without the corporate limits of said town with which to distribute said water, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations, filter plants, or other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and to do all things necessary in order to provide an adequate public water system for the town.

Seventh: To establish, construct, and maintain sanitary sewers, sewer lines, sewerage disposal plants and systems, and to require the owners or occupiers of real estate within the corporate limits of the town, which may front or abut on the line of any such sewer system to make connection therewith, and to use such sewer facilities as may be furnished by the town, under such ordinances and regulations as the council may deem necessary or proper for the proper disposal of sewerage and to improve and secure sanitary conditions; to charge, assess and collect reasonable fees, rentals, or assessments or costs of service for connecting with and using such sewers, and to make regulations for the use, enjoyment, protection, and care of such sewers and sewer systems; and the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties for noncompliance thereof, as other fines and penalties for violation of the ordinances of the town are collected.

Eighth: In every case where a street, alley, park or public property of the town has been, or shall be, occupied or encroached upon a fence, building, porch, projection, or otherwise, without first having obtained consent thereto from the town council or a franchise thereof, such occupancy or encroachment shall be deemed a nuisance, and the owner or occupant of the premises encroaching, upon conviction of so doing, shall be fined not less than five ($5.00) nor more than fifty ($50.00) dollars, and each day's continuance of the said occupancy or encroachment shall constitute a separate offense, such fine to be recovered in the name of the town and for its use, and the town council may require the owner of the premises encroaching, if known, or if not known, the occupant thereof, to remove the encroachment within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed, and collect from the owner, or if the owner be not known, the occupant, all reasonable charges therefor with costs, by the same process that they are authorized by law to collect taxes.

No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to, or confer any rights upon the person claiming thereunder, as against the town.

Ninth: To issue bonds in such manner and for such purposes as are provided in chapter one hundred and twenty-two of the Code of Virginia.

Tenth: To inspect, test, measure, and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license, and inspect weights, meters, measures and scales.

Eleventh: To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them, within the town or within one mile thereof.

Twelfth: To require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council of the said town to issue said license and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided that the said license fee shall not exceed the amount charged by the State on the said machine.

Thirteenth: To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town; and to acquire by condemnation or otherwise, all lands, riparian and other rights, and easements necessary for such improvements, or any of them, either within or without the town, and to construct, maintain, and aid therein roads and bridges to any property owned by the said town and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid purposes, by condemnation or otherwise.

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

Fifteenth: To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots, or other premises within the town, to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate, or prevent slaughter houses or other

noisome or offensive business within the said town, keeping of hogs or other animals, poultry or other fowls therein or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, advertising. and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town, and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow.

Sixteenth: To provide for regular and safe construction of houses in the town for the future, and to provide a building code for the town, to provide setback lines on the streets beyond which no building may be constructed, to require the standard of all dwelling houses to be maintained in residential sections in keeping with the majority of residences therein, and to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

Seventeenth: To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety of the town, from coming to said town from without the same; and also to expel therefrom any such person who has been in said town less than twelve months.

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

Nineteenth: To offer and pay rewards for the apprehension and conviction of criminals.

Twentieth: To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction of such violation.

Twenty-first: Insofar as not prohibited by general law, to pass and enforce all by-laws, rules, regulations and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens of their property and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court, or officers thereof, or which may be necessarily incident to a municipal corporation.

Twenty-second: To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town, or its inhabitants.

Twenty-third: To prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding five hundred dollars fine or twelve months' imprisonment in jail or both.

Twenty-fourth: To own, operate and maintain electric light works, either within or without the corporate limits of the town and to supply electricity whether the same be generated or purchased by said town, to its customers and consumers both without and within the corporate limits of said town, at such price and upon such terms as it may prescribe, and to that end it may contract and purchase electricity from the owners thereof upon such terms as it may deem expedient.

Twenty-fifth: To exercise the power of eminent domain within this State with respect to lands and machinery, equipment or improvements thereon, for any lawful purposes of the said town.

Twenty-sixth: Except when prohibited by general law, the town may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may provide penalties for any violation thereof.

Twenty-seventh: A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, together with all penalties and interest due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the State, to the same extent as if the provisions of said general law were herein set out at length. The said town shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law.

Twenty-eighth: To extinguish and prevent fires, and to establish, regulate and control a fire department or division, to regulate the size, heighth, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such a manner as the public safety and convenience may require; to remove and require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other cause may be dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged, or repaired and to direct that any or all buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron, or other fireproof material; to construct dams across any of the streams within said town for the purpose of providing an adequate supply of

water with which to combat fires, and to prohibit the release of the water contained in such dams within said town as may be now owned or hereafter constructed by others, in times of drought, in order to provide an adequate supply of water with which to combat fires; and to enact such laws as may be necessary to provide for the protection of the citizens and property of the town from fire, or for securing the safety of persons from fires in halls and buildings used for public assemblies.

Twenty-ninth: To regulate the keeping of gunpowder, nitroglycerin, or other explosive or combustible substance; and to regulate or prohibit the exhibition or possession of fireworks, the discharge of firearms, and the making of bonfires within the said town.

Thirtieth: To prohibit from and punish minors for frequenting, playing in, and loitering in any public pool room, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same.

Thirty-first: Except when prohibited by general law, to prohibit any person, firm or corporation from pursuing or conducting any trade, business, profession, occupation, employment, or calling within the boundaries of the town on the Sabbath.

Thirty-second: Except when prohibited by general law the said town shall have the power to regulate the speed and manner in which all vehicles, motor driven or otherwise, shall operate in the said town. (1944, c. 308)

§ 12. The present mayor and council, and other officers of the Town of McKenney shall continue in office until the expiration of the term for which they were respectively elected. (1944, c. 308)

§ 13. If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1944, c. 308)

§ 14. All contracts and obligations heretofore or hereafter made by the Town of McKenney, not inconsistent with this charter or the Constitution or the general laws of this State, shall be, and are hereby declared to be valid and legal; and all ordinances, rules or regulations now in force in said town, not inconsistent with this charter, the Constitution or the general laws of this State shall be and remain in force until altered, amended, or repealed by the council of the town. (1944, c. 308)

Melfa, Town of

County of Accomack

History of incorporation

Incorporated by order of the Circuit Court of Accomack County, April 12, 1951 (Court Order Book 1950-94, p. 89).

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

In the matter of the petition for
incorporation of the Town of Melfa

Accomack County, Virginia

On the first day of March, 1951, came the petitioners by their attorneys and with leave of Court filed their petition praying that an order be entered, incorporating the unincorporated community of Melfa, Accomack County, Virginia, as an incorporated Town, under the name of the "Town of Melfa," said petition being in the words and figures following to-wit:
To: The Honorable Jeff F. Walter, Judge of the Court aforesaid;
Your petitioners respectfully state:

(1) That they are inhabitants of the Town of Melfa, residing within the proposed incorporated limits of said Town, and that more than twenty (20) of your petitioners are qualified voters.

(2) That the Town of Melfa is an unincorporated Town, situate in the County of Accomack, Virginia.

(3) That it will be to the best interest of the inhabitants of said Town; that the same be incorporated, and the general good of the community will be promoted thereby.

(4) That the number of inhabitants of said Town exceeds Two Hundred and does not exceed Five Thousand.

(5) That the metes and bounds of the proposed corporate limits of said Town are as follows, to-wit:

Beginning at a concrete marker planted in the ground approximately three feet on the right-of-way of United States Highway Route thirteen from the intersection of the line of Eric C. Neville and Mrs. Elizabeth Justis, on the Northwest side of said Highway and from said marker running; North 62 degrees 12 minutes West, 203.0 feet to and along the boundary aforesaid between Mrs. Elizabeth Justis and Eric C. Neville to a point, from thence; turning and running North 1 degree 53 minutes East, 1634.2 feet across the lands of George T. Turlington and Brooks Hart to another point, from thence; running North 13 degrees, .01 minute East, 1050 feet across the land of Brooks Hart to a concrete marker on the Southwest side of the County Road leading to Onancock thence; running North 47 degrees 17 minutes East 786.8 feet across said County Road and the land of C. M. Byrd to a pipe, from said pipe; running South 62 degrees 12 minutes East, 772.1 feet across the land of C. M. Byrd to a point and from said point running North 27 degrees 48 minutes East; 1360.4 feet across the land of the W. H. Hatton Estate and that of T. U. Belote to a point, from this point running; south 62 degrees 12 minutes East, 516.0 feet across the land of

the said T. U. Belote, the said U S. Route Thirteen and the right-of-way of the Pennsylvania Railroad Company, to a point, and from thence; running South 27 degrees 48 minutes West, 1006.2 feet along the line of the Will Bull land to a point, from said point running; South 21 degrees 26 minutes East, 1311.7 feet along the line of the Allan Wales Lumber Company and across the land of George Mapp to a concrete marker, from thence; running; South 20 degrees 40 minutes East 1879.7 feet across the Will Bull land and the County Road to a concrete marker on the Southeast side of said road, thence; running South 30 degrees 26 minutes West 1248.5 feet across the land of Fred Harmon, Kate Bull and Dr. John Turlington to a point and from thence running; North 67 degrees 14 minutes West, 2616.5 feet across the land of Richard Elmore, the right-of-way of the Pennsylvania Railroad Company and United States Highway Route thirteen to the point of beginning.

(6) That the entire area embraced in said proposed corporate limits is 225.59 acres.

Wherefore your petitioners pray that an order may be entered by the Court incorporating the unincorporated Town of Melfa as an incorporated Town, under the name of "The Town of Melfa" with the metes and bounds set forth in this petition.

And likewise came the defendants C. M. Byrd and others by their attorney and moved the Court for leave to be made parties defendant to said petition which leave is hereby granted and upon further motion of said defendants by their attorneys leave is granted them to file their answer to said petition and the same is filed accordingly.

And the Court having considered said petition and answer and the evidence adduced on behalf of the petitioners and defendants and the arguments of Counsel and having personally inspected the area doth find:

(1) That said petition along with the notice attached of the time and place that the petition would be presented has been published in full in the Peninsula Enterprise, a newspaper published in Accomack County, Virginia, once a week for four successive weeks, to-wit: from January 19, 1951, to February 23, 1951, inclusive and that said petition was posted at the front door of the Court House of Accomack County, Virginia, for more than four weeks prior to the hearing of this cause.

(2) That it will be to the interest of the inhabitants of said community that the same be incorporated.

(3) That the prayer of the petition is reasonable with the modification of the area to be embraced as hereinafter set forth.

(4) That the general good of the community will be promoted.

(5) The number of the inhabitants residing in the area to be incorporated exceeds three hundred and does not exceed five thousand.

(6) That more than twenty of the signers of said petition residing within the area to be incorporated are duly qualified voters.

But the Court is of the opinion that the area of land designated in said petition to be embraced within said town is excessive and in the exercise of its discretion, doth find that the boundaries of the incorporated area, as prayed for in said petition, should be changed and established as follows to-wit:

Beginning at a concrete marker planted in the ground approximately three feet on the right-of-way of U. S. Highway Route 13, from the intersection of the line of Bill Neville, who is the same person as Eric C. Neville and that of the Hanchey property on the Northwest side of said highway, said marker being shown on the plat of the corporate limits of the Town of Melfa, Accomack County, Virginia, dated April 5, 1951, made by S. M. Rogers, Civil Engineer, and from said concrete marker running North 62 degrees 12 minutes West along the boundary aforesaid between the Hanchey property and that of Eric C. Neville, who is the same person as Bill Neville and continuing the same course for a distance of 383.0 feet to a point and thence turning and running North 27 degrees 48 minutes East 861.1 feet to a point on Spruce Street; and thence turning and running North 62 degrees 12 minutes West 350.0 feet; and from thence running North 27 degrees 48 minutes East 1010.0 feet; from thence running North 22 degrees 28 minutes East 50.2 feet; from thence North 49 degrees 52 minutes East 1159.4 feet, and crossing in said course the County road leading from Melfa to Savageville to a certain point; thence turning and running North 41 degrees 46 minutes West 54.3 feet; thence turning and running North 27 degrees 48 minutes East 1571.6 feet; thence South 62 degrees 12 minutes East 464.6 feet and in said course crossing the U. S. Highway route 13 and the right-of-way of the Pennsylvania Railroad to a concrete marker on the Southeast side of the Pennsylvania Railroad Company, said marker being 1.4 feet on Pennsylvania Railroad right-of-way: and from said marker running South 62 degrees 12 minutes East 181.4 feet; and from this point running South 27 degrees 48 minutes west 1360 feet plus minus to a point on the Northeast bank of the ditch separating the land of the Will Bull estate from that of George Mapp; from thence following the line of the Northeast bank of the said ditch to a point where the said ditch turns and runs in a general Southern direction; and from said turning point of said ditch following the East bank of said ditch along the line of the Will Bull estate crossing the County road known as number 639 and continuing along said ditch on the Kate Bull property to a certain point approximately 125 feet from said road, said point being on the East bank of said ditch and from this point running South 25 degrees 37 minutes West 940 feet plus minus to another point on the property of Dr. John Turlington; thence North 64 degrees 23 minutes West 250 feet to a point on road number 626 leading to Wachapreague, Virginia, from Fair Oaks; continuing said course; from said point running North 64 degrees 23 minutes West 240.1 feet to a point on the land of R. O. Elmore from this point running North 25 degrees 37 minutes East 157.6 feet to an iron stob; thence continuing North 25 degrees 37 minutes East 119.7 feet thence; running North 39 degrees 24 minutes West 1695.3 feet to a point on Virginia Avenue; thence turning and running South 50 degrees 36 minutes West 86. 4 feet to another point on Virginia Avenue; and then running South 27 degrees 48 minutes West 1049.6 feet to a point adjacent to the line of R. O. Elmore and from said point running North 62

degrees 12 minutes West 473.0 feet across the right-of-way of the Pennsylvania Railroad Company and U. S. route 13 to the point of beginning, comprising a total area of 173.98 acres as shown on the map of the corporate limits of the Town of Melfa, Accomack County, Virginia, dated April 5, 1951, made by S. M. Rogers, Civil Engineer, with the following notations, "Corporate limit lines all bearings are true bearings and refer to true North. Magnetic North-Magnetic Declination 7 degrees 26 minutes West of true North. The road or Street lines on this plat do not necessarily coincide with the property lines, therefore this plat should not be used to establish lot lines."

And it is hereby ordered that the plat of survey made by S. M. Rogers, Civil Engineer, with the legend thereon as follows: "Corporate Limits of the Town of Melfa, Accomack County, Virginia, April 5, 1951, made by S. M. Rogers, Civil Engineer" to be filed with the papers in this cause.
The Court doth accordingly order and decree that such locality or Community as designated in the metes and bounds last above mentioned be and the same hereby is incorporated as a Town by the name and style of "The Town of Melfa," with metes and bounds as last herein set forth and doth further order that hereafter the inhabitants within such bounds shall be a body politic and corporate with all the powers, privileges and duties conferred upon and appertaining to Towns under the general law.
It is further ordered that an election be held on the 12th day of June, 1951, in the Town of Melfa, for the election of a Mayor and six Councilmen for said Town, and it is likewise ordered and decreed that said Mayor and six Councilmen, when elected, shall constitute the Council of said Town.

Middleburg, Town of

County of Loudoun

History of incorporation

Established 1787, Chapter 68, Hening's Statutes at Large.
Incorporated by an 1871 Act of Assembly.
Charter, 1871, c. 160 (to be governed per Chapter 428, 1870 Acts of Assembly).
Charter, 1944, c. 129; repealed 1983, c. 423.

Current charter

Charter, 1983, c. 423.

Amendments to current charter

1986, c. 204 (§ 1.2)
2010, c. 325 (§§ 1.2, 2.2, 3.2, 3.6, 4.1, 5.2 [repealed])
2012, cc. 224, 843 (§§ 2.3 [added], 4.1)
2018, cc. 336, 414 (§ 2.4 [added])
2020, cc. 126, 891 (§§ 3.3:1 [added], 3.4, 3.7, 4.1, 4.1:1 [added], 4.1:2 [added], 4.1:3 [added], 4.2)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Middleburg in Loudoun County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Middleburg, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with and may have a corporate seal which it may amend at its pleasure. (1983, c. 423)

§ 1.2. Boundaries.

The boundaries of the Town until altered, shall be as shown on that certain order and plat recorded in the land records of Loudoun County as instruments No. 20060828-0073346 and 20060828-0073347, respectively, in accordance with a boundary line adjustment entered into between the Town of Middleburg and the County of Loudoun, subject of proceedings in "In Re Change of Boundary Between the Town of Middleburg, Virginia and Loudoun County, Virginia", At Law No. 42304, approved August 22, 2006. (1983, c. 423; 1986, c. 204; 2010, c. 325)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Middleburg shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this chapter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1983, c. 423)

§ 2.2. Adoption of powers granted by Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in Chapter 11 of Title 15.2 of the Code of Virginia, as amended. (1983, c. 423; 2010, c. 325)

§ 2.3. Architectural control districts.

A. Authority of town council to designate. In order to protect and promote the general welfare, and to prevent deterioration of the appearance of the established historic character of the town, which would tend to create hazards to public health, safety, and morals and adversely affect property values within the community, the town council may, by ordinance, designate architectural control districts. Within such architectural control districts, no structure shall be erected, reconstructed, altered, or restored without compliance with the adopted design standards.

B. Design standards.

1. The design standards of an architectural control district shall be adopted by the town council. The design standards shall address the following issues of importance to the architectural control district:

(a) Whether or not the proposed architectural design is suitable for Middleburg's character in terms of external architectural features, including signs, subject to public view; general design and arrangement; texture; color; line; massing; size; scale; dimension; material; and lighting.

(b) Whether or not the proposed structure, building, or improvement is compatible with existing well-designed structures in the vicinity and in the town as a whole.

(c) Whether or not, and to what extent, the proposed structure, building, or improvement would promote the general welfare and protect the public health, safety, and morals by tending to maintain or augment the town's tax base as a whole, preserve historical sites and structures, and make the town a more attractive and desirable place to live.

(d) Whether or not proposed freestanding buildings use the same or architecturally harmonious materials, color, texture, and treatment for all exterior walls, and, in the case of partially freestanding buildings, whether or not the same or architecturally harmonious materials, color, texture, and treatment are used on all portions of all exterior walls exposed to public view.

(e) Whether or not the combination of architectural elements proposed for a structure, building, or improvement, in terms of design, line, massing, size, scale, proportion, dimension, color, material, texture, lighting, landscaping, roofline, and height conform to accepted architectural principles for permanent buildings, as contrasted with engineering standards designed to satisfy safety requirements only, and exhibit external characteristics of demonstrated architectural and aesthetic durability and quality.

(f) Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line, massing, size, scale, proportion, roofline, and height, the proposed structure, building, or improvement exhibits exterior characteristics likely to deteriorate rapidly, to be of temporary or short-term architectural or aesthetic acceptability, or to otherwise constitute a reasonably foreseeable detriment to the community.

2. Compliance with the design standards shall be determined either by an administrative process or an architectural control commission or board as determined by the town council.

C. Alteration of boundaries of districts. The town council, by ordinance, may enlarge, contract, or alter the boundaries of the architectural control district at such time as the council deems such action to be in the public interest as promoting the general welfare of the community. (2012, cc. 224, 843)

§ 2.4. Personal property taxes.

The town council may, notwithstanding any other provision of law, levy a tax on business personal property, as described in subdivision A 26 of § 58.1-3506 of the Code of Virginia, without regard to the existence of, or rate of, tax on motor vehicles or any other classification of tangible personal property. (2018, cc. 336, 414)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for mayor and council.

The Town of Middleburg shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmen and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for three councilmen and mayor shall be held on the first Tuesday in May, nineteen hundred eighty-four, and for four councilmen and mayor on the first Tuesday in May, nineteen hundred eighty-six. Elections shall be held on the first Tuesday in May every two years thereafter. The councilmen and mayor so elected shall take office on the first day of the following July. The councilmen shall serve for a term of four years, and the mayor shall serve for a term of two years or until their successors are elected and qualified. (1983, c. 423)

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council. For the purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those matters set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed. (1983, c. 423; 2010, c. 325)

§ 3.3. Council a continuing body.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1983, c. 423)

§ 3.3:1. Powers and duties of the council.

The government of the Town of Middleburg shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The

council shall be responsible for the determination of all matters of policy for the Town of Middleburg and for ensuring the implementation thereof by the town administration. (2020, cc. 126, 891)

§ 3.4. Mayor.

The mayor shall see that the duties of the various appointed officers are faithfully performed and shall execute such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. The mayor shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with the office as may be imposed by the town council. The mayor shall preside over the meetings of the council but shall not vote except in the case of a tie vote. (1983, c. 423; 2020, cc. 126, 891)

§ 3.5. Vice mayor.

The town council shall, by a majority of all of its members, elect a vice mayor from its membership at its first meeting to serve for a term of two years in the absence of or during the disability of the mayor; and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. (1983, c. 423)

§ 3.6. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least six times per year, and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be opened to the public in accordance with Chapter 37 of Title 2.2 of the Code of Virginia. Four members of the council in the absence of the mayor, or four members of the council in addition to the mayor, as applicable, shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any four members of the council, provided that the members of the council are given reasonable notice of such meetings, and no business shall be transacted at a special meeting except that for which it shall be called. If the mayor and all members of the council are present, this provision requiring prior notice for special meetings is waived. (1983, c. 423; 2010, c. 325)

§ 3.7. Salaries.

The salaries of the mayor, councilmen, members of boards and commissions, and all appointed officers of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and members of the council shall not be effective until the first day of July following the next local election after the council approves such increase. (1983, c. 423; 2020, cc. 126, 891)

Chapter 4. Appointed Officers.

§ 4.1. Town manager.

The council shall appoint a town manager, who shall be the chief administrative officer of the town and have the powers and perform the duties set forth in this charter, general law, and town ordinances, and shall be responsible to the council for the proper administration of all affairs of the town.

The town manager shall be chosen by the council solely on the basis of executive and administrative qualifications in the profession of public management. The town manager need not be a resident of the town or Commonwealth.

The town manager shall appoint and when necessary suspend, demote, and remove any of the officers and employees of the town except as otherwise provided in this charter or town ordinances. The town manager may authorize the head of a town office, department, or board to appoint subordinates in such office, department, or board. With regard to any of the officers subject to the town manager's appointment power, the town manager may appoint an acting officer in the case of the absence, incapacity, death, or resignation of the permanent officer.

The action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council. (1983, c. 423; 2010, c. 325; 2012, cc. 224, 843; 2020, cc. 126, 891)

§ 4.1:1. Acting town manager.

The town manager may designate an individual who shall serve as the acting town manager in the event of the absence, incapacity, death, or resignation of the town manager, until the town manager's return to duty or the appointment by the council of a successor. (2020, cc. 126, 891)

§ 4.1:2. Town clerk.

Unless otherwise provided by town ordinance, the town manager shall appoint a town clerk who shall be clerk of the council and who shall serve at and during the pleasure of the town manager. The clerk of the council shall attend all meetings of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. The clerk shall be custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. The clerk shall perform such other duties and keep such other records as the town manager or the general laws of the Commonwealth require of town clerks. (2020, cc. 126, 891)

§ 4.1:3. Town attorney.

The council shall appoint a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia. The town attorney may designate an individual who shall serve as the acting town attorney in the event of the absence, incapacity, death, or resignation of the town attorney, until the town attorney's return to duty or the appointment by the council of a successor. (2020, cc. 126, 891)

§ 4.2. Term of office.

The council's appointed officers shall serve for an indefinite term at the pleasure of the council. (1983, c. 423; 2020, cc. 126, 891)

§ 4.3. Bonds.

Appointees may be required to execute such bonds as the council may deem necessary. (1983, c. 423)

§ 4.4. Boards and commissions.

The council may, in its discretion, appoint such boards and commissions as it deems necessary and as may be authorized by the laws of the Commonwealth of Virginia. (1983, c. 423)

Chapter 5. Miscellaneous.

§ 5.1. Ordinances continued.

All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council. (1983, c. 423)

§ 5.2. (1983, c. 423; repealed 2010, c. 325)

§ 5.3. Severability.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the charter. (1983, c. 423)

Middletown, Town of

County of Frederick

History of incorporation

Incorporation and charter, 1880, c. 271; repealed 1946, c. 370.
Charter, 1882, c. 156; repealed 1946, c. 370.
Charter, 1946, c. 370; repealed 1954, c. 477.

Current charter

Charter, 1954, c. 477.

Amendments to current charter

1968, c. 55 (Art. III, § 13)
1972, c. 30 (Art. II, §§ 1 [repealed], 1.1 [added]; Art. III, §§ 2 [repealed], 2.1 [added])
1985, c. 54 (Art. III, § 6)
2012, c. 633 (Art. III, §§ 2.1, 11, 13, 15)

Article I. The Town Corporate.

§ 1. The inhabitants of the territory embraced within the present limits of the town of Middletown, in Frederick County, Virginia, as hereinafter defined, or as the same be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Middletown, and as such shall have and may exercise all powers which are now, or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein. No enumeration of particular powers by this charter shall be held to be exclusive.

The town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1954, c. 477)

Article II. Corporate Limits.

§ 1. (1954, c. 477; repealed 1972, c. 30)

§ 1.1. The territory embraced within the limits of the town of Middletown shall be as set forth in decree of the Circuit Court of Frederick County, Virginia, dated October 27, 1966, and recorded in the Clerk's office of the Circuit Court of Frederick County, Virginia, in Law Order Book 43 at Page III. (1972, c. 30)

Article III. Administration and Government.

§ 1. The present mayor and councilmen of the town of Middletown shall continue in office until the expiration of the term for which they were elected, or until their successors are duly elected and qualified. (1954, c. 477)

§ 2. (1954, c. 477; repealed, 1972, c. 30)

§ 2.1. Election of mayor and council members.

Six residents and qualified voters of the town of Middletown shall be elected as council members of the town. Successors to the three members of the present council whose terms expire in 2014 shall be elected on the first Tuesday following the first Monday in November of 2014 for terms of four years' duration, and every four years thereafter; the three council members receiving the greatest number of votes in the election to fill the four-year terms. The successors to the three members of the present council whose terms expire in 2012 shall be elected on the first Tuesday following the first Monday in November 2012 and every four years thereafter; the three council members receiving the greatest number of votes in the election to fill the four-year terms. On the first Tuesday following the first Monday in November 2012, and every four years thereafter, there shall be elected one qualified voter of the town as mayor. The mayor and council members shall constitute the town council and be the

governing body of the town of Middletown. They shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall continue in office until their successors are duly qualified. Every person elected as council member shall take an oath administered by the clerk of the Frederick County Circuit Court that they shall faithfully execute the duties of the office to the best of their judgment and ability. The person elected as mayor shall take the oath prescribed by law for state officers. (1972, c. 30; 2012, c. 633)

§ 3. There shall be appointed for the town a registrar and officers of election in the manner provided for by general law. All elections held in the town shall be conducted in accordance with general law; the electorate shall be that prescribed by general law. (1954, c. 477)

§ 4. The council shall be judge of the election, qualification and return of its members; may fine them for disorderly conduct and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council prescribes. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. In the event of the failure of the council to fill such vacancy within fifteen days, the Circuit Court of Frederick County shall make such appointment to fill the vacancy. A vacancy in the office of mayor shall be filled by the council from the electors of the town and any member of the council may be eligible to fill such vacancy. (1954, c. 477)

§ 5. A majority of the members of the council shall constitute a quorum for the transaction of business. (1954, c. 477)

§ 6. Each member of the council and the mayor may receive a salary to be fixed by the council, payable as council may direct in accordance with general law. (1954, c. 477; 1985, c. 54)

§ 7. The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote. He shall take care and see that the by-laws, ordinances, acts and resolutions of the council are faithfully executed and obeyed. He shall be ex officio conservator of the peace within the town and within one mile of its corporate limits. He shall see that peace and good order are preserved and that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of the Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town. (1954, c. 477)

§ 8. The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor shall perform the duties and be vested with all the power, authority

and jurisdiction of the mayor; in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town, but when presiding over the council as vice-mayor, he shall not have the right in case of a tie to cast a vote breaking such tie. (1954, c. 477)

§ 9. The council shall, by ordinance, fix the time and place for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any three members of the council in writing; no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when, in the judgment of the council, the public welfare requires executive meetings. (1954, c. 477)

§ 10. The council shall keep a minute book, in which its clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed. (1954, c. 477)

§ 11. The council shall appoint at its first regular meeting after its election, a clerk of the council who shall hold office at the pleasure of the council. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish reports and ordinances as are required to be published and shall perform such other duties as the council may require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council. (1954, c. 477; 2012, c. 633)

§ 12. The council may adopt rules for regulating its proceedings, but no tax shall be levied, or corporate debt contracted, except by a recorded two-thirds vote of all the members elected to the council or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council. (1954, c. 477)

§ 13. The council shall appoint at its first regular meeting after its election, or as soon as practicable thereafter, a treasurer who shall hold office for a term of two years. The council may provide a salary for the treasurer.

He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct. The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined

and audited at least once during the term for which he is appointed by a certified public accountant, such examination and audit to be reported to the council. (1954, c. 477; 1968, c. 55; 2012, c. 633)

§ 14. The council may designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart and not commingled with any personal or other accounts. (1954, c. 477)

§ 15. The council shall appoint at its first regular meeting or as soon as practicable thereafter, a town sergeant, who shall also be chief of police and have all the powers vested in town sergeants by general law. He shall hold office at the pleasure of the council. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council. (1954, c. 477; 2012, c. 633)

§ 16. The council may appoint a police justice for the town pursuant to § 16-129 of the Code of Virginia, who shall be a resident of Frederick County or the county seat thereof, and who shall serve a term of two years or until his successor is appointed and qualified. The police justice is hereby invested with the right and authority to issue warrants, summon witnesses and try cases involving violations of town ordinances; and he shall be compensated in such manner and amount as the council may provide.

The conduct of all proceedings and trial and disposition of cases by or before the police justice and the fees and costs assessed by him shall be the same as provided by general law relating to trial justices. All fees, costs and fines imposed and collected by the police justice shall be paid into the town treasury unless the council by ordinance directs some other disposition thereof. Appeals from the decisions of the police justice shall be allowed and taken in the manner provided by general law for appeals from trial justices, and shall be to the Circuit Court of Frederick County.

The council shall provide a courtroom for the conduct of such proceedings and trials, and for necessary records, equipment and supplies incident thereto. The council may appoint a police court clerk to serve at the pleasure of the council, to assist the police justice and who shall after appointment and qualification be empowered to grant bail in matters within the trial jurisdiction of the police justice.

If there be appointed a police justice, the council may also appoint a substitute police justice for the town who shall have the same residency qualifications as the police justice, and whose appointment, qualification and term shall be the same as the police justice. In the event of the disability of the police justice to perform the duties of his office due to sickness, absence, unavailability, vacation, or otherwise, the substitute police justice shall be vested with and may exercise all the rights and authority of the police justice, and he shall be compensated in such manner and amount as the council may provide.

Notwithstanding the provisions of this section for the appointment of a police justice and a substitute police justice, the council by ordinance may invest the mayor as such with all or any part of the rights, authority, duties and functions prescribed for the police justice, to exercise the same and act when the

office of police justice is vacant, or in the event of the disability of the police justice and the substitute police justice, if there be one, to perform the duties of his office due to sickness, absence, unavailability, vacation or otherwise. In any such event, the clerk mentioned above in this section shall have the same duties and powers as there specified. (1954, c. 477)

§ 17. In addition to the officers of the town specifically provided for herein, the council may appoint such other officers, including a town clerk who may be the same person as the clerk mentioned in § 11 above, as it may deem necessary, and define the duties, fix the compensation, set the qualifications and terms of office and require proper bonds of each. The council may provide for the payment of bond premiums for the official bond of any of its officers. (1954, c. 477)

§ 18. All ordinances, resolutions and by-laws passed by the council shall take effect at the time indicated in such ordinances, resolutions or by-laws, but in event no effective date shall be set forth in any such ordinances, resolutions or by-laws passed by the council, the same shall become effective thirty days from passage. (1954, c. 477)

Article IV. Taxation and Finances.

§ 1. The town council shall have control of taxation and finances for municipal purposes. It shall have the following powers:

(1) To prepare or cause to be prepared annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by general law, and to publish the same.

(2) To raise annually by levy and collection of taxes and assessments in the town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the town in such manner as the council deems expedient in accordance with this charter and the laws of this State; provided, however, that it shall impose no taxes on the bonds of said town.

(3) To impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the laws of the Commonwealth, as may be in force at the time of the imposition of such special or local assessments.

(4) To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes and other obligations, within the limitations prescribed by the laws of this State concerning bonds issued by the town upon credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(5) To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current

fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

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

(7) To levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the State or not, and may, if permitted by general law, exceed the State license if any be required and may provide penalties for any violation thereof.

(8) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town; and may assess a license fee for holding any of the foregoing within one mile of the town which shall only be sufficient to provide regulation and protection. This section shall not be construed to prohibit a resident mechanic or artist from exhibiting any production of his own art or invention without compensation, nor shall any license be required of any industrial arts exhibit nor of any agricultural fair or the shows exhibited within the grounds of such fair or fairs, during the period of such fair, whether an admission be charged or not, nor of resident persons performing in a show or exhibition for charity or other benevolent purposes, nor of exhibitions of volunteer fire companies whether an admission be charged or not. Whenever such show, exhibition, or performance is given, whether exempted by the terms hereof or licensed, those engaged therein and operating under either such license or exemption, shall be exempt from a license tax for performing or acting thereat; provided, however, that this shall not be construed to allow without license a performance for charitable or benevolent purposes by a company, association or persons, or a corporation, who makes it their business to give exhibitions, no matter what terms of contract may be entered into or under what auspices such exhibition is given by such company, association or persons, or corporation, for benevolent or charitable purposes, it being the intent and meaning of this section that every company, association or persons, or corporation, which makes its business that of giving exhibitions for compensation, whether a part of the proceeds are for charitable or benevolent purposes or not, shall pay the license tax required by law.

(9) To impose licenses by ordinance upon business, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in the town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

(10) For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

(11) A lien shall exist on all real estate within the corporation limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of the Commonwealth. The council shall have the benefit of all other remedies for the collection of town taxes which are now or may hereafter be permitted under the general laws of the Commonwealth, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1954, c. 477)

Article V. Property.

§ 1. The town council shall have the following powers:

(1) To acquire by purchase, gift, devise, condemnation, or otherwise, property, real or personal, or any estate therein within the town, for any purpose of the town, not inconsistent with the general law, and to hold, improve, sell, lease, mortgage, or pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(2) To acquire by gift, purchase, exchange or by the exercise of power of eminent domain within this State lands or any interest or estate in lands, rock quarries, gravel pits, sandpits, water and water rights and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto and to operate the same for producing material required for any and all purposes of the town.

(3) To acquire and operate parks, playgrounds and public grounds within the corporate limits of the town and to acquire and operate the same without said corporate limits by purchase, gift or devise and to place on the same, either within or without the corporate limits of the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character and charge admission thereto, and to rent out or lease the privileges of the same.

(4) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(5) To acquire by purchase, gift or devise in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(6) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, water, gas and electric systems, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of various departments of the town and to acquire by condemnation or

otherwise all lands, riparian and other rights and easements necessary for such improvements or any of them and either within or without the town to construct, maintain or aid therein roads and bridges to any property owned by the said town and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise. (1954, c. 477)

Article VI. Utilities.

§ 1. The town council shall have the following powers:

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

(2) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights and riparian rights as the council of the town may deem necessary for the purpose of providing an adequate water supply to the town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the town, and to require abutting property owners within such corporate limits of the town to connect therewith for the distribution of water to its customers and consumers, within the corporate limits of town and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over the land comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof, and to carry out the powers herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To establish, construct and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain and operate sewage disposal plants, and to acquire by condemnation or otherwise within or without the town limits, all land, rights of way, riparian and other rights and easements necessary for said purposes and to charge and assess and collect reasonable fees, rentals, assessments of costs of service for connection with and using the same.

(4) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(5) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(6) To establish, impose and enforce the collection of water and sewage rates and rates and charges for public utilities or other services, products or conveniences, operated, rented, or furnished by the town and to assess or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charge directly against the owner or owners of the building or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(7) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided however, the town shall at any time have the power to construct, own, operate, manage, sell, encumber or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services therefor, if permitted by any existing franchises; provided that such public utilities are primarily for the purpose of serving the town. (1954, c. 477)

Article VII. Streets.

§ 1. The town council shall have the following powers:

(1) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain and clear public highways, streets, sidewalks, bottleyards, parkways, alleys, and to alter, vacate or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets, alleys, and highways; to regulate the operation and speed of cars and vehicles within the streets and highways within the town; and to do all other things whatsoever, adapted to make the streets and highways safe, convenient and attractive.

(2) To give names to or alter the names of the streets and to designate by number all lots and buildings thereon. (1954, c. 477)

Article VIII. Building Regulations.

§ 1. The town council shall have the following powers:

(1) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure or other causes is dangerous to life or property, or which may be erected contrary to law.

(2) To provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide setback lines on the streets beyond which no building may be constructed if permitted by general law; to require the standard of all dwelling houses to be maintained in residential sections in keeping with the majority of residences therein and if permitted by general law, to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) To make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, or within one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record or recorded in the office of the clerk of the Circuit Court of Frederick County, Virginia; provided that control of subdivisions of land without the town shall be subject to general law.

(4) To issue or refuse (in case of noncompliance with the building requirements of the town) to issue, permits for the construction of buildings, fences, walls, and other structures in the said town; and provide for the punishment of any person, firm or corporation failing to secure such permit prior to the beginning of said construction or other work. (1954, c. 477)

Article IX. Additional Powers.

§ 1. In addition to powers elsewhere mentioned in this charter the town shall have the following powers:

(1) To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof and to collect said expense by suit or motion or by distress and sale; to regulate or prevent noisome or

offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the towns; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation and maintenance of billboards and signs; and generally to define, prohibit, abate, suppress and prevent all things detrimental to health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the town and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow and any obstruction.

(2) To extinguish and prevent fires and to establish, regulate and control a municipal fire department or division; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; to enact laws for securing the safety of persons from fire in halls and buildings used for public assemblages, entertainments or amusements.

(3) To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms and the making of bonfires within the corporation limits of the said town.

(4) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in the town of any articles or things intended for human consumption which is adulterated, impure or otherwise dangerous to health and to condemn, seize and destroy or otherwise dispose of such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases and prevent and suppress disease generally; to provide and regulate hospitals within the town limits, and if necessary to the suppression of disease to enforce the removal of persons affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for the town with authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the State and the United States.

(5) To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

(6) To provide and maintain either within or without the town charitable, recreative, curative, corrective, detentive or penal institutions.

(7) To regulate poultry or other fowl, hogs, dogs or other animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

(8) To prevent the riding or driving of horses or other animals at an improper speed, to prevent the flying of kites, throwing of stones, the setting off of fireworks or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

(9) To establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs and other green groceries and the trade of hucksters and junk dealers as may be deemed advisable. (1954, c. 477)

§ 2. The town shall have further powers to:

(1) To prevent any person having no visible means of support, paupers and persons who may be dangerous to the peace and safety of the town from coming to town from without the same; and to expel therefrom any such person who has been in the town less than twelve months.

(2) To exercise full police powers and establish and maintain a department of police.

(3) To restrain and punish drunkards, vagrants and street beggars; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame and gambling houses and punish operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the town; to prevent and punish lewd, indecent and disorderly exhibitions in the town; to prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct and public swearing and cursing within the town.

(4) To prohibit persons under 18 years of age from and punish them for frequenting, playing or loitering in the public poolroom, billiard parlor, or bowling alley and to punish any proprietor or agent thereof for permitting same.

(5) To prohibit and punish mischievous, wanton or malicious damage to school, church and public property, as well as to private property.

(6) To compel persons sentenced to confinement in jail for any violation of the laws or ordinances of the town to work on the public streets, parks or other public works of the town; and on the requisition of the mayor, it shall be the duty of the sergeant of the town to deliver such person to the duly authorized agent of the town for such purposes from day to day as they may be required. For the purpose of carrying into effect the police regulations of the town, the town shall have the use of the

county jail of Frederick County for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the town.

(7) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

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

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

(10) To offer and pay rewards for the apprehension of criminals.

(11) To provide by ordinance a system of meat and milk inspection and appoint milk and meat inspectors, agents or officers to carry the same into effect; to prevent, license, regulate, control and locate slaughter houses within the corporate limits of the town, and for such service of inspection to make reasonable charges; and to provide reasonable penalties for the violation of such ordinances. (1954, c. 477)

§ 3. The town shall have the further power to:

(1) To establish, organize, administer or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State.

(2) To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town, and to establish, regulate, license and inspect weights, meters, measures and scales.

(3) To make and enforce ordinances, insofar as are not prohibited by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and the use of alcoholic beverages.

(4) To require every owner or operator of motor vehicles residing in the town on a date to be designated by the council to annually register such motor vehicle and to obtain a license to operate the same by making application to the treasurer of the town or such other person as may be designated by the council; to issue such license and to require the owner to pay the annual license fees therefor to be fixed by the council, provided that the license fees shall not exceed the amount charged by

the State on such vehicles. Such license plate shall be attached on a conspicuous part of the motor vehicle for which issued and kept thereon in plain view for common observation. The council may prorate such license fee over periods of not less than three months.

(5) Insofar as not prohibited by the general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles, upon the streets, to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through the town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare and safety.

(6) To make and enforce ordinances, not inconsistent with the laws of this State.

(7) To put into force and effect by ordinance any and all of its powers and to prescribe punishment for the violation of any town ordinance, rule, or regulation, or any provision of this charter, the penalty not to exceed five hundred dollars fine or twelve months in jail or both, provided such penalties do not exceed those prescribed by the State for a similar offense.

(8) The town council may exercise all powers which, under the Constitution and laws of the Commonwealth, it would be competent for this charter specifically to enumerate. (1954, c. 477)

Article X. Actions against the Town.

§ 1. No actions shall be maintained against the town for damages for any injury to any person or property, or for wrongful death, alleged to have been sustained by reason of the negligence of the town or any officer, agent or employee thereof unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received shall have been filed with the mayor or any attorney appointed by the council for the purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or not compos mentis or the injured party dies within such sixty days, such statement may be filed within one hundred and twenty days, and no officers, agents or employees of the town shall have authority to waive such conditions precedent or any of them. (1954, c. 477)

Article XI. Miscellaneous.

§ 1. That nothing contained in this act shall be construed to invalidate or to, in any manner, affect the present existing indebtedness and liabilities of the town of Middletown, whether evidenced by bonded obligations or otherwise. (1954, c. 477)

§ 2. All ordinances in force in the town of Middletown not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council. (1954, c. 477)

§ 3. This act may for all purposes be referred to or cited as the Town of Middletown Charter of 1954.

If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered. (1954, c. 477)

Mineral, Town of

County of Louisa

History of incorporation

Incorporation and charter, 1902, c. 477; repealed 1972, c. 258.

Current charter

Charter, 1972, c. 258.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Mineral, hereinafter referred to as "Town," as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Mineral, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1972, c. 258)

§ 1.2. Boundaries.

The boundaries of the Town of Mineral is that territory in the County of Louisa, as shown on a plot of said Town, of record in the Clerk's Office of Louisa County, made by W. L. Bishop, Engineer, and being further shown on a boundary survey of the Town of Mineral, Virginia, 1962, made by James H. Bell and Kenneth M. Hart, Certified Land Surveyors, which, also, is of record in the Clerk's Office of Louisa County, Virginia, in plat book 6 at page 41. (1972, c. 258)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of

particular powers by this Charter shall be held to be exclusive, and the Town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the Town as a municipal corporation. (1972, c. 258)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1972, and as may be amended, are hereby conferred on and vested in the Town. (1972, c. 258)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.1, Title 25, Chapter 1.1 and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the Town, subject to the provisions of § 25-233.

(a) In any case in which a petition for condemnation is filed by or on behalf of the Town, a true copy of a resolution or ordinance duly adopted by the Town Council declaring the necessity for any taking or damaging of any property, within or without the Town, for the public purposes of the Town, shall be filed with the petition. The Town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the Town Council, signed by the Mayor and countersigned by the Town Treasurer. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the Town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the Town; provided, that the condemnation authority shall be subject to the provisions of § 25-233 of the Code of Virginia.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the Town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the Town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the Town. (1972, c. 258)

Chapter 3. Mayor and Council.

§ 3.1. Composition of Council; election, qualification and term of office of Councilmen.

The Town shall be governed by a Mayor and a Town Council composed of six councilmen, to be elected from the Town at large. Councilmen shall be qualified electors of the Town, and shall serve for terms of four years, and until their successors are appointed or elected and qualified as provided by law. (1972, c. 258)

§ 3.2. When terms of office to begin.

The terms of office for the Mayor and Town Councilmen shall begin after their election, and continue as is provided by the laws of the Commonwealth. (1972, c. 258)

§ 3.3. Oath of office.

The Mayor and Councilmen shall each, before entering upon the duties of their office, make oath or affirmation that they will truly, faithfully and impartially discharge the duties of their offices to the best of their abilities, so long as they shall continue therein. Such oath to be administered by the retiring Mayor, Vice-Mayor or the Clerk of the Circuit Court of Louisa County, Virginia. (1972, c. 258)

§ 3.4. Election and term of Vice-Mayor.

The Town Council shall elect from its members a Vice-Mayor, who shall serve, at the discretion of the Town Council and until a successor is appointed. (1972, c. 258)

§ 3.5. Powers and duties of Mayor and Vice-Mayor.

The Mayor shall preside over the meetings of the Town Council and shall have the same right to speak and vote therein as other members of the Town Council, when they are equally divided. He shall be recognized as the head of the Town government for all ceremonial purposes, for the purposes of military law and for the service of civil processes.

During the absence of the Mayor or the inability of the Mayor to act, the Vice-Mayor shall possess the powers and discharge the duties of the Mayor. (1972, c. 258)

§ 3.6. Absence or disability of Mayor and Vice-Mayor.

If both the Mayor and Vice-Mayor are absent or unable to act, the Town Council shall, by a majority vote of the members present, elect from its members a person to serve as Acting Mayor until either the Mayor or Vice-Mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the Mayor during such period of time. Whenever it is necessary to elect an Acting Mayor pursuant to this section, in the absence of both the Mayor and Vice-Mayor, the Town Clerk or Acting Town Clerk shall call the meeting of the Town Council to order and shall preside until an Acting Mayor is elected. This shall not be construed to vest in the Town Clerk any of the powers and duties of the Mayor, except as expressly stated in this section. (1972, c. 258)

§ 3.7. Council a continuing body.

The Town Council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1972, c. 258)

§ 3.8. General grant of powers to Council.

The Town Council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this Charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1972, c. 258)

§ 3.9. Meetings of Council.

The Town Council shall fix the time of their stated meetings, and they shall meet at least once a month. Special meetings may be called at any time by the Mayor or by three members of the Town Council; provided, that all members shall be duly notified a reasonable period of time prior to any special meeting. (1972, c. 258)

§ 3.10. Quorum; reconsideration of action.

Three members of the Town Council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the Town Council present as were present when such vote was taken. (1972, c. 258)

§ 3.11. Rules of order and procedure.

The Town Council shall establish its own rules of order and procedure, and may punish its own members and other persons for violations thereof. (1972, c. 258)

§ 3.12. Council to fix salaries.

The Town Council is hereby authorized to fix the salaries of each of the members of the Town Council, members of board or commissions and all appointed officers and all employees of the Town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. The salaries of the members of the Town Council shall not exceed one thousand two hundred dollars per year. (1972, c. 258)

Chapter 4. Appointive Officers.

§ 4.1. Appointment.

The Town Council may appoint such officers of the Town as they deem necessary. Such officers may include, but shall not be limited to, a Town Manager, a Town Clerk, a Town Attorney, a Town Treasurer, a Town Sergeant, Special Police Officers, and Justices of the Peace. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the Town Council shall perform such duties as may be specified in this Charter, by the laws of the Commonwealth, or by the Town Council. (1972, c. 258)

§ 4.2. Deputies and assistants.

The Town Council may appoint such deputies and assistants to appointive offices as the Town Council may deem necessary. (1972, c. 258)

§ 4.3. Term of office.

Officers and deputies and assistant officers appointed by the Town Council, shall serve at the will and pleasure of the Town Council. (1972, c. 258)

§ 4.4. Appointment of one person to more than one office.

The Town Council may appoint the same person to more than one appointive office, at the discretion of the Town Council, subject to the provisions of Article VII, Section 6 of the Virginia Constitution. (1972, c. 258)

§ 4.5. Qualifications and duties of the Town Manager.

The Town Manager shall be the executive officer of the Town, and shall be responsible to the Town Council for the proper administration of the Town government It shall be the duty of the Town Manager to:

(a) Attend all meetings of the Town Council, with the right to speak but not to vote.

(b) Keep the Town Council advised of the financial condition and the future needs of the Town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.

(c) Prepare and submit the annual budget of the Town Council and be responsible for its administration after its adoption.

(d) Prepare in suitable form for publication and submit to the Town Council at the next regular meeting following the end of each fiscal year, a concise, comprehensive report of the financial transactions and administrative activities of the Town government during the immediately preceding fiscal year.

(e) Present adequate financial and activity reports as required by the Town Council.

(f) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Town Council.

(g) Perform such other duties as may be prescribed by this Charter, or required of him in accordance therewith by the Town Council, or which may be required by the chief executive officer of a Town by the general laws of the Commonwealth.

All employees of the Town, except those appointed by the Town Council, pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the Town Manager, who shall report each appointment or removal to the Town Council at the next meeting thereof following any such appointment or removal. The Town Council shall designate by ordinance a person

to act as Town Manager in the case of the absence, incapacity, death or resignation of the Town Manager, until his return to duty or the appointment of his successor. Until such time as the Town Council appoints any such Town Manager, the duties and powers outlined herein shall be given the Mayor, or such other person as may be designated by the Town Council. (1972, c. 258)

§ 4.6. Duties of the Town Clerk.

The Town Clerk shall be the Clerk of the Town Council. He shall keep the journal of the proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the Town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the Town Council may specify or the general laws of the Commonwealth require of Town Clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1972, c. 258)

§ 4.7. Duties of the Town Attorney.

The Town Attorney shall be the legal adviser of the Town Council. He shall represent the Town in all legal affairs as may be requested by the Mayor, Town Council, or by an officer of the Town appointed under the provisions of this Charter. The Town may employ the Commonwealth's Attorney of Louisa County for criminal prosecutions. (1972, c. 258)

§ 4.8. Duties of the Town Treasurer.

The Town Treasurer shall collect the Town taxes and licenses, and shall have the power to levy and sell for collection as given to County Treasurers. (1972, c. 258)

§ 4.9. Powers and duties of the Town Sergeant and special policemen.

The Sergeant of the Town shall be a Conservator of the Peace, and vested with the full powers of a Constable within the limits of the Town, and, also, have the power to arrest offenders within the limits of the County of Louisa. He, and any special police officers, who may be appointed by the Mayor with the advice and consent of a majority of the members of the Town Council, shall have all the powers given to special police officers under the laws of the Commonwealth. He shall assist the Treasurer in the collection of Town taxes, and may distrain and sell therefor in like manner, for which State taxes and County levies are distrained. (1972, c. 258)

§ 4.10. Residence of officers and employees.

Any appointive officers or employees of the Town may be appointed and serve whether or not the appointee be a resident or nonresident of the Town. (1972, c. 258)

Chapter 5. Raising of Revenue.

§ 5.1. Assessment of taxes.

The Council shall have the power to assess and tax real or personal property within the Town, levy taxes, impose licenses and collect the same to any extent not prohibited by laws of the Commonwealth. (1972, c. 258)

§ 5.2. License for public utilities, etc.

The Town shall have the power to impose, levy and collect a license tax on any public utility or public service company, including Electric Power Companies, Telephone Companies, Telegraph Companies, Railway Companies, Gas Companies, Water or Sewerage Companies, doing business within the Town, either by serving consumers within the Town, or maintaining an office in the Town, unless otherwise specifically prohibited by law; provided, that this section shall in no way limit any licensing authority otherwise granted the Town by this Charter or by general law. (1972, c. 258)

Chapter 6. Courts.

§ 6.1. Authority to establish Municipal Court; jurisdiction of Court.

The Town Council may establish by ordinance a Municipal Court, which shall be known as the Municipal Court of the Town. Jurisdiction of the Municipal Court in civil matters shall be as provided in § 16.1-77 of the Code of Virginia, and in criminal matters as provided in § 16.1-124 of the Code of Virginia. (1972, c. 258)

§ 6.2. Judge of Municipal Court; Substitute Judge.

The Judge of the Municipal Court shall be appointed by the Town Council. He shall serve at the pleasure of the Town Council. The Town Council may appoint a Substitute Judge to serve during the absence or inability to act of the Judge of the Municipal Court. (1972, c. 258)

§ 6.3. Jurisdiction of County Court if Municipal Court not created.

If the Town Council shall elect to not establish a Municipal Court, as provided in § 6.1 of this Charter, the County Court of Louisa County shall have such jurisdiction within the Town as the Municipal Court would have if it were established by the Town Council. The Town Council may enter into such contracts or agreements as it may deem necessary to permit the trial in said County Court of cases or causes of action arising within the Town or within the jurisdiction of the Town. (1972, c. 258)

§ 6.4. Use of County Jail.

The Town shall be allowed the use of the Louisa County Jail for the purpose of carrying into effect the police regulations of the Town, and for the safekeeping and confinement of all persons who may be arrested or sentenced to imprisonment under the laws and ordinances of the Town. The sergeant or any police officer of the Town may convey any person arrested or sentenced to jail, and the jailer of said County shall receive such persons in the same manner as if such person or persons were committed by a Justice, and delivered to said jailer as any other police officer of the said County or the Commonwealth. (1972, c. 258)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

The fiscal year of the Town shall begin on July 1 of each year, and end on June 30 of the year following, but the same may be changed by action of the Town Council, where not inconsistent with general law. (1972, c. 258)

§ 7.2. Actions against town for damages, etc.

(a) No action shall be maintained against the Town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the Town, or any officer, agent or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the Town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received shall have been filed with the Mayor or an attorney appointed by the Town Council for this purpose, and the Town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within one hundred twenty days provided, that if the complainant is compos mentis during such sixty-day period but is able to establish by a clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the sixty-day period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from such injury so as to be able to give such notice. No officer, agent or employee of the Town shall have authority to waive such conditions precedent or any of them.

(b) No order shall be entered or made, and no injunction shall be awarded by any Court or Judge, to stay proceedings of the Town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them in this Charter, and that the interposition of the Court is necessary to prevent injury that cannot be adequately compensated in damages.

(c) The Town Council is authorized and empowered to compromise any claim for damages or any suit or action brought against the Town. (1972, c. 258)

§ 7.3. Creation of debt; election on issuance of bonds.

Any ordinance creating a debt for which money is to be borrowed shall be adopted by a majority vote of the elected members of the Town Council. Any bonds issued by the Town shall be issued in compliance with the Laws of the Commonwealth.

The Town Council may submit to a vote of the qualified electors of the Town the question of whether such money shall be borrowed. Any such petition shall be filed with the Town Clerk within thirty days of the vote of the Town Council to borrow money.

Any such election shall be held within sixty days of the vote of the Town Council to call such election or within sixty days of receipt of such petition. The election shall be held in the manner provided for such elections by the general laws of the Commonwealth. A majority vote of the qualified electors voting at such election shall be required for the approval of the borrowing of such money.

The provisions of this section shall not be construed to prohibit the Town Council from proceeding under any provisions of the Constitution of Virginia and general laws of the Commonwealth in the borrowing of money. (1972, c. 258)

Chapter 8. Miscellaneous.

§ 8.1. Elections governed by state law.

All Town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1972, c. 258)

§ 8.2. Amendment of zoning ordinance.

The Town Council may, by ordinance, require that whenever any Planning Commission recommends against the adoption of any proposed amendment to the Zoning Ordinance of the Town, now or hereafter in effect, such amendment shall become effective only upon the affirmative vote of two-thirds of the elected members of the Town Council. (1972, c. 258)

§ 8.3. Applicability of ordinances to lands, etc., outside town.

All ordinances of the Town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the Town and located outside the Town. (1972, c. 258)

§ 8.4. Bonds of officers and employees.

The Town Council may require all or any officers and employees of the Town to give bond for the faithful and proper discharge of their duties. As used herein, the words "officers and employees" shall include officers and employees paid solely or partly by the Town. The Town may pay the premium on such bonds from the Town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the Town as its interest may appear in event of breach of the conditions thereof. (1972, c. 258)

§ 8.5. Office of Town Sergeant created, but not elected.

Notwithstanding the provisions of § 15.1-796 of the Code of Virginia, there shall be created in the Town the office of Town Sergeant, however, the Town Sergeant shall be appointed as herein provided, and not elected in accordance with said Code section. The Town Sergeant shall have the

powers and duties as herein provided, and in addition thereto, the duties and powers imposed by said Code section, and all other laws of the Commonwealth as may be applicable thereto. (1972, c. 258)

§ 8.6. United States government employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the Town, or as a member, officer or employee of any board or commission. (1972, c. 258)

§ 8.7. Acceptance of federal aid, contributions, etc.

The Town shall have the power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The Town may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. (1972, c. 258)

§ 8.8. Conflicts of interest; disclosure of interest.

The Town Council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed Town officials not inconsistent with general law. (1972, c. 258)

§ 8.9. Present officers to continue.

The present elected officers of the Town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1972, c. 258)

§ 8.10. Ordinances continued in force.

All ordinances now in force in the Town, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the Town Council. (1972, c. 258)

§ 8.11. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1972, c. 258)

Monterey, Town of

County of Highland

History of incorporation

Established and charter, 1848, c. 300; repealed 1914, c. 261.
Charter, 1876, c. 129; repealed 1914, c. 261.

Charter, 1914, c. 261; repealed 1952, c. 709.
Charter, 1952, c. 709; repealed 2013, c. 730.

Current charter
Charter, 2013, c. 730

Amendments to current charter
2014, c. 273 (§§ 3, 4)

§ 1. The Town of Monterey, in the County of Highland, as it has been or may hereafter be laid off into lots, streets, and alleys, and as its limits are or may hereafter be established by law, is and shall continue to be a body politic and corporate by the name of Monterey, and as such shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution of Virginia and the laws of the Commonwealth, as fully and completely as though the powers were specifically enumerated in this charter. No enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, and obligations now appertaining to and incumbent on the town as a municipal corporation. The Town of Monterey shall have perpetual succession and may sue and be sued, implead and be impleaded, contract and be contracted with, and have a corporate seal that it may alter, renew, or amend at its pleasure by proper ordinance. (2013, c. 730)

§ 2. The boundaries of the said town are and shall continue to be as follows:

> Beginning at a locust post at the southeast corner of Monterey Cemetery, south sixty-four degrees east, one hundred thirty-two and six-tenths poles to a point in the meadow now or formerly owned by O. Wilson crossing the Monterey and Franklin road (now U.S. Route No. 220) at seventy-four poles; thence south thirty-six degrees and fifteen minutes west, one hundred forty-seven and twenty-five hundredths poles to a point in the meadow, now or formerly owned by Fleisher crossing High (Main) Street (U.S. Route No. 250) at fifty-five poles; thence north sixty-four degrees west, one hundred ninety-two poles to a point on Doctor K. H. Trimble's land (now J. Seybert Hansel), crossing Spruce Street at one hundred twenty-one poles; thence north thirty-six degrees and fifteen minutes east one hundred forty-seven and twenty-five hundredths poles to a point on the L. H. Stephenson Estate land hill, crossing High (Main) Street (U.S. Route No. 250) at one hundred twenty poles; thence south fifty-four degrees east, fifty-nine and four-tenths poles to the beginning. (2013, c. 730)

§ 3. There shall be elected from the qualified voters of the town one elector of the town who shall be designated the mayor and six electors who shall be designated the councilmen. However, beginning with the election to be held at the May general election in 2014, and every four years thereafter, there shall be elected a mayor and three councilmen. They shall qualify by taking the oath prescribed by law before entering upon the duties of their offices on the first day of July after their election. They shall hold said offices for the term of four years until their successors are elected and qualified, unless

sooner removed. The mayor and councilmen holding office as of the effective date of this charter shall continue in office until their successors enter upon the duties of their offices as herein specified. (2013, c. 730; 2014, c. 273)

§ 4. The mayor and councilmen shall be the council of the town. The council shall be vested with the corporate powers of the town. A quorum for the transaction of business shall be three council members. (2013, c. 730; 2014, c. 273)

§ 5. The municipal officers shall, in addition to the mayor, consist of a clerk of the council (hereinafter referred to as the "town clerk") and such officers as are provided by the town council. The council may appoint committees of the council and create boards and departments of town government and administration, with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this charter and the general laws of the Commonwealth. The council shall appoint each of the municipal officers other than the mayor for a term not exceeding four years. All officers shall serve until their successors have been appointed and qualified. (2013, c. 730)

§ 6. The duties and compensation of all municipal officers, except as defined or provided for in this charter or by the general laws of the Commonwealth, shall be determined by the council. (2013, c. 730)

§ 7. The council may enter into agreements with police officers, the Highland County Sheriff, or other individuals to provide law-enforcement services to the town. The agreements may prescribe the officers' duties, fix their compensation, and require and take from them such bond or bonds with good security and in such penalty as they may deem proper as a condition of the faithful discharge of the duties of their offices. (2013, c. 730)

§ 8. Subject to the provisions of the general laws of the Commonwealth applicable to towns, the council shall have control and management of the fiscal affairs of the town, and all property, real and personal, belonging to it, and may make such ordinances, orders, and by-laws and regulations as it may deem necessary to enforce and carry out the powers vested in the council. However, no ordinance passed by the council for the violation of which any penalty is imposed shall take effect until it has been published two successive weeks in a newspaper of general circulation. Furthermore, no ordinance passed by the council that would raise any tax within the town shall be passed until it has been published two successive weeks in a newspaper of general circulation in the town and a public hearing has been held by the council. The council shall also have the power to:

a. Prevent and remove any structure, encroachment, or obstruction in any sidewalk, street, or alley.

b. Acquire, establish, maintain, operate, lease, extend, or enlarge any public utility within or without the limits of the town; contract or agree with the owners of any land for the use and purchase thereof, or have the land condemned according to law within or without the town.

c. Regulate the operation of motor vehicles within the town and adopt ordinances for that purpose not in conflict with state law regulating the use, ownership, and operation of motor vehicles; prescribe punishment for the violation of such ordinances; and require every owner of motor vehicles residing in the town to register annually such motor vehicles and pay an annual license fee to be fixed by the council.

d. Require and compel the abatement and removal of all nuisances, including the removal of snow or ice from the sidewalks in front of private properties, or anything that, in the opinion of a majority of the council or in the opinion of the mayor under any ordinance vesting in him such discretion, is a nuisance within the town, at the expense of the person or persons causing the nuisance or the owner or owners of the ground where the nuisance may be situated, such expense to be collected in the same manner as fines; provide for the drainage of lots by proper drains or ditches in the town; and prevent or regulate slaughterhouses or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment within the town.

e. Regulate or prohibit the sale and use of fireworks within the town.

f. Require and compel the owners of houses or businesses located in the town to connect to the town water system and to connect their toilets to the sewer of the town, or to the sewers of any corporation or company within the town.

g. Prevent animals from running at large in the town and trespassing upon public property and to subject their owners to such levies, taxes, and regulations as the council may think proper.

h. Purchase, hold, sell, and convey all real and personal property for the purposes of the town; and, within the limits of the Constitution of Virginia and in accordance with the provisions of the general laws of the Commonwealth, in the name of and for the use of the town, contract loans or cause to be issued certificates of indebtedness, notes, or bonds. The council shall not contract any loan or issue bonds therefor unless the same be approved or authorized by a two-thirds vote of the council, endorsed by a majority of those voting of the qualified voters. All proceedings for the purpose of authorizing the issuance of bonds or other evidence of indebtedness by the town shall conform to the provisions of the Public Finance Act of 1991 with respect to the issuance of bonds by towns, so far as they are applicable.

i. Acquire land by condemnation or otherwise without the corporate limits of the town for public purposes.

j. Adopt any rule, regulation, or ordinance authorized by general laws of the Commonwealth to be adopted by towns. (2013, c. 730)

§ 9. Where, by the provisions of law, the council has authority to pass ordinances on any subject, it may prescribe punishment by a fine or imprisonment, or both, for a violation of the ordinance, the fine

not to exceed the maximum amount set by the General Assembly for a Class 1 misdemeanor and the punishment not to exceed the maximum jail time set for a Class 1 misdemeanor, either or both. Fines may be recovered, with costs, upon warrants issued in the name of the town. All fines for the violation of an ordinance of the town shall be paid into the treasury of the town and be appropriated as the council shall determine. The convicted person may appeal his conviction to the Circuit Court of Highland County within ten days of the conviction. (2013, c. 730)

§ 10. The mayor shall have full authority to enforce the laws and the ordinances of the town. The council shall have power to name one of the members of the council as vice mayor with full power to exercise the authority of the mayor in the event of the mayor's absence or disability. (2013, c. 730)

§ 11. All criminal and civil warrants, writs, and process sworn out by the mayor or any member of the council or any law-enforcement officer authorized by the council to provide such services for the town for violations of town ordinances shall run in the name of the "Town of Monterey" and shall be prosecuted by the town attorney. The forms of such warrants and process shall be as issued in the General District Courts of the Commonwealth and shall be tried before the General District Court Judge for Highland County. Appeal is as provided for in § 9. (2013, c. 730)

§ 12. To meet the expenses of the town, the council may annually levy a tax of so much as in its opinion may be necessary upon all taxable real estate, personal property, and merchants' capital, as well as a business license tax within the town pursuant to Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 of the Code of Virginia. (2013, c. 730)

§ 13. The town council shall fix the time of its regular meetings by ordinance.

Special meetings may be called by the mayor or any two members of the council. The call or request shall be made to the town clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the town clerk, after consultation with the mayor, shall notify each council member and the town attorney, as appropriate, within twenty-four hours in writing delivered in person or to his place of residence or business or, if so requested by the council member, by electronic mail or facsimile, to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting unless all council members are present. The notice may be waived if all council members and the mayor attend the special meeting or sign a waiver. (2013, c. 730)

§ 14. The town clerk may serve as the treasurer, and as such shall receive all moneys belonging to the town and shall perform such other duties as are, or may be, prescribed by the council. He shall keep records of accounts in such manner as the council may prescribe. A computer backup of the records shall be made each day and kept in a separate place from the original. The records shall be subject to inspection of the mayor and the council at any time. (2013, c. 730)

§ 15. The town clerk, or any other person appointed by the council, shall collect all taxes and assessments. The town clerk, or person appointed, shall be vested with power and be subject to the liabilities and penalties now prescribed by law in regard to the county treasurer in the levying and collection of taxes, and the town clerk, or person appointed, shall have full power to levy on property and sell the same for the payment of taxes as the county treasurer is given by law. All sales shall be made upon the notice and in such manner as now prescribed by law in sales of personal property for state taxes or county taxes. All funds belonging to the town shall be deposited by the town clerk in such place or places of deposit as the council shall direct by ordinance. (2013, c. 730)

§ 16. No money shall be paid out by the town clerk except by order of the council, on a check signed by the clerk and the mayor, or in such other manner as may be prescribed by ordinance. (2013, c. 730)

§ 17. The town clerk shall attend all meetings of the council and keep the records of its proceedings. He shall have custody of the corporate seal; keep all papers that, by the provisions or the direction of the council, are required to be filed with or kept by him; and perform such other acts and duties as the council may require. (2013, c. 730)

§ 18. The fiscal year for the town shall be from the first day of July to the thirtieth day of June of each year. (2013, c. 730)

§ 19. All bonds, contracts, deeds, and other papers made on the part of the town shall be executed by the mayor under the direction of the council, and the seal of the corporation shall be affixed and attested by the town clerk. (2013, c. 730)

§ 20. In the event of a vacancy occurring in the council, the council shall fill such vacancy in the manner provided by general law. (2013, c. 730)

§ 21. All the rights, privileges, and properties of the Town of Monterey heretofore acquired and possessed, owned, and enjoyed by any act or acts now in force and not in conflict with this act and charter shall continue undiminished and remain vested in said town under this act and charter; and all laws, ordinances, and resolutions of the town now in force and not inconsistent with this act and charter shall remain in force until repealed by the council of the town. (2013, c. 730)

§ 22. The enumeration of particular powers and authorities in this charter shall not be deemed or held to be exclusive, but in addition to the powers herein enumerated, implied hereby, or appropriate to the exercise thereof. The town shall have and may exercise all other powers that are now or may be hereafter conferred upon or enjoyed by towns under the Constitution of Virginia and general laws of the Commonwealth. Unless specifically mentioned herein, all prior charters and amendments for the Town of Monterey are repealed. (2013, c. 730)

§ 23. If any section or provision of this act or charter shall for any reason be adjudged in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act or charter. (2013, c. 730)

Montross, Town of

County of Westmoreland

History of incorporation

Formerly called Mont Ross.
Incorporated as Mont Ross, 1852, c. 394.
Incorporated by Circuit Court of Westmoreland County, June 3, 1946.

Current charter

Charter, 1950, c. 560.

Amendments to current charter

1971, c. 73 (Art III, §§ 2, 6)

1992, c. 260 (Art. III, §2)

1997, c. 699 (Art. III, §§ 8, 13 [repealed], 14 [repealed], 15, 15.1 through 15.8 [added], 16, 17, 17.1 through 17.5 [added], 19 [repealed]; Art. IV, § 8 [repealed]; Art IX, § 1)

2015, c. 83 (Art. III, § 2)

Article I. The Town Corporate.

§ 1. The inhabitants of the territory comprised within the limits of the Town of Montross, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the Town of Montross, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1950, c. 560)

Article II. Corporate Limits.

§ 1. The corporate limits of the Town of Montross are hereby established as follows:

Beginning at a point shown as A' on a certain plat of survey made by F. M. Murphy, surveyor, on the 10th day of May 1947, said point being a junction of the line of State Highway No. 3 with the Western edge of Route No. 645 leading toward Crook Horn, thence south 39° 53' west 923.5 feet to point A located on western boundary of aforesaid Crook Horn road; thence north 88° 04' west 7157.6 feet to point B; thence north 68° 30' west 3498.5 feet to point C; thence north 51° 16' west 1162.8 feet to point D; thence 47° 04' west 731.6 feet to point E; thence north 70° 48' east 865.4 feet to point No. 3; thence north 84° 00' east 3287.6 feet to point No. 2; thence south 78° 24' east 8607 feet to point No. 1; thence south 4° 27' west 943 feet back to point A', the point of beginning; containing, in all, 595.29 acres; a copy of said plat being of record in the Clerk's Office of the Circuit Court of Westmoreland County, Virginia. (1950, c. 560)

Article III. Administration and Government.

§ 1. The present mayor and councilmen of the Town of Montross shall continue in office and exercise all the powers conferred by this charter and the general laws of this State until the expiration of the term for which they were elected, or until their successors are duly elected and qualified. (1950, c. 560)

§ 2. On the first Tuesday in May, 1992, there shall be elected by the qualified voters of the town seven electors, who shall be denominated councilmen, and shall constitute the town council. The four electors receiving the highest number of votes shall serve four-year terms and the three remaining electors shall serve two-year terms. On the first Tuesday in May, 1994, there shall be elected three electors to serve four-year terms. However, beginning with the election held in 2016, there shall be elected four electors at the time set for the November general election to take office on January 1 following their election. The mayor and members in office on June 30, 2016, shall continue to serve until their duly elected successors have qualified. Thereafter, there shall be an election every two years in even-numbered years at the regular November general election time to fill the pending vacancies and the electors so elected shall serve four-year terms or until their successors are duly elected and have qualified. They shall enter upon the duties of their offices on the first day of January next succeeding their election. The councilmen at their first meeting in January shall elect from their number one who shall be denominated mayor, who shall immediately enter upon the duties of his office and whose term of office as such shall be two years. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed. (1950, c. 560; 1971, c. 73; 1992, c. 260; 2015, c. 83)

§ 3. There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law. (1950, c. 560)

§ 4. The council shall judge of the election, qualification, and returns of its members, may fine them for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy. (1950, c. 560)

§ 5. A majority of the members of the council shall constitute a quorum for the transaction of business. (1950, c. 560)

§ 6. Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of two hundred dollars ($200.00) per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of five hundred dollars ($500.00) per annum; and such salary shall be in lieu of any fees he is entitled to enter up as part of the costs and receive in the trial of cases of violation of the ordinances of the town as hereinafter provided for. (1950, c. 560; 1971, c. 73)

§ 7. The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except that, in case of a tie, he shall have the right to break the same by his vote; but he shall have the right to veto. He shall take care and see that the by-laws, ordinances, acts and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. He shall be ex officio a conservator of the peace within the town and within one mile of its corporate limits; and shall have jurisdiction to issue process for and try all cases for the violation of the town ordinances, subject to an appeal to the Circuit Court of Westmoreland County, Virginia, and impose such punishment and/or fines as may be prescribed for violation of the same, and he shall have power to issue executions for all fines and costs imposed by him, or he may require an immediate payment thereof, and in default of such payment he may commit the defaulting party to the Westmoreland County jail until such fine and costs shall be paid, such commitment, however, not to be for more than twelve months. He may release persons accused or convicted of the violation of a town ordinance upon the giving of sufficient bail to be fixed by him. He shall see that peace and good order are preserved and that persons and property within the town are

protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town. (1950, c. 560)

§ 8. Procedure for adoption of ordinances and resolutions; vetoes; overriding vetoes.

Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections in writing, to the town manager who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days. (1950, c. 560; 1997, c. 699)

§ 9. The council shall, as soon as practicable after qualification and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town. (1950, c. 560)

§ 10. Meetings of council.

The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the manager at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings. (1950, c. 560; 1997, c. 699)

§ 11. The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed. (1950, c. 560)

§ 12. The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council. (1950, c. 560)

§ 13. 1950, c. 560; repealed 1997, c. 699)

§ 14. (1950, c. 560; repealed 1997, c. 699)

§ 15. Place of deposit for town funds.

The council may in its discretion designate the place of deposit of all town funds. (1950, c. 560; 1997, c. 699)

§ 15.1. Town manager; appointment and qualifications.

There shall be a town manager, who shall be the executive officer of the town and shall be responsible to the town council for the proper administration of the town government. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the town or the Commonwealth, but during his tenure of office, he shall reside within the town, unless specifically authorized by the town council.

It shall be the duty of the town manager to:

(1) Attend all meetings of the town council, with the right to speak but not to vote.

(2) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.

(3) Prepare and submit the annual budget to the town council and be responsible for its administration after its adoption.

(4) Present adequate financial and activity reports as required by the town council.

(5) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

(6) Perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the town council or which may be required of the chief executive officer of a town by the general laws of the Commonwealth, other than the duties conferred on the mayor by this charter. (1997, c. 699)

§ 15.2. Powers as to town officers and employees.

All officers and employees of the town, except those appointed by the town council pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the

town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. (1997, c. 699)

§ 15.3. Temporary transfer of personnel between departments.

The town manager shall have power, whenever the interests of the town require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency to the temporary performance of duties in another department, bureau, office or agency. (1997, c. 699)

§ 15.4. Council not to interfere in appointments or removals; relationship with council.

Neither the town council nor any of its members shall direct or request the appointment of any person to or his removal from any office or employment by the town manager or by any of his subordinates or in any way take part in the appointment of or removal of officers and employees of the town, except as specifically provided in this charter. Except for the purpose of inquiry, the town council and its members shall deal with the administrative services solely through the town manager, and neither the town council nor any member thereof shall give orders, either publicly or privately, to any subordinate of the town manager. Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to be a councilman. (1997, c. 699)

§ 15.5. Relations with boards, commissions and agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance and any other board or commission the town council may designate, except those of which he is a member. (1997, c. 699)

§ 15.6. Acting town manager.

The town council may designate by ordinance a person to act as town manager in case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. (1997, c. 699)

§ 15.7. Appointment of officers.

The town council may appoint such officers of the town as it deems necessary. Such officers may include, but shall not be limited to, a town manager, a town clerk, a town attorney, a town treasurer, a town sergeant, a chief of police and justices of the peace. The enumeration of officers in this section shall not be construed to require the appointment of any such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this charter or by the town council. (1997, c. 699)

§ 15.8. Treasurer; appointment; term; salary; bond.

There may be appointed by the council a treasurer, who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes.

The treasurer shall make such reports at such time as the council may prescribe. All books and accounts of the town shall be examined and audited at least once during the term for which he is elected by a competent accountant selected by the council, such examination and audit to be reported to the council. (1997, c. 699)

§ 16. Clerk of the council.

There may be appointed by the council a clerk of the council, who shall hold office at the pleasure of the council. He shall perform such duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council. (1950, c. 560; 1997, c. 699)

§ 17. Town sergeant.

There may be appointed by the council a town sergeant, who shall hold office at the pleasure of the council. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council. (1950, c. 560; 1997, c. 699)

§ 17.1. Chief of police.

There may be appointed by the council a chief of police who shall hold office at the pleasure of the council. His duties shall be such as council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by council. (1997, c. 699)

§ 17.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. (1997, c. 699)

§ 17.3. Term of office.

Officers and deputy and assistant officers appointed by the town council shall be appointed for terms of two years, to coincide with the term of the appointing council, unless otherwise provided by this charter or by ordinance of the town council. Such terms shall begin on the first day in July in each even-numbered year. (1997, c. 699)

§ 17.4. Vacancies in office.

The town council shall fill any vacancy in any appointive office for the remainder of the unexpired term. (1997, c. 699)

§ 17.5. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, at the discretion of the town council, subject to the provisions of Section 6 of Article VIII of the Constitution of Virginia. (1997, c. 699)

§ 18. The council may appoint a trial justice for the said town who shall serve at the pleasure of the council and until his successor is appointed by the council and qualifies. The mayor, or any other qualified voter of the Town of Montross whom the council deems qualified, may be appointed by it as such trial justice. If the mayor is appointed as trial justice he shall discharge such duties as the trial justice of the town under this charter and not as the mayor of the town, in addition to the execution of the duties of the mayor imposed upon him by this charter; and his powers, duties, authority and jurisdiction as such trial justice shall be as hereinafter provided for the trial justice, he shall receive the salary of mayor provided by the council for the discharge of his duties as mayor as well as such salary of trial justice as may be provided by the council, if any.

Said trial justice is hereby vested with all the powers, authority and jurisdiction and charged with all the duties within and for the Town of Montross, and in criminal matters for one mile beyond the corporate limits thereof; which are or may hereafter be, conferred upon the trial justice by the laws of the State of Virginia, so far as the same may be applicable, and not in conflict with the provisions of this charter; and any amendments of the trial justice laws of this State shall be considered as amendments also of this section of this charter if the same are applicable hereto.

Fees and costs shall be assessed by the trial justice and shall be collected as provided by the laws of the State of Virginia relating to trial justices as the same shall now be or as hereafter amended. All fees and costs collected by the said trial justice and all fines collected for violations of all laws and ordinances of the town shall be paid into the town treasury for the use and benefit of the town.

Removals may be taken, and appeals from the decisions of the trial justice may be taken, to the Circuit Court of Westmoreland County in the same manner, upon the same terms and shall be tried in the same way as removals, or as appeals from the decision of trial justices, as the case may be, are provided to be taken and tried by the laws of the State of Virginia, relating to trial justices as the same shall now be or as hereafter amended.

The council may also appoint such clerk or clerks as may in their discretion be necessary, provide for just compensation therefor and provide necessary records.

The council of said town shall provide a salary to compensate such trial justice in such amount and payable at such times as the council shall deem proper, and the council may provide for a vacation period, either with or without pay, and for such duration, as in the judgment of the council may be proper.

Like provisions may be made for a substitute justice, and when such substitute acts, he shall receive the compensation which would have been paid had the principal acted, and which compensation shall be deducted from salary or allowance made to the principal.

The Town of Montross may combine with the Counties of Richmond and Westmoreland for the use of one trial justice and one substitute trial justice for such combined town and counties, in such manner as may be provided by the laws of the State of Virginia relating to trail justices; and if the Town of Montross and the Counties of Richmond and Westmoreland shall at any time combine for the use of one trial justice and one substitute trial justice for the said town and the said county, the laws of the State of Virginia relating to trial justices, so far as applicable, shall control and not this section of this charter. (1950, c. 560)

§ 19. (1950, c. 560; repealed , 1997, c. 699)

§ 20. All ordinances, resolutions and by-laws passed by the council shall take effect at the time indicated in such ordinances resolution or by-law, but in event no effective date shall be set forth in any such ordinances, resolution or by-law passed by the council, the same shall become effective thirty days from its passage. (1950, c. 560)

Article IV. Taxation and Finances.

§ 1. The Town Council shall have control of taxation and finances for its municipal purposes. It shall have the following powers: (1950, c. 560)

§ 2. To prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by State law, and to publish the same. (1950, c. 560)

§ 3. To raise annually by levy and collection of taxes and assessments in the said town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the said town in such manner as the said council shall deem expedient in accordance with this charter, the Constitution and laws of this State and the United States; provided, however, that it shall impose no taxes on the bonds of the said town. (1950, c. 560)

§ 4. To impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this State, as may be in force at the time of the imposition of such special or local assessments. (1950, c. 560)

§ 5. To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes, or other obligations, within the limitations prescribed by the constitution and the laws of this State concerning bonds issued by towns, upon credit of the town, or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town. (1950, c. 560)

§ 6. To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidence of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes. and revenues, as the case may be. (1950, c. 560)

§ 7. To expend the money of the town for all lawful purposes. (1950, c. 560)

§ 8. (1950, c. 560; repealed 1997, c. 699)

§ 9. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection. (1950, c. 560)

§ 10. To impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in said town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required. (1950, c. 560)

§ 11. Licenses may also be imposed upon and a fee therefor collected from persons, firms or corporations selling and delivering at the same time at other than a definite place of business, goods, wares or merchandise, to licensed dealers or retailers in the town. (1950, c. 560)

§ 12. For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury. (1950, c. 560)

§ 13. A lien shall exist on all real estate within the corporate limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth. The council shall have the benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general law of the State, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1950, c. 560)

Article V. Property.

§ 1. The Town Council shall have the following powers:

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

(2) To acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State, lands, or any interest or estate in lands, rock quarries, gravelpits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

(3) To acquire and operate parks, playgrounds, and public grounds within or without the corporate limits of the town, and to place on the same either within or without the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character, and charge admission thereto, and to rent out or lease the privileges of the same.

(4) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(5) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(6) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of various departments of the town and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them, and, either within or without the town to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise.

(7) To provide in or near the town land to be used as burial places for the dead, to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, to cooperate with any nonprofit corporation or association in the improvements and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept and invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot for which the said donation, gift, or bequest has been made. And all acts of the said town in accepting from any cemetery company, society or corporation such land to

be used as a burial place for the dead, whether said land has been heretofore used or not, as well as all contracts and agreements made with any person or persons for perpetual care and maintenance, are hereby declared valid. (1950, c. 560)

Article VI. Utilities.

§ 1. The Town Council shall have the following powers:

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

(2) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the said town, and to require abutting property owners within such corporate limits to connect therewith, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights-of-way, riparian and other rights and easements necessary for said purposes, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(4) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience

furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(5) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(6) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charge directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(7) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services thereof any existing franchises to the contrary.

(8) To regulate, telephone, and telegraph purposes erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the owner or lessee of an electric light, telephone, or telegraph pole, or poles, or wires, now in use or hereafter erected, to change the location of or move the same. (1950, c. 560)

Article VII. Streets.

§ 1. The Town Council shall have the following powers:

(1) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, streets, sidewalks, boulevards, parkways, alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, to regulate the operation and speed of cars and vehicles within said streets and highways within the town; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(2) To give names to or alter the names of the streets. (1950, c. 560)

Article VIII. Building Regulations.

§ 1. The Town Council shall have the following powers:

(1) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and conveniences may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may become dangerous to life or property, or which may be erected contrary to law.

(2) To provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide setback lines on the streets beyond which no buildings may be constructed if permitted by general law; to require the standard of all dwelling houses be maintained in residential sections in keeping with the majority of residences therein, and if permitted by general law to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) To make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, or within one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Westmoreland County, Virginia.

(4) To issue, or refuse (in case of noncompliance with the building requirements of the town) to issue, permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation, failing to secure such permit prior to the beginning of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1950, c. 560)

Article IX. Additional Powers.

§ 1. Enumerated.

In addition to powers elsewhere mentioned in this charter and the powers conferred by general law and the Constitution, the town shall have the following powers:

(1) To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent noisome or

offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of said town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of billboards and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow, and any obstruction.

(2) To extinguish and prevent fires, and to establish, regulate, and control a fire department or division; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblages, entertainments or amusements.

(3) To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline, and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town.

(4) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in said town of any articles or thing intended for human consumption which is adulterated, impure, or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for said town, with authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the State and the United States.

(5) To provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.

(6) To provide and maintain, either within or without the town, charitable, recreative, curative, corrective, detention or penal institutions.

(7) To regulate poultry or other fowl, hogs, dogs or other animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

(8) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, the setting off of fireworks or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

(9) To establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers as may be deemed advisable.

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

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

(12) To restrain and punish drunkards, vagrants, and street beggars; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gambling houses and punish operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the said town; to prevent and punish lewd, indecent, and disorderly exhibitions in said town. To prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct, and public swearing and cursing, within the said town.

(13) To prohibit and punish mischievous, wanton, or malicious damage to school, church, and public property, as well as to private property.

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

(15) To compel persons sentenced to confinement in jail for any violation of the laws or ordinances of the town to work on the public streets, parks, or other public works of the town; and on the requisition of the mayor it shall be the duty of the sergeant of the town, chief of police, town manager or the sheriff of Westmoreland county to deliver such persons to the duly authorized agent of the town for such purposes from day to day as they may be required. For the purpose of carrying into effect the police regulations of the town, the town shall have the use of the regional jail for the safe-

keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town.

(16) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

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

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

(19) To offer and pay rewards for the apprehension of criminals.

(20) To provide by ordinance for a system of meat and milk inspection, and appoint milk and meat inspectors, agents, or officers to carry the same into effect; to prevent, license, regulate, control, and locate slaughterhouses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges; and to provide reasonable penalties for the violation of such ordinances.

(21) To establish, organize, administer, or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State.

(22) To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures, and scales.

(23) To make and enforce ordinances, insofar as not prohibited by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

(24) To require every owner or operator of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council; to issue said license, and to require the said owner to pay the annual

license fee therefor to be fixed by the council, provided that the said license fee shall not exceed the amount charged by the State on such machines. The council shall have the right to require the operator of said motor vehicle to attach a proper license plate on a conspicuous part of the said motor vehicle and to keep same thereon in plain view for common observation. The council may prorate such license fee over periods of not less than three months.

(25) Insofar as not prohibited by general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through said town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare and safety.

(26) To make and enforce ordinances, not inconsistent with the laws of this State.

(27) To put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the said council given by this charter, or any State law, or any amendments thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this charter, said penalty not to exceed five hundred dollars ($500.00) fine or twelve months' imprisonment in jail, or both.

(28) The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town council shall have and may exercise all powers which, under the constitution and laws of this State, it would be competent for this charter specifically to enumerate. (1950, c. 560; 1997, c. 699)

Article X. Actions against Town.

§ 1. No actions shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents, or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any attorney appointed by the council for the purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days such statement may be filed within one hundred and twenty days. And no officers,

agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1950, c. 560)

Article XI. Miscellaneous.

§ 1. if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the part of the act directly involved in the controversy in which said judgment shall have been rendered. (1950, c. 560)

Mount Crawford, Town of

County of Rockingham

History of incorporation
Established, 1825, c. 85, p. 89.
Incorporation and charter, 1895, c. 7.

Current charter
Charter, 1920, c. 473 (amends 1895 charter).

Amendments to current charter
1974, c. 208 (§§ 3, 4, 5)
1999, c. 302 (§ 3)

§ 1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits set forth and described in section second of this act be deemed and taken as the town of Mount Crawford, and the inhabitants of the town of Mount Crawford, for all purposes for which towns are incorporated in this Commonwealth, shall be a body politic in fact and in name, under the denomination of the town of Mount Crawford, and as such shall have and exercise and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations incumbent upon and pertaining to said town as a municipal corporation. (1920, c. 473)

§ 2. The boundaries of said town shall be as follows, namely: Beginning at the ford crossing North river below Plecker's bridge; following north side of road to Valley turnpike, crossing turnpike to line between J. W. Sherman and Mrs. S. Craun's property; thence on this line to Cook's creek, following up the channel of said creek to culvert at corner of Benjamin Switzer's barn-yard; thence following J. A. Switzer's line to a corner between J. A. Switzer and William Branson; thence crossing road, following line between J. B. Roller and Baptist church to a point in Peter Roller's property on a line with Bridgewater road; from this point to intersection of Bridgewater road and Valley turnpike; from this point a direct line to a point dividing the lands of Samuel Whitmer and Daniel Landes; following this line to river, then down channel of river to the ford at the beginning. (1920, c. 473)

§ 3. The government of said town shall be vested in a mayor and six councilmen, who shall be residents of and voters in said town to be chosen by ballot on the first Tuesday in November as hereafter provided, their term of office to begin on the first day of January following their election. The mayor shall be elected for a term of two years. Councilmen shall be elected for terms of four years. In order to transition from a May to November election date, any mayor or councilman elected in 1994 for a four-year term, or in 1996 for a two-year term, shall hold office until his successor has qualified. His successor shall be elected on the Tuesday after the first Monday in November 1998 and shall take office on the January 1 following his election. Any councilman elected in 1996 for a four-year term shall hold office until his successor has qualified. His successor shall be elected on the Tuesday after the first Monday in November 2000 and shall take office on the January 1 following his election. Each councilman and the mayor elected as provided herein shall serve for the term stated or until his successor has been elected and qualified. Any person entitled to vote in the county of Rockingham, and residing in the corporate limits of the town of Mount Crawford, shall be entitled to vote at all elections under this act of incorporation. In case a vacancy shall occur in any municipal office, the council shall elect a qualified person to fill the office for the unexpired term. The mayor and councilmen of said town, before entering upon the duties of their offices, shall be sworn in accordance with the laws of the Commonwealth. At the first meeting of the council following qualification of each newly elected mayor, the council shall select from its own number a vice-mayor who shall serve at the pleasure of the council. The vice-mayor shall act as mayor during the mayor's absence or disability and shall retain his right to vote. The mayor and three of the councilmen shall constitute a quorum to do business. They shall appoint their time of meeting, which shall be once at least in every month, and when necessary the mayor or any three councilmen may call a meeting. In the absence of the mayor or vice-mayor, one of the councilmen shall preside as mayor pro tempore. The mayor and the council shall have and exercise all the rights and powers conferred upon said officers by this act until their successors in office are duly elected and qualified under the provisions of this act. (1920, c. 473; 1974, c. 208; 1999, c. 302)

§ 4. The said council shall select from their own number or from the qualified voters a treasurer and town clerk and from the qualified voters elect a town sergeant and a commissioner of revenue. The treasurer shall execute his bond before he enters upon the duties of his office in a penalty double the amount of the revenue of the said town the preceding year for the faithful discharge of his duties. The sergeant, elected as aforesaid, before he enters upon the duties of his office, shall execute his bond, with security to be approved by the council, in a sum double the amount of the revenue of the said town the preceding year, and conditioned for the faithful discharge of the duties of his office. The commissioner of the revenue shall perform all the duties in relation to the assessment of the property or the purpose of levying the town taxes that may be ordered by the council. Ail appointed officers shall serve at the pleasure of the council. (1920, c. 473; 1974, c. 208)

§ 5. The council of the said town shall have all of the general powers vested in it by the laws of the State, and it shall also have the power to mark accurately the bounds of existing streets, and to compel the removal of obstructions therefrom, to close or extend, widen or narrow, lay out and graduate, pave and otherwise improve streets and public alleys in the town; and for these purposes, upon first paying a just compensation therefor, it may take private property as may be necessary; and no order shall be made, and no injunction shall be awarded by any court or judge to stay the proceedings of the town in the prosecution of such works, unless it be manifest that the interposition of a court is necessary to prevent injury that cannot be repaired in damages. The method of ascertaining what will be a just compensation for private property thus taken shall be as follows: After reasonable notice in writing by the town clerk to the owner of the freehold whose property is proposed to be taken, or to his tenant or agent, the mayor of the town shall, at the time and place mentioned in said notice, proceed to appoint two freeholders of the town as commissioners, one of whom may be nominated by the owner of the freehold, or by his tenant or agent, if either be present, whose duty it shall be to view the property proposed to be taken, and ascertain what will be a just compensation therefor, and to the damage to the residue of such owner's property, beyond the peculiar benefits to be derived in respect to such residue from the work to be done. Said commissioners, if they cannot agree, may select a third freeholder as commissioner to act with them, and shall, as soon as possible, report their proceedings to the council. When such a report has been returned the council may, by a majority of its members, either reject or accept said report. If the report be rejected the council may refer the matter to another commission, appointed in the same way and for the same purpose as the first. If the report be confirmed, the amount ascertained by it to be a just compensation for the property shall be paid to those entitled thereto before work shall be begun on or through said property. (1920, c. 473; 1974, c. 208)

§ 6. The said council shall have the power to provide against and prevent accidents by fire, to regulate and establish markets, to prevent the running at large of hogs, dogs, horses, cows, or other animals; to prevent the cumbering of streets, sidewalks, and alleys in any manner whatever; to make sanitary regulations in reference to contagious or other diseases; to regulate the building of houses, stables, privies, hog-pens and slaughter-houses; to abate nuisances at the expense of those who cause them; to appoint police and prescribe their duties and compensation; and to make, pass and ordain such laws as they may deem necessary and proper for the internal and general good, safety, health and convenience of the said town and inhabitants thereof, and for enforcing the provisions of this charter. They shall punish all violations of law by fine or imprisonment, or both, at the discretion of the mayor, subject to the general laws of this State. The authorities of said town shall have the use of county jail of Rockingham county for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town. Whenever judgment shall be rendered against any person for fines, and there are no visible effects which the sergeant may distrain and sell therefor, the person so in default may be compelled to work out such fines on the public streets or other

improvements, and to suffer in addition such terms of imprisonment as may be prescribed by the ordinances of said town. (1920, c. 473)

§ 7. The corporate limits of said town are hereby created and declared to be a separate and distinct road district of Rockingham county, and no road tax shall be levied on any property within said limits, except by the council of Mount Crawford, which tax shall be expended within the limits of the corporation on the streets and roads therein, exclusive of the bridges across North river and Cook's creek, under the supervision and direction of the town council. For his services, any overseer of roads and streets, appointed by the council of the town, shall be entitled to such compensation as the council may agree to pay. The council shall have control of all streets and roads within the corporate limits of said town, subject, however to the charter rights of the Valley turnpike company. (1920, c. 473)

§ 8. The council shall have power to levy such taxes as it may deem necessary for the purposes of the corporation; provided that no tax upon the real and tangible personal property in said town shall exceed one hundred cents on the one hundred dollars assessed value thereof. (1920, c. 473)

§ 9. The jurisdiction of the corporate authorities of said town shall extend one mile beyond the limits thereof for imposing and collecting a license tax upon all shows, performances, and exhibitions which may take place anywhere within said extended boundaries; and they shall also have the power of imposing a license tax upon bowling, billiard, and bagatelle saloons, or on any similar game or play recognized or taxed by the laws of the State, anywhere within the said extended boundaries. (1920, c. 473)

§ 10. Any person applying to the county court of Rockingham county, or any other authority, for license to sell wine, ardent spirits, or liquors of any kind, either as a keeper of an ordinary eating-house, or a merchant, within the corporate limits of said town, or within one mile thereof, shall produce and present to said court a certificate of the council of said town, signed by a majority of the council, to the effect that the applicant is a suitable person, and that no good reason is known to said council why said license should not be granted; and the court of said county, or other authority, shall not grant any license to sell liquors, wines, or ardent spirits within the limits above prescribed, until and unless such certificate is given. (1920, c. 473)

§ 11. The mayor shall be the presiding officer of the council, and he shall have power to suspend any officer of said corporation for neglect of duty or disorderly conduct. The council shall have power to remove all officers, and may fine members of their own body for disorderly behavior, and with the concurrence of two-thirds expel a member. The mayor shall have no vote except in the case of a tie. The mayor shall have the authority and be vested with all the powers of a justice of the peace within the precincts of said town and for one mile around the corporate limits thereof, and shall have like powers with a justice of the peace to commit any person charged with an offense before him to the county jail, or let to bail on recognizance to appear before the county court. (1920, c. 473)

§ 12. The sergeant of said corporation shall have the like powers of a constable of said county to pursue and arrest anywhere in said county of Rockingham all offenders for offenses committed within the last aforementioned corporate limits, and to convey any one so ordered to be committed to the county jail, there to be dealt with as if committed by a warrant of a justice of the peace. (1920, c. 473)

§ 13. Any member of the council being voluntarily absent from three consecutive meetings, his seat shall be deemed vacant and the unexpired term filled according to law. (1920, c. 473)

§ 14. The town council shall grant and pay to all officers elected or appointed in pursuance of this act such salaries or compensations as the said council may from time to time deem just and proper, or shall be fixed by this act. (1920, c. 473)

§ 15. The following named persons are hereby appointed as mayor and councilmen of said town: H. M. Rogers is appointed mayor; M. Lindon, W. E. Shinnick, D. M. Shipplett, G. W. Showalter, J. C. Wise, and J. A. Helms are appointed councilmen; and the said mayor and councilmen shall have and exercise all the powers granted to said officers by the provisions of this act, and shall continue in office until the first day of July, 1896, or until their successors are duly elected and qualify according to law. (1920, c. 473)

§ 16. Be it further enacted, that all acts and parts of acts concerning the town of Mount Crawford, in the county of Rockingham, which are in conflict or contrary to the provisions of this act shall be, and the same are hereby repealed. (1920, c. 473)

§ 17. This act shall be in force from its passage. (1920, c. 473)

Mount Jackson, Town of

County of Shenandoah

History of incorporation

Incorporation, 1872, c. 132.
Incorporation and charter, 1888, c. 141; repealed 1952, c. 574.

Current charter

Charter, 1952, c. 574.

Amendments to current charter

1970, c. 108 (Art. III, §§ 2, 6)
1971, c. 145 (Art. III, §§ 1, 2)
1976, c. 575 (Art. III, §§ 2, 3, 6, 7, 10, 13, 16, 17, 18 [repealed], 19; Art. IX, § 1)
1978, c. 81 (Art. III, § 6)
1981, c. 200 (Art. III, §§ 4, 6, 7, 8, 12, 13, 14, 16, 17, 20; Art. V, § 1; Art. VIII, § 1; Art. IX, § 1)

Article I. The Town Corporate.

§ 1. (1) The inhabitants of the territory comprised within the limits of the town of Mt. Jackson, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Mt. Jackson, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1952, c. 574)

Article II. Corporate Limits.

§ 1. (1) The corporate limits of the town of Mt. Jackson are hereby established as follows:

Beginning at an iron pin, west edge of an old road and the north edge of the Shenandoah River; thence N. 5 1/4° W. 154.5' to a stake, south edge of road; thence N. 31° 35' W. 920' to a stake on the southwest edge of road; thence N. 49° 25' W. 2438' to a stake in a field, this line crosses U.S. Highway at 638 feet and the Southern Railroad at 959 feet; thence S. 39° 05' W. 3544' to a stake on the bank of Mill Creek at an old dam, this line crosses Orkney Grade at 3495 feet; thence down Mill Creek as follows: S. 27° E. 265' to a stake, north bank of Mill Creek; thence S. 7 1/2° E. 760' to a point on the east end of Public Road Bridge; thence S. 37 1/2° E. 310' to a stake near a light pole; thence S. 52° E. 296' to a stake on Southern Railroad right of way, this line crosses Mill Race; thence S. 44° E. 359' to a stake; thence S. 54° E. 810' to a point on walk of U.S. Highway Bridge at the north end of bridge; thence S. 67° E. 140' to a point 10 feet south of a stake; thence S. 43 1/4° E. 650' to a point 21 feet southwest of a stake; thence N. 74 3/4° E. 380' to a stake; thence S. 80 1/4° E. 218' to a stake; thence N. 46 3/4° E. 95' to a stake, mouth of Mill Creek and west bank of Shenandoah River; thence down the river as follows: N. 53 3/4° W. 414' to a stake; thence N. 20 1/4° W. 392' to a stake; thence N. 19 3/4° E. 117' to a stake; thence N. 20 1/2° E. 750' to a point in the Street or Road at the west end of Bridge; thence N. 6° E. 560' to a stake; thence N. 10° E. 560' to a stake; thence N. 32° E. 254' to a stake; thence N. 78° E. 590' to a stake; thence N. 75 1/2° E. 346' to a stake; thence S. 83 1/2° E. 650' to a stake; thence S. 54 1/4° E. 183' to the beginning. (1952, c. 574)

Article III. Administration and Government.

§ 1. The present mayor and councilmen of the town of Mount Jackson shall continue in office and exercise all the powers conferred by this charter and the general laws of this State until the first day of July in the final year of the term for which they were elected, or until their successors are duly elected and qualified. (1952, c. 574; 1971, c. 145)

§ 2. There shall be elected by the qualified voters of the town of Mount Jackson, one elector of the town, who shall be denominated mayor, and six other electors, at large, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council, who shall hold office for a term of four years from the first day of July next following the date of their election, and until their successors have been duly elected and qualified. In the year 1972 and every second year thereafter, a municipal election of councilmen shall be held on the first Tuesday in May. In the year 1974 and every fourth year thereafter, a municipal election of mayor shall be held on the first Tuesday in May. They shall enter upon the duties of their offices on the first of July next succeeding their election and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. Any person elected or appointed under the provisions of this charter who fails to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed. (1952, c. 574; 1970, c. 108; 1971, c. 145; 1976, c. 575)

§ 3. All elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law. (1952, c. 574; 1976, c. 575)

§ 4. The council may fine its members for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any member be expelled, a new election to fill the vacancy shall be held on such day as ordered by the court. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one eligible to such office. In the event of the failure of the council to fill such vacancy within fifteen days then the circuit court shall make such appointment to fill the vacancy. A vacancy in the office of mayor shall be filled by the council from the electors of the town. (1952, c. 574; 1981, c. 200)

§ 5. A majority of the members of the council shall constitute a quorum for the transaction of business. (1952, c. 574)

§ 6. Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct. The councilmen and the mayor shall, in addition to their salaries, be entitled to reasonable reimbursement for all expenses

incurred in transacting the duties of the office. (1952, c. 574; 1970, c. 108; 1976, c. 575; 1978, c. 81; 1981, c. 200)

§ 7. The mayor shall be chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this chapter. He shall preside over the meetings of the town and shall have the same right to speak therein as members of the town council, but shall not vote, except in the case of a tie. He shall have the power to veto any measure passed by the council. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various town officials are faithfully performed. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. He, or the person acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1952, c. 574; 1976, c. 575; 1981, c. 200)

§ 8. Every measure shall, before it becomes operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections in writing, within five days, to the town clerk who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such measure. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the measure, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of members of the council upon such reconsideration and the names of the members voting for and against the measure shall be entered on the minute book of the council. If any measure shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council shall expire within said five days. (1952, c. 574; 1981, c. 200)

§ 9. The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town. (1952, c. 574)

§ 10. The council shall, by ordinance, fix the time and place for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special

meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when the council may choose to meet in executive session as provided for in § 2.1-340 et seq. of the Code of Virginia. (1952, c. 574; 1976, c. 575)

§ 11. The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed. (1952, c. 574)

§ 12. The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of five hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council. (1952, c. 574; 1981, c. 200)

§ 13. There shall be appointed by the council at its first meeting in July, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of one year. The council may provide a salary for the treasurer. The treasurer shall be bonded, with surety and in such penalty as the council prescribes. The treasurer shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. The treasurer shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by vote direct. (1952, c. 574; 1976, c. 575; 1981, c. 200)

§ 14. The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once during each year by a certified public accountant selected by the town council, and such certified public accountant shall make an examination and audit report to the council annually. (1952, c. 574; 1981, c. 200)

§ 15. The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds. (1952, c. 574)

§ 16. There shall be appointed by the council, at its first regular meeting in July after its election, a clerk of the council, who shall hold office for a term of one year. The clerk shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. The clerk shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. The clerk's compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council. (1952, c. 574; 1976, c. 575; 1981, c. 200)

§ 17. There shall be appointed by the council at its first regular meeting in July or as soon as practicable thereafter, a chief of police who shall hold office at the pleasure of the council. His duties shall

be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council. (1952, c. 574; 1976, c. 575; 1981, c. 200)

§ 18. (1952, c. 574; repealed, 1976, c. 575)

§ 19. The council may appoint or select such other officers as may be necessary, including a town attorney, a town manager and a business manager for the town, and fix their salaries and define their duties. (1952, c. 574; 1976, c. 575)

§ 20. All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage. If it is determined by the council that an emergency exists, then the act, ordinance, resolution, or bylaws shall take effect immediately. (1952, c. 574; 1981, c. 200)

Article IV. Taxation and Finances.

§ 1. (1) The Town Council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

(2) To prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by State law, and to publish the same.

(3) To raise annually by levy and collection of taxes and assessments in the said town on all such property, real and personal, as it now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the said town in such manner as the said council shall deem expedient in accordance with this charter, the Constitution and laws of this State and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(4) To impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this State, as may be in force at the time of the imposition of such special or local assessments.

(5) To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution and the laws of this State concerning bonds issued by towns, upon credit of the town, or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(6) To borrow money temporarily, pending the issuance and sale of any bonds, notes of other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current

fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

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

(8) To levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the State or not, and may, if permitted by general law, exceed the State license, if any be required, and may provide penalties for any violation thereof.

(9) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection.

(10) To impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in the town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

(11) Licenses may also be imposed upon and a fee therefor collected from persons, firms, or corporations selling and delivering at the same time at other than a definite place of business, goods, wares or merchandise, to licensed dealers or retailers in the town, but there shall be no license tax imposed upon those who sell or offer the sale in person or by their employees ice, wood, charcoal, meats, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale, nor, shall there be imposed any license tax upon any dairyman who uses upon the streets of the town one or more wagons and/or trucks in selling and delivering from his wagons and/or trucks milk, butter, cream and eggs in such town.

(12) For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

(13) A lien shall exist on all real estate within the corporate limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth. The council shall have benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general laws of the State, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1952, c. 574)

Article V. Property.

§ 1. The Town Council shall have the following powers:

(1) To acquire by purchase, gift, devise, condemnation, or otherwise, property, real or personal, or any estate therein within or without the town, for any purpose of the town, not inconsistent with the general law, and the Constitution of Virginia, and to hold, improve, sell, lease, mortgage, or pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(2) To acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State, lands, or any interest or estate in lands, rock quarries, gravel pits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

(3) To acquire and operate parks, playgrounds, and public grounds within or without the corporate limits of the town, and to place on the same either within or without the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character and charge admission thereto, and to rent out or lease the privileges of the same.

(4) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(5) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(6) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of various departments of the town and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them, and, either within or without the town to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise. (1952, c. 574; 1981, c. 200)

Article VI. Utilities.

§ 1. The Town Council shall have the following powers:

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

(2) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights and riparian rights as the council of the town may deem necessary for the purpose of providing an adequate water supply to the town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the town, and to require abutting property owners within such corporate limits to connect therewith, for the distribution of water to its customers and consumers, both within and without the corporate limits of the town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the power herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights of way, riparian and other rights and easements necessary for aid purposes, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(4) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(5) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(6) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charge directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(7) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services thereof any existing franchises to the contrary notwithstanding, if permitted by the terms thereof. (1952, c. 574)

Article VII. Streets.

§ 1. The Town Council shall have the following powers:

(1) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, streets, sidewalks, boulevards, parkways, alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, to regulate the operation and speed of cars and vehicles within the streets and highways within the town; and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive.

(2) To give names to or alter the names of the streets. (1952, c. 574)

Article VIII. Building Regulations.

§ 1. The Town Council shall have the following powers:

(1) To regulate the size, height, materials and construction of fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect or structure, or other causes may become dangerous to life or property, or which may be erected contrary to law.

(2) If permitted by general law, to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) To make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Shenandoah County, Virginia.

(4) To issue, or refuse (in case of noncompliance with building requirements) to issue, permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation failing to secure such permit prior to the beginning of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1952, c. 574; 1981, c. 200)

Article IX. Additional Powers.

§ 1. In addition to powers elsewhere mentioned in this charter and the powers conferred by general law and the Constitution, the town shall have the following powers:

(1) To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of bill boards and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, aesthetics, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow, and any obstruction.

(2) To extinguish and prevent fires, and to establish, regulate and control a fire department or division; to establish and designate from time to time fire limits; to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblages, entertainments or amusements.

(3) To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline,

and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town.

(4) [Repealed.]

(5) To provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.

(6) To provide and maintain either within or without the town charitable, recreative, curative, corrective, detention or penal institutions.

(7) [Repealed.]

(8) [Repealed.]

(9) [Repealed.]

(10) [Repealed.]

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

(11-a) To offer and pay rewards for the apprehension of criminals.

(12) [Repealed.]

(13) [Repealed.]

(14) [Repealed.]

(15) [Repealed.]

(16) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

(17) To pass and enforce all ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of the citizens and their property, and to do such other things as may be necessary or proper to carry into full effect all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town or officers, thereof, or which may be necessarily incident to a municipal corporation.

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

(19) [Repealed.]

(20) [Repealed.]

(21) To establish, organize, administer, or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State.

(22) [Repealed.]

(23) [Repealed.]

(24) To require every owner or operator of motor vehicles residing in the town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the Treasurer of the town, or such other person as may be designated by the council; to issue such license, and to require the owner to pay the annual license fee therefor to be fixed by the council, provided that the license fee shall not exceed the amount charged by the State on such machines. The council shall have the right to require the operator of the motor vehicle to attach a proper license plate on a conspicuous part of the motor vehicle and to keep same thereon in plain view for common observation. The council may prorate such license fee over periods of not less than three months.

(25) Insofar as not prohibited by general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare and safety.

(26) To make and enforce ordinances, not inconsistent with the laws of this State.

(27) To put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the council given by this charter, or any State law, or any amendments thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this charter, the penalty not to exceed that authorized by general law.

(28) The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town council shall have and may exercise all powers which, under the Constitution and laws of this State, it would be competent for this charter specifically to enumerate. (1952, c. 574; 1976, c. 575; 1981, c. 200)

Article X. Actions against Towns.

§ 1. (1) No actions shall be maintained against the town for damages for any injury to any person or property, or for wrongful death, alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement of the claimant, his agent, or attorney, or the personal representative of any decedent whose death is a result of the alleged

negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any attorney appointed by the council for the purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days such statement may be filed within one hundred and twenty days. And no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1952, c. 574)

Article XI. Miscellaneous.

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

(2) That nothing contained in this act, shall be construed to invalidate or to, in any manner, affect the present existing indebtedness, and liabilities of the town of Mt. Jackson, whether evidenced by bonded obligations or otherwise.

(3) All ordinances in force in the town of Mt. Jackson, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the council.

(4) This act may for all purposes be referred to or cited as the Town of Mt. Jackson Charter of l952. (1952, c. 574)

Narrows, Town of

County of Giles

History of incorporation

Formerly known as Intermont.
Incorporation and charter, 1904, c. 142; amended 1908, c. 302; repealed 1920, c. 450.
Charter, 1908, c. 302; repealed 1920, c. 450.
Charter, 1914, c. 327; repealed 1920, c. 450.
Charter, 1920, c. 450; repealed 1947, Extra Session, c. 38.
Charter, 1947, Extra Session, c. 38; repealed, 1970, c. 472.

Current charter

Charter, 1970, c. 472.

Amendments to current charter

1975, c. 97 (§ 3.1)
2008, c. 458 (§§ 1.2, 2.2, 6.1 through 6.4 [repealed], 7.2, 7.3, 7.4, 7.6, 7.7)
2011, c. 437 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Narrows, as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Narrows, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1970, c. 472)

§ 1.2. Boundaries.

The territory embraced within the Town of Narrows is that territory in the County of Giles, Virginia, described in a recordation in the Clerk's Office of the court where deeds are filed. (1970, c. 472; 2008, c. 458)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Narrows shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as full and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1970, c. 472)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in § 15.2-1100 et seq. of the Code of Virginia, as in force on the date of enactment of this charter, are hereby conferred on and vested in the Town of Narrows. (1970, c. 472; 2008, c. 458)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The Town of Narrows shall be governed by a town council composed of five councilmen and a mayor, all of whom shall be qualified voters of the town.

(b) The mayor and members of the town council shall hereafter be elected at the November general election date, beginning with the general election to be held in November 2012, and every two years thereafter. The mayor shall be elected to a term of two years and town council members shall be elected for a term of four years. The mayor and council members in office at the time of the passage of the

appropriate ordinance shall, unless otherwise vacated prior thereto, continue in office until the expiration of the terms for which they were elected; however, the term of the mayor and any member of council elected at a May election whose term shall expire as of June 30 of any year shall continue in office until their successors have been elected at the November general election and have been qualified to serve. The mayor and council members elected at the November 2012 general election, and all subsequent November general elections, shall enter upon the duties of their offices on the first day of January next succeeding their election. (1970, c. 472; 1975, c. 97; 2011, c. 437)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1970, c. 472)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1970, c. 472)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of it members. (1970, c. 472)

§ 3.5. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1970, c. 472)

§ 3.6. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have same right to speak therein as members of the town council, but shall not vote, except in the case of tie. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose, may deputize such assistant policemen as may be

necessary. He, or the person acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1970, c. 472)

§ 3.7. Vice mayor.

The town council shall elect from its members, by a majority of the members present, a vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice mayor may vote as a member of the town council. (1970, c. 472)

§ 3.8. Meeting of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. The council shall keep a journal of its official proceedings and its meetings shall be open. Three members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by three members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (1970, c. 472)

§ 3.9. Rules of order and procedure.

The town council shall establish its own rules of order and procedure, and may take appropriate action against its own members and other persons for violations thereof. (1970, c. 472)

§ 3.10. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. (1970, c. 472)

Chapter 4. Town Manager.

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be called the town manager, fix his salary and delegate to him such administrative duties, powers and responsibilities as it believes to be in the best interest of the town. During his tenure of office the town manager shall reside within the town. The town manager shall serve at and during the pleasure of the town council. (1970, c. 472)

§ 4.2. Duties.

It shall be the duty of the town manager to (a) attend all meeting of the town council with the responsibility to counsel and advise but with no voting rights; (b) keep the town council advised of the

financial condition and the future needs of the town and of all matters pertaining to its proper administration and make such recommendations as he deems desirable; (c) prepare and submit the annual budget to the town council and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit the annual budget to the town council at a regular meeting in September of each year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year; (e) present adequate financial and activity reports as required by the town council; (f) arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council; and (g) perform such other duties as may be prescribed by this charter or required in accordance therewith by the mayor of the town council or which may be required of the chief administrative officer of a town by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter. (1970, c. 472)

§ 4.3. Temporary transfer of personnel between departments and removal of personnel.

The town manager shall have the power, whenever the interest of the town require, to assign employees of any department, bureau, office or agency under his supervision to the temporary performance of duties in another department, bureau, office or agency. The town manager shall not have the right or power to appoint, transfer, or remove the town clerk, town sergeant, chief of police, town attorney, town treasurer, but the town council may delegate to the town manager the authority to appoint and remove other personnel. (1970, c. 472)

§ 4.4. Relations with boards, commissions and agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance and any other board or commission the town council may designate. (1970, c. 472)

§ 4.5. Acting town manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. (1970, c. 472)

Chapter 5. Appointive Officers.

§ 5.1. Appointments.

The town council shall appoint a town clerk, a chief of police, a town attorney and a town treasurer and may appoint such other officers of the town as they deem necessary. Each and every officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the council may prescribe. (1970, c. 472)

§ 5.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as they may deem necessary. (1970, c. 472)

§ 5.3. Term of office.

Officers and deputy and assistant officers appointed by the town council shall serve at and during the pleasure of the town council. (1970, c. 472)

§ 5.4. Bonds.

Officers and deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1970, c. 472)

§ 5.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1970, c. 472)

§ 5.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1970, c. 472)

§ 5.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1970, c. 472)

Chapter 6. Municipal Court. (Repealed)

§§ 6.1 through 6.4. (1970, c. 472; repealed 2008, c. 458)

Chapter 7. Miscellaneous.

§ 7.1. Election governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1970, c. 472)

§ 7.2. Actions against town for damages, etc.

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or by any officer, agent or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents, or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the town council for this purpose, and the town is hereby authorized to appoint such

an attorney, within six months after such cause of action shall have accrued. However, if the claimant was under a disability at the time the cause of action accrued, the tolling provisions of § 8.01-229 of the Code of Virginia apply. No officers, agents or employees of the town shall have authority to waive such conditions precedent or any of them.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it is ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, when not primarily liable, shall pay such judgment in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce the said judgment, or any action at law, or scire facias to revive such judgment.

(e) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(f) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1970, c. 472; 2008, c. 458)

§ 7.3. United States government employees.

No person, otherwise eligible under the laws of the United States and the Commonwealth of Virginia, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission. (1970, c. 472; 2008, c. 458)

§ 7.4. Board of Zoning Appeals.

The Circuit Court for Giles County shall appoint a Board of Zoning Appeals, consisting of five members, none of whom shall hold any other positions with the town, except that one may be a member of

the local planning commission, and each of whom shall be a qualified voter of said town. Their term of office shall be for five years each, except that original appointments shall be made for such terms that the term of one member shall expire each year. (1970, c. 472; 2008, c. 458)

§ 7.5. Acceptance of federal aid, contributions, etc.

The Town of Narrows shall have the power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. (1970, c. 472)

§ 7.6. Eminent domain.

The powers of eminent domain set forth in Title 15.2; Title 25.1; and Title 33.1, Chapter 1, Article 7 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, necessary changes having been made, are hereby conferred upon the Town of Narrows, provided, however, that the provisions of § 25.1-102 or any other applicable section of the Code of 1950, as amended, shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the town. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.1-121 to 33.1-129, inclusive, Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council signed by the mayor and countersigned by the town clerk. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner under the aforesaid laws and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for acquisition of lands, easements or related interests in property necessary for streets, water, sewer or utility pipes or lines and/or conduits, or related facilities, whether within or without the town.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of

costs and damages, if any, or the refund of any excessive funds theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds for good cause shown by the town or any other person or party in interest prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1970, c. 472; 2008, c. 458)

§ 7.7. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance, in conformity with § 2.2-3100 et seq., §§ 15.2-852, 15.2-2287, and 15.2-2289 of the Code of Virginia to govern elected and/or appointed town officials not inconsistent with the general law. (1970, c. 472; 2008, c. 458)

§ 7.8. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1970, c. 472)

§ 7.9. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1970, c. 472)

§ 7.10. Ordinances in force.

All ordinances now in force in the Town of Narrows, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1970, c. 472)

§ 7.11. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1970, c. 472)

Nassawadox, Town of

County of Northampton

Current charter

Charter, 2009, cc. 398, 520.

Amendments

2021 Special Session I, c. 119 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Nassawadox, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Nassawadox, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (2009, cc. 398, 520)

§ 1.2. Boundaries.

The territory embraced within the town of Nassawadox is that territory in the county of Northampton, Virginia, established by order of the Circuit Court of Northampton County, December 30, 1958, as found in the Common Law Order Book 19, page 216, and that territory added by boundary adjustment dated December 20, 1999, as found in Common Law Civil Order Book 8, page 785, or as the same may be hereafter altered by law. (2009, cc. 398, 520)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Nassawadox shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (2009, cc. 398, 520)

§ 2.2. Adoption of certain sections of the Code of Virginia.

The powers set forth in Article 1 (§ 15.2-1100 et seq) of Chapter 11 of Title 15.2 of the Code of Virginia, as in force on January 1, 2009, and as may hereafter be amended, are hereby conferred on and vested in the town. (2009, cc. 398, 520)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.2, Chapter 1 (§ 25.1-100 et seq) of Title 25.1, and Chapter 1 (§ 33.1-1 et seq.) of Title 33.1 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed

with the petition. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town treasurer. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for streets, water, sewers, and related matters, whether within or without the town.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (2009, cc. 398, 520)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification, and term of office of council members and mayor.

(a) The town of Nassawadox shall be governed by a town council composed of six council members and a mayor, all of whom shall be qualified voters of the town to be elected from the town at large.

(b) The mayor and council members in office at the time of a scheduled election shall continue in office until their successors are elected and qualified. The election for mayor and council members shall take place on the Tuesday following the first Monday in November every even-numbered year. The mayor and council members shall serve two-year terms. The terms of office for those so elected shall commence on January 1 immediately following said election.

(c) No mayor or council member shall be an employee of the town, and upon the qualification of any such person for such position, his employment with the town shall cease. (2009, cc. 398, 520; 2021 Special Session I, c. 119)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council within sixty days after the vacancy occurs. Persons so elected to fill vacancies must be qualified voters and residents of the town of Nassawadox.

If any member of the council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired term shall be filled according to the provisions of this act. (2009, cc. 398, 520)

§ 3.3. Vacancies in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. The person so elected to fill the vacancy must be a qualified voter and resident of the town of Nassawadox. (2009, cc. 398, 520)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body or any contract or obligation incurred shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (2009, cc. 398, 520)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this Charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor, or the town manager as may be designated by the town council, for the purposes of enforcing peace and good order and executing the laws of the Commonwealth of Virginia and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary and shall authenticate by his signature such documents or instruments as the council, this Charter, or the laws of the Commonwealth of Virginia shall require. (2009, cc. 398, 520)

§ 3.6. Vice mayor.

The town council shall elect from its members, by a majority of the members present, a vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice mayor may vote as a member of the town council. (2009, cc. 398, 520)

§ 3.7. Meetings of council.

The town council shall fix the time of its stated meetings and it shall meet at least once a month. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Four members of the town council shall constitute a quorum for the transaction of business at any meeting.

Special meetings may be called at any time by the mayor or by any three members of the council, provided that the mayor and all council members are duly notified in writing a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (2009, cc. 398, 520)

§ 3.8. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. (2009, cc. 398, 520)

§ 3.9. Acting mayor.

In the absence or inability to act of both the mayor and vice mayor, any member of the town council may act with all the powers of the mayor upon the request so to do by the town council, but only during the period of such dual absence and inability. (2009, cc. 398, 520)

§ 3.10. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth of Virginia and by this Charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth of Virginia to town councils, but not herein specified. (2009, cc. 398, 520)

Chapter 4. Appointive Officers.

§ 4.1. Appointment.

The town council may appoint such officers of the town as it deems necessary. Such officers may include, but shall not be limited to, a town manager, a town clerk, a town attorney, a town treasurer, Chief of Police and police officers. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this Charter, by the laws of the Commonwealth of Virginia, or by the town council. (2009, cc. 398, 520)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. (2009, cc. 398, 520)

§ 4.3. Term of office.

Officers and deputies and assistant officers appointed by the town council shall serve at the will and pleasure of the town council. (2009, cc. 398, 520)

§ 4.4. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, at the discretion of the town council subject to such limitations as are set forth in the Constitution of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time. (2009, cc. 398, 520)

§ 4.5. Qualifications and duties of the town manager.

The town manager shall be the executive officer of the town, and shall be responsible to the town council for the proper administration of the town government. It shall be the duty of the town manager to:

(a) Attend all meetings of the town council, with the right to speak but not to vote.

(b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration and make such recommendations as may seem to him desirable.

(c) Prepare and submit the annual budget of the town council and be responsible for its administration after its adoption.

(d) Prepare in suitable form for publication and submit to the town council at the next regular meeting following the end of each fiscal year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.

(e) Present adequate financial and activity reports as required by the town council.

(f) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

(g) Perform such other duties as may be prescribed by this Charter, or required of him in accordance therewith by the town council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth of Virginia.

All employees of the town, except those appointed by the town council pursuant to this Charter or the general laws of the Commonwealth of Virginia shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. The town council shall designate by ordinance a person to act as town manager in the case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. Until such time as the town council appoints any such town manager, the duties and powers outlined herein shall be given to the mayor, or such other person as may be designated by the town council. All employees and officers of the town, including those appointed by the town council, shall be under the management control and supervision of the town manager. (2009, cc. 398, 520)

§ 4.6. Duties of the town clerk.

The town clerk shall be the clerk of the town council. He shall keep the journal of the proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. He shall record the vote of each council member on any question submitted to the council as required by law or the council. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council may specify or the general laws of the Commonwealth of Virginia may require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours, subject to such limitations and exceptions as are set forth in the Code of Virginia, as amended from time to time. (2009, cc. 398, 520)

§ 4.7. Duties of the town attorney.

The town attorney shall be the legal adviser of the town council and shall serve at the pleasure of the council. He shall represent the town in all legal affairs as may be requested by the mayor, town council, or by an officer of the town appointed under the provisions of this Charter. (2009, cc. 398, 520)

§ 4.8. Duties of the town treasurer.

The town treasurer shall collect the town taxes and licenses, and shall have the power to levy and sell property for collection of delinquent taxes and fees as given to county treasurers. The town treasurer shall work cooperatively with the town manager to provide full financial disclosure and reporting as requested by the town council. The town treasurer shall perform such other duties, not inconsistent with his office, as the town council or town manager may direct. (2009, cc. 398, 520)

§ 4.9. Powers and duties of the chief of police and police officers.

The chief of police shall be a conservator of the peace and vested with the full powers of a constable within the limits of the town. He and any police officers who may be appointed by the mayor with the advice and consent of a majority of the members of the town council, shall have all the powers given to police officers under the laws of the Commonwealth of Virginia. The police force of the town shall be under the control of the chief of police for the purpose of enforcing peace and good order and executing the laws of the State and all the ordinances of the town. He shall assist the treasurer in the collection of town taxes, and may distrain and sell therefor in like manner for which state taxes and county levies are distrained. (2009, cc. 398, 520)

§ 4.10. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (2009, cc. 398, 520)

§ 4.11. Vacancies in office.

The town council may fill any vacancy in any appointive office. (2009, cc. 398, 520)

§ 4.12. Residence of officers and employees.

Any appointive officers or employees of the town may be appointed and serve whether or not the appointee is a resident or nonresident of the town. (2009, cc. 398, 520)

Chapter 5. Raising of Revenue.

§ 5.1. Assessment of taxes.

The council shall have the power to assess and tax real or personal property within the town, levy taxes, impose license requirements and collect the same to any extent not prohibited by laws of the Commonwealth of Virginia. (2009, cc. 398, 520)

§ 5.2. Other revenue-generating activity.

The town council shall have the power to engage in other revenue-generating activities to any extent not prohibited by the laws of the Commonwealth of Virginia. (2009, cc. 398, 520)

Chapter 6. Financial Provisions.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on July first of each year, and end on June thirtieth of the year following. (2009, cc. 398, 520)

Chapter 7. Miscellaneous.

§ 7.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (2009, cc. 398, 520)

§ 7.2. Applicability outside town.

All ordinances of the town so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (2009, cc. 398, 520)

§ 7.3. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (2009, cc. 398, 520)

§ 7.4. Ordinances continued in force.

All ordinances now in force in the town of Nassawadox, not inconsistent with this Charter, shall be and remain in force until altered, amended or repealed by the town council. (2009, cc. 398, 520)

§ 7.5. Severability of provisions.

If any clause, sentence, paragraph or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph or

part thereof directly involved in the controversy in which such judgment shall have been rendered. (2009, cc. 398, 520)

§ 7.6. Disclosure of interest.
The town council is hereby empowered to adopt a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (2009, cc. 398, 520)

New Castle, Town of
County of Craig

History of incorporation
Incorporated by order of Circuit Court, September 1, 1911.

Current charter
Charter, 1978, c. 30.

Amendments to current charter
1992, c. 228 (§ 3.1)
2000, c. 158 (§ 4.8 [added])
2005, cc. 617, 675 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.
The inhabitants of the territory comprised within the present limits of the town of New Castle, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of New Castle, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1978, c. 30)

§ 1.2. Boundaries.
The boundaries of the town of New Castle shall be as described in the Order of the Circuit Court of Craig County, entered of the 11th day of May, 1911 and of record in the Clerk's Office of Craig County, New Castle, Virginia. (1978, c. 30)

Chapter 2. Powers.

§ 2.1. General grant of powers.
The town of New Castle shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no

enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1978, c. 30)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-915, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1978, c. 30)

§ 2.3. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of New Castle. (1978, c. 30)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of council person and mayor.

The town of New Castle shall be governed by a town council composed of four council persons and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of council person or mayor. The mayor and council person in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for mayor and council persons shall be held on the first Tuesday in May, nineteen hundred seventy-eight, and on the first Tuesday in May of every second year thereafter and take office on the first day of July succeeding their election to serve for terms of two years or until their successors have qualified. However, beginning with the election to be held in May 2006, the mayor and council persons shall be elected to terms of four years or until their successors have qualified. No person may be a candidate for the office of mayor and for the office of councilman in the same election. (1978, c. 30; 1992, c. 228; 2005, cc. 617, 675)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the remaining members of the council. (1978, c. 30)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the council. (1978, c. 30)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1978, c. 30)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town and a member of council. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1978, c. 30)

§ 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor over the acts of the council. (1978, c. 30)

§ 3.7. Acting mayor.

If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. While serving in the place of the mayor, the acting mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor over the acts of the council. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and hall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1978, c. 30)

§ 3.8. Meetings of council.

The town council shall fix the time of its stated meetings, and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings and its meetings shall be open to the

public. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meetings and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. But no ordinance or resolution shall be adopted or passed having for its object the levying of taxes except by a concurring vote of two-thirds of the members of council. (1978, c. 30)

§ 3.9. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of the town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected. (1978, c. 30)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The town council may, in its discretion, appoint a town clerk, a town treasurer, a town sergeant and such other officers, and may create such other boards and departments as may be authorized by law. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties, not inconsistent with general law, as this charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any such officers herein named. (1978, c. 30)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1978, c. 30)

§ 4.3. Term of office.

Appointees hereunder shall serve at all times during the pleasure of the town council and may be dismissed at any time by the council. (1978, c. 30)

§ 4.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1978, c. 30)

§ 4.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1978, c. 30)

§ 4.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1978, c. 30)

§ 4.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books for this purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. The records in his office shall be public records and open to inspection during regular business hours. (1978, c. 30)

§ 4.8. Appointments to planning commission and board of zoning appeals.

The town council may appoint a planning commission consisting of at least three members. One member of the commission may be a member of council and one member of the commission may be a member of the administrative branch of the town.

The town council may appoint a board of zoning appeals consisting of at least three members. One member of the board may be a member of the town planning commission. (2000, c. 158)

Chapter 5. Financial Provisions.

§ 5.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1978, c. 30)

§ 5.2. Powers and duties of town treasurer.

The treasurer shall receive all money belonging to and received by the town and keep a correct account of all receipts from all sources, and expenditures of all departments. He shall collect all taxes, levies, licenses, assessments, fees, water rents and other charges belonging to and payable to the town and for that purpose he is hereby vested with any and all powers which are now or may be hereafter vested in county treasurers, for the collection of county, city, and State taxes under the general law; he shall keep and disburse all monies or funds in such manner and in such places as may be determined by ordinance or the provisions of law applicable thereto. He shall pay no money out of the treasury except in the manner prescribed by ordinance or the general law; he shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and the town license taxes and shall have power to administer oaths in the performance of such duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by the mayor or by resolution and ordinance of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council. (1978, c. 30)

Chapter 6. Miscellaneous.

§ 6.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1978, c. 30)

§ 6.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1978, c. 30)

§ 6.3. Ordinances continued in force.

All ordinances now in force in the town of New Castle, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1978, c. 30)

§ 6.4. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1978, c. 30)

§ 6.5. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1978, c. 30)

New Market, Town of

County of Shenandoah

History of incorporation

Established, 1796, c. 21; repealed 1806, c. 47.
Charter, 1806, c. 47; repealed 1914, c. 144.
Charter, 13 Jan 1836; repealed 1840, c. 176.
Charter, 1840, c. 176; repealed 1914, c. 144.
Incorporation and charter, 1872, c. 15; repealed 1914, c. 144.
Charter, 1914, c. 144; repealed 1948, c. 381.
Charter, 1948, c. 381; repealed 1972, c. 264.

Current charter

Charter, 1972, c. 264.

Amendments to current charter

1993, c. 358 (§ 5.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of New Market, as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of New Market, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1972, c. 264)

§ 1.2. Boundaries.

The territory embraced within the Town of New Market is that territory in the County of Shenandoah, Virginia, more particularly described in that Order of Annexation entered by the Annexation Court on November 28, 1970, a copy of said Order being of record in Common Law Order Book Z, Page 312 and Deed Book 278 Page 488 of the Clerk's Office of the Circuit Court of Shenandoah County, Virginia, as containing 934.88 acres. (1972, c. 264)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of New Market shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as full and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1972, c. 264)

§ 2.2. Adoption of Certain Sections of the Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on July 2, 1971, and as hereafter amended are hereby conferred on and vested in the Town of New Market. (1972, c. 264)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The Town of New Market shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected, or until their successors are duly elected

and qualified. An election for mayor and councilmen shall be held on the first Tuesday in May, 1972, and the mayor and councilmen shall constitute the town council, who shall hold office for a term of four years from the first day of July, next following the date of their election and until their successors have been duly elected and qualified; provided, that at said municipal election, to be held the first Tuesday in May, 1972, the six persons elected as councilmen shall hold office as follows, to wit: The three candidates receiving the highest number of votes at said election shall hold office for four years each, and the three candidates receiving the next highest number of votes at said election shall hold office for two years each. In the year 1974 and every second year thereafter, a municipal election of councilmen shall be held on the first Tuesday in May. In the year 1972, and every fourth year thereafter, a municipal election of mayor shall be held on the first Tuesday in May. (1972, c. 264)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1972, c. 264)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1972, c. 264)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (1972, c. 264)

§ 3.5. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1972, c. 264)

§ 3.6. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the town council, but shall not vote except in the case of tie. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as

may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. He, or the person acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1972, c. 264)

§ 3.7. Vice-mayor.

The town council shall elect from its members by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council. (1972, c. 264)

§ 3.8. Meetings of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. The council shall keep a journal of its official proceedings and its meetings shall be open. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by four members of the council; provided, that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (1972, c. 264)

§ 3.9. Rules of order and procedure.

The town council shall establish its own rules of order and procedure and may take appropriate action against its own members and other persons for violation thereof. (1972, c. 264)

§ 3.10. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. (1972, c. 264)

Chapter 4. Town Manager.

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be called the town manager, fix his salary and delegate to him such administrative duties, powers and responsibilities as it believes to be in the best interest of the town. During his tenure of office the town manager shall reside within the County of Shenandoah. The town manager shall serve at and during the pleasure of the town council. (1972, c. 264)

§ 4.2. Duties.

It shall be the duty of the town manager to (a) attend all meetings of the town council with the responsibility to counsel and advise but with no voting rights; (b) keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration and make such recommendations as he deems desirable; (c) prepare and submit the annual budget to the town council and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit to the town council at a regular meeting in September of each year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year; (e) present adequate financial and activity reports as required by the town council; (f) arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council; and (g) perform such other duties as may be prescribed by this charter or required in accordance therewith by the mayor or the town council or which may be required of the chief administrative officer of a town by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter. (1972, c. 264)

§ 4.3. Temporary transfer of personnel between departments and removal of personnel.

The town manager shall have the power, whenever the interests of the town require, to assign employees of any department, bureau, office or agency under his supervision to the temporary performance of duties in another department, bureau, office or agency. The town manager shall not have the right or power to appoint, transfer or remove the town clerk, town sergeant, chief of police, town attorney or town treasurer, but the town council may delegate to the town manager the authority to appoint and remove other personnel. (1972, c. 264)

§ 4.4. Relations with boards, commissions and agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in the meetings of all boards, commissions or agencies created by this charter or by ordinance and any other board or commission the town council may designate. (1972, c. 264)

§ 4.5. Acting town manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. (1972, c. 264)

Chapter 5. Appointive Officers.

§ 5.1. Appointments.

The town council shall appoint a town clerk, a chief of police, a town attorney and a town treasurer and may appoint such other officers of the town as they deem necessary. Each and every officer appointed under this section shall be directly responsible to the town council, mayor, town manager, and/or town clerk as the town council may from time to time determine by appropriate resolution and/or ordinance. Such officers shall perform such duties as are required by general law, as well as

such additional duties not inconsistent with general law as this charter or the council may prescribe. (1972, c. 264; 1993, c. 358)

§ 5.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as they may deem necessary. (1972, c. 264)

§ 5.3. Term of office.

Officers and deputy and assistant officers appointed by the town council shall serve at and during the pleasure of the town council. (1972, c. 264)

§ 5.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1972, c. 264)

§ 5.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1972, c. 264)

§ 5.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, subject to the limitations of Article VII, Section 6 of the Virginia Constitution. (1972, c. 264)

§ 5.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1972, c. 264)

Chapter 6. Miscellaneous.

§ 6.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1972, c. 264)

§ 6.2. Actions against town for damages, etc.

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney

appointed by the town council for this purpose, and the town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within one hundred twenty days. No officers, agents or employees of the town shall have authority to waive such conditions precedent or any of them.

(b) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(c) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1972, c. 264)

§ 6.3. United States government employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer or employee of any board or commission. (1972, c. 264)

§ 6.4. Acceptance of federal aid, contributions, etc.

The Town of New Market shall have the power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. (1972, c. 264)

§ 6.5. Eminent domain.

The powers of eminent domain set forth in Title 15.1; Title 25, Chapter 1.1; and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, are hereby conferred upon the Town of New Market, provided, however, that the provisions of § 25-233 or any other applicable section of the Code of Virginia shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act.

(a) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, of 1950, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council signed by the mayor and countersigned by the town clerk. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner under the aforesaid laws and may be issued in any case

in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for acquisition of lands, easements or related interests in property necessary for streets, water, sewer or utility pipes or lines and/or conduits, or related facilities, whether within or without the town.

(b) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or canceled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive funds theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds for good cause shown by the town or any other person or party in interest prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1972, c. 264)

§ 6.6. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1972, c. 264)

§ 6.7. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1972, c. 264)

§ 6.8. Present officers to continue.

The present elected officers of the town shall be and remain in office until June 30, 1972, or until their successors have been duly elected and qualified. (1972, c. 264)

§ 6.9. Ordinances in force.

All ordinances now in force in the Town of New Market, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1972, c. 264)

§ 6.10. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1972, c. 264)

Newport News, City of

History of incorporation

Cities of Newport News and Warwick consolidated effective July 1, 1958, as City of Newport News.
Warwick City incorporated and charter, 1952.
Newport News incorporated and charter, 1895-96.

Newport News charter, 1895-96, c. 64; repealed 1958, c. 141.
Warwick City charter, 1952, c. 706; repealed 1958, c. 141.
Consolidated charter, 1958, c. 141; repealed 1978, c. 576, except for portions of Chapter 27.

Current charter
Charter, 1978, c. 576.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

Chapter 1. Territory Comprising City.

§ 1.01. Area; boundaries to embrace military and government reservations, etc.

The territory comprising the consolidated city shall consist of all the territories comprising the former cities of Newport News and Warwick, as the same now are or may hereafter be established by law. The boundaries of such city shall be construed to embrace all United States military and government reservations within such city and all wharves, docks and other structures of every description that have been or may hereafter be erected along the waterfront of the city, and any contiguous territory heretofore or hereafter ceded to the Commonwealth of Virginia by any government or agency thereof, and all rivers, creeks, and lakes encompassed within its territory, and to the center line of any body of water located between its territory and any other jurisdiction. (1978, c. 576; 2012, cc. 193, 426)

Chapter 2. Powers of City.

§ 2.01. General grant.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not inconsistent with the Constitution and laws as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

In addition, the powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on January 1, 1978, and as hereafter amended, are hereby conferred on and vested in the city. (1978, c. 576)

§ 2.02. Relative to finance.

In addition to the powers granted by other sections of this charter, the city shall have the power:

A. Taxes and assessments generally; licenses, etc. To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient. In addition to, but not as a limitation upon this general grant of power, the city shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and

collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the bills rendered purchasers of such service; to require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license.

B. Borrowing. To borrow money for the purposes and in the manner provided by Chapter 7 of this charter.

C. Appropriations generally. To make appropriations, subject to the limitations imposed by this charter, for the support of the city government and any other purposes authorized by this charter or by the general laws of the Commonwealth. In lieu of an ordinance, and unless otherwise specifically provided for by this charter, the code of the city of Newport News, the laws of the Commonwealth of Virginia or the United States of America, appropriations provided for in this subsection may be passed by a resolution of council with the affirmative vote of a majority of the members of council.

D. Emergency appropriations. To appropriate, without being bound by other provisions of this charter, not more than $500,000 in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require at least four affirmative votes of the council and that the resolution making such appropriation shall contain a clear statement of the nature and extent of the emergency.

E. Acceptance or refusal of gifts, etc. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government.

F. Public libraries and schools. To provide, or aid in the support of, public libraries and public schools.

G. Military units; charitable, etc., institutions and corporations. To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth, and to charitable or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the city.

H. Pensions. To establish a system of pensions for injured, retired or superannuated city officers and employees, members of the police and fire departments, teachers and other employees of the school board, judges, clerks, deputy clerks, bailiffs and other employees of the various courts, and to establish a fund or funds for the payment of such pensions by making appropriations out of the

treasury of the city, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by any combination of these methods or by any other method not prohibited by law, provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be paid therefrom, and provided further that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever, nor shall any assignment of any such benefits be enforceable in any court, provided, however, that no vested rights of any person in any of the retirement systems in existence at the time of consolidation in the cities of Warwick or Newport News shall be adversely affected. However, the right to receive payments of retirement benefits from a system of pensions created pursuant to this subsection which have been deemed to be marital property pursuant to Chapter 6 (§ 20-89.1 et seq) of Title 20 of the Code of Virginia, 1950, as amended, or like provisions of the state code of another state, and which are payable to the spouse who is a member of the pension system, may be allocated by a court of competent jurisdiction by direct assignment of all or part of such benefit payments to a spouse or former spouse of the member.

l. Control of fiscal affairs; accounts, etc. To provide for control and management of the fiscal affairs of the city, and prescribe the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this chapter or otherwise by laws as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and handling, use and disposal thereof. (1978, c. 576; 2003, c. 183)

§ 2.03. Relative to port operation and properties.

In addition to the powers granted by other sections of this charter, the city shall have the power to acquire, construct, own, maintain and operate, within and without the city, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switching, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the landings, wharves and docks, and from persons using any of the landings, wharves and docks, and from persons using any of the facilities above described; provide for the management and control of such facilities or any of them by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; lease any or all of such facilities or any consessions properly incident thereto to any person, firm or corporation or contract with any person, firm or corporation, for the maintenance and operation of any or all of such facilities on such terms and conditions as the council may determine by

ordinance; apply to the proper authorities of the United States to grant to the city the privilege of establishing, maintaining and operating a foreign trade zone within or without the city; regulate the use of other landings, wharves and docks located on any river, stream or body of water within or contiguous to the city; prevent and remove obstructions from the harbor of such river, stream or body of water and in, upon or near the landings, wharves, docks or canals adjacent thereto, and collect from the person or persons responsible for such obstructions, the cost of their removal; close or discontinue the use of any such wharf, dock, landing or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation theretofore imposed by reason of such public use or easement by statute or otherwise. (1978, c. 576)

§ 2.04. Licenses and permits where advisable in judgment of council.

Whenever in the judgment of the council it is advisable in the exercise of any of the powers of the city or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or permits in connection therewith, establish the amount of the fee to be charged the licensee or permittee, and require from that licensee or permittee a bond and/or an insurance policy of such character and in such amount and upon such terms as it may determine. (1978, c. 576)

§ 2.05. Residency requirement.

The city council shall have the power to adopt by ordinance as a requirement of the position that all heads of city departments or their equivalents be residents of the city during their tenure in such positions irrespective of by whom appointed.

The city council, at the time of the adoption of such an ordinance, may exempt from its operation current nonresident department heads or their equivalents. (1993, cc. 862, 874)

§ 2.06. Land development and site plan.

In order to provide for the orderly and proper development of land within the City of Newport News and to protect the public safety, health, and welfare, the city council shall have the power to adopt by ordinance regulations and restrictions relative to the development of land, except a detached dwelling located on a single lot and designed for or intended to be occupied by one family. Such regulations and restrictions may prescribe standards and requirements which provide for, but are not limited to, the following: access for fire, police, emergency, and service vehicles; width, grade, elevation, location, alignment, and arrangement of streets and sidewalks with relation to existing streets and sidewalks, planned streets and sidewalks, and the comprehensive plan; easements for public utilities; facilities for off-street parking; laying out, constructing, and improving streets, alleys, and sidewalks; access to adjacent land and to existing or proposed streets; water mains for servicing fire hydrants; disposition of storm water; disposition of sewage and waste; control of flooding through site elevation or otherwise; control of slippage, shifting, erosion, accretion, and subsidence of soil; dedication of public streets, alleys, sidewalks, curbs, gutters, sewers, drains, and other public improvements; protection to

other land, structures, persons, and property; guarantee of payment by the developer of all costs or a proportionate share of costs for public streets, alleys, sidewalks, curbs, gutters, sewers, and drains; the submission and approval of site plans and plats prior to development of land; and procedures, enforcement, and penalties for violation of any such ordinance or ordinances. The procedures may include, but shall not be limited to, consideration of site plans and plats in light of the regulations and restrictions applicable thereto, and approval or disapproval of site plans and plats in accordance therewith and may include the requirement of dedication of necessary public streets and easements in accordance with the comprehensive plan for the city. The provisions of this section shall in nowise repeal, amend, impair, or affect any other power, right, or privilege conferred by this charter or any other provisions of general law. (1990, c. 653)

Chapter 3. Elections, Etc.

§ 3.01. Election and terms of mayor and members of council.

A. On and after July 1, 2000, the council shall consist of seven members, a mayor and six members of council elected as herein provided. The city shall be divided into such districts as shall be provided by ordinance in accordance with the general laws of the Commonwealth. As hereinafter provided, the mayor shall be elected at large by the qualified voters of the city and the six members of council shall be elected by the qualified voters of the districts in which they reside, respectively.

Commencing in May 2000, all elections to fill the offices of mayor or member of council shall be for terms of four years, except to fill vacancies which shall be for the remainder of the unexpired term as hereinafter provided. On the first Tuesday in May 2000, there shall be a general election for the election of one member of city council from each city council district by the voters thereof. On the first Tuesday in May 2002, there shall be a general election for the election of one member of city council from each city council district by the voters thereof and for the mayor by the voters of the city at large.

B. The mayor, whether elected or appointed, shall be and remain a resident and qualified voter of Newport News. All other council members, whether elected or appointed, shall be and remain residents of their respective districts and qualified voters of Newport News during the term for which they were elected or appointed. (1978, c. 576; 1988, cc. 612, 631; 1990, c. 305; 1999, cc. 799, 827)

§ 3.02. Printing of names of candidates on ballots in councilmanic elections; nomination by notice of candidacy.

Candidates for member of city council shall be qualified voters of the city and shall file their notice of candidacy and be nominated only by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary, convention or other party-affiliated proceeding.

There shall be printed on the ballots the names of all candidates who have been nominated as provided herein and no others. (1978, c. 576; 1988, cc. 612, 631; 1990, c. 305)

§ 3.03. Party designations on ballots in councilmanic election; conduct of general municipal election under state law as to elections.

The ballots used in the election of councilmen shall be without any distinguishing party name, mark or symbol. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election. (1978, c. 576)

§ 3.04. Vacancies in office of mayor or member of council.

A. Vacancies in the office of member of council, from whatever cause arising, shall be filled within sixty days of the occurrence of the vacancy. Such vacancies shall be filled by the remainder of the council. The person or persons so appointed to fill the vacancy shall be a resident of the district where the vacancy occurs and shall hold office until the qualified voters shall fill the same by election at the next general election and the person so elected shall have qualified. The election to fill such vacancies shall be held as required and provided herein and by the general laws of the Commonwealth of Virginia; provided that nominations for any such vacancy shall be by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary, convention or other party-affiliated proceeding.

B. A vacancy in the office of mayor shall be filled in accordance with the procedures set forth in subsection A above for vacancies in the office of member of council; however, the person appointed must be a resident of the city at the time of his appointment. (1978, c. 576; 1988, cc. 612, 631; 1990, c. 305; 1999, cc. 799, 827)

§ 3.05. Nomination, election, qualification and term of other city officers.

All other city officers required by the laws of the Commonwealth to be elected by the qualified voters of the city shall be elected in November as required and provided by the general laws of the Commonwealth of Virginia. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1978, c. 576)

Chapter 4. Council Generally.

§ 4.01. Composition; compensation of councilmen and mayor; appointment of council member to office of profit.

The council shall consist of seven members elected as provided in Chapter 3. The compensation of council members and the mayor shall be established by ordinance within the salary ranges permitted by state statute. The compensation of council members as being paid on the effective date of this charter section shall remain in effect until the appropriate ordinance setting salaries is adopted by council; provided, however, that no such ordinance shall take effect until after the next council election following the effective date of this act. No member of the council shall, during the term for which he was elected and one year thereafter, be appointed to any office of profit under the government of the city. (1978, c. 576; 1982, c. 76)

§ 4.02. Vesting in council of powers of city; council to be policy-determining body; powers of council generally.

All powers of the consolidated city as a body politic and corporate shall be vested in the council except as otherwise provided in this charter. The council shall be the policy-determining body of the city and shall be vested with all the rights and powers conferred on councils of cities of the first class, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

A. Official inquiries and investigations. To have full power to inquire into the official conduct of any office or officer under its control, and to investigate the accounts, receipts, disbursements and expenses of any city employee; for these purposes it may subpoena witnesses, administer oaths and require the production of books, papers and other evidence; subpoenas issued by the council shall be enforced by the circuit court of the city in the manner provided by general law.

B. Performance of governmental functions; creation, etc., of city departments, etc. To provide for the performance of all governmental functions of the city; and to that end, provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated by law or by ordinance what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city, or any officer thereof, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by the city manager. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer or combine any city functions, activities or departments.

C. Auditing of accounts. After the close of each fiscal year, the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the city by the Auditor of Public Accounts of the Commonwealth of Virginia, or by a firm of independent certified public accountants to be selected by council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection in the office of the clerk to the council during regular business hours. Either the council or the city manager may at any time order an examination or audit of the accounts of any officer or department of the city government. Upon the death, resignation, removal or expiration of the term of any officer of the city, the director of finance shall cause an audit and investigation of the accounts of such officer to be made and shall report the results thereof to the city manager and the council. In case of death, resignation or removal of the city auditor, the council shall cause an audit to be made of his accounts. If as a result of any such audit, an officer be found indebted to the city, the council shall proceed forthwith to collect such indebtedness.

D. Schedule of compensation of city officers and employees. The council shall fix a schedule of compensation for all city officers and employees which shall provide uniform compensation for like service. The council may by ordinance define certain classes of city officers and employees whose salaries shall be set by the city manager, except that this provision shall not apply to the constitutional officers, the heads of city departments and judges.

E. Surety bonds of officers and employees. To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may prescribe. (1978, c. 576)

§ 4.03. Powers and duties of mayor generally; absence or disability of mayor and of vice-mayor.

The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The mayor shall execute all bonds and notes issued for the purpose of borrowing money, under the direction of the council, and the seal of the corporation shall be affixed and attested by the city clerk. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor. In the absence or disability of both the mayor and vice-mayor, the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor. The council shall have no authority to choose one of its members to be mayor except to fill a vacancy in the office of mayor as provided in § 3.04. (1978, c. 576; 1988, cc. 612, 631; 1990, c. 305; 1999, cc. 799, 827; 2012, cc. 193, 426)

§ 4.04. Appointment, term, powers and duties and compensation of city clerk; inspection of records; appointment of deputy city clerk.

The council shall appoint a city clerk for an indefinite term. He shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. The city clerk shall be the custodian of all official records of the city. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the council and all fees received by him shall be paid into the city treasury. He shall have such other powers and duties as may be prescribed by this charter or by ordinance. The council may designate a deputy city clerk who shall act during the absence of the city clerk. (1978, c. 576)

§ 4.05. Inaugural meetings; induction of members and election of vice-mayor.

The first meeting of a newly elected council shall take place on the date of the first regularly scheduled meeting of the city council in the month of July following the election at a time and location specified for same in the notice sent to the council members in accord with the manner set forth in § 4.06 of this charter for special meetings. At or before this first meeting, the oath of office shall be administered to the duly elected members as provided by law. In the absence of the mayor, the meeting may

be called to order by the city clerk. The first business of the council shall be the election of a vice-mayor and the adoption of rules of procedure. Until this business has been completed, the council shall not adjourn for a period longer than forty-eight hours. (1978, c. 576; 1988, cc. 612, 631; 1990, c. 305; 1999, cc. 799, 827; 2007, c. 319; 2019, cc. 108, 198)

§ 4.06. Rules of procedure; notice of special meetings; quorum.

The council shall have power, subject to the provisions of the consolidation agreement and this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, the city manager or any three members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by unanimous consent of all the members of the council. A majority of the members of the council shall constitute a quorum for the transaction of business. (1978, c. 576)

§ 4.07. Action by council at open meetings; voting procedure.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative votes of at least four members. All voting except on procedural motions shall be by roll call and the ayes and nays shall be recorded in a journal. (1978, c. 576)

§ 4.08. Certain acts of council to be by ordinance.

In addition to such acts of the council which are required by the Constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department or creating, altering, assigning or abolishing any bureau, division, office, agency or employment, fixing the compensation of any officer or employee of the city, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance. Council may delegate to the city manager the power to create, alter, assign or abolish bureaus, offices and divisions within a department without the necessity of having an ordinance passed by council. (1978, c. 576)

§ 4.09. Effective date of ordinances generally.

Unless another date is specified therein and except as otherwise provided in this charter, an ordinance shall take effect on the tenth day following its passage. (1978, c. 576)

§ 4.10. Procedure for introducing ordinances.

An ordinance may be introduced by any member of the council at any regular meeting of the council or at any special meeting when the subject thereof has been included in the notice for such special meeting or been approved by the unanimous consent of all the members of the council. (1978, c. 576)

§ 4.11. Submission of propositions to the qualified voters of the city.

The council shall have authority to request by resolution directed to the court of record the submission to the qualified voters of the city of an advisory referendum on any proposed ordinance. Upon receipt of such resolution, the court of record, or the judge thereof in vacation, shall order an election to be held at a regular or special election as provided by the order of the court. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of such elections and by regular election officials of the city. (1978, c. 576)

§ 4.12. Numbering, recordation, codification and printing of ordinances.

Every ordinance, after passage, shall be given a serial number and shall be recorded by the clerk in a properly indexed book kept for that purpose. Within one year after the first day of July, 1958, there shall be prepared under the direction of the city attorney, who is hereby authorized to employ such assistance as he deems necessary for the purpose, a codification of all ordinances in force. Such codification may be passed by the council as a single ordinance and without prior publication. Upon its passage, it shall be published in bound or loose-leaf form. This codification, to be known and cited officially as the city code, shall be furnished to city officers and shall be sold to the public at a price to be fixed by the council. A similar codification shall be prepared, passed, published and distributed, as above provided, at least every five years. It shall be the duty of the city clerk to cause all ordinances adopted to be printed as promptly as possible after their adoption in substantially the same style and format as the codification of ordinances and sold at such prices as the council may establish. (1978, c. 576)

§ 4.13. Required vote in making appointments and removals; procedure for removal of person appointed by council for indefinite term.

The council in making appointments and removals shall act only by the affirmative votes of at least four members. It may remove any person appointed by it for an indefinite term, provided that the person sought to be removed shall have been served with a written notice of the intention of the council to remove him, containing a clear statement of the grounds for such removal and fixing the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard thereon. After the hearing, which shall be public at the option of the person sought to be removed and at which he may be represented by counsel, the decision of the council shall be final. (1978, c. 576)

§ 4.14. Emergency ordinances.

The council may by the affirmative vote of four of its members pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate

preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department, in which the reasons for the emergency are set forth and defined. Ordinances appropriating money for such emergency may be passed as emergency measures, but no measure for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or the regulation of the rate to be charged for its services by any public utility shall be so passed. (1978, c. 576)

Chapter 5. City Manager.

§ 5.01. Establishment of position of city manager; to be chief administrative officer; provision for assistant city manager or assistant city managers; appointment, term and qualifications; residence requirements.

There shall be a city manager who shall be the chief administrative officer of the city and shall be responsible to the council for the proper administration of the city government. He shall be appointed by the council for an indefinite term. He shall be appointed solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. There may be one or more assistant city managers as authorized by the council. Such assistant city manager, or assistant city managers, shall be appointed by and responsible to the city manager.

At the time of appointment, the city manager or his assistant or assistants, if any, need not be a resident or residents of the city or the Commonwealth, but during the tenure of their respective offices they shall reside within the city. (1978, 576)

§ 5.02. Appointment and removal of department heads, etc., generally.

The city manager shall appoint for an indefinite term and remove except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city, provided the city manager may delegate such powers as he sees fit to heads of the departments under his supervision. (1978, c. 576)

§ 5.03. Interference by council in appointments or removals; dealings between council and administrative services.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, any office or employment by the city manager or by any of his subordinates or in any way take part in the appointment of or removal of officers and employees of the city except as specifically provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance

in violation of this section shall be guilty of a Class 4 misdemeanor and upon conviction thereof, shall cease to be a councilman. (1978, c. 576)

§ 5.04. Temporary transfer of personnel between departments.

The city manager shall have the power, whenever the interests of the city require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency, the head of which is appointed by the city manager, to the temporary performance of duties in another department, bureau, office or agency. (1978, c. 576)

§ 5.05. Duties.

It shall be the duty of the city manager to:

A. Attend all meetings of the council with the right to speak but not to vote;

B. Keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable;

C. Prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption;

D. Prepare in suitable form for publication and submit to the council not later than the thirty-first day of December of each year, a concise, comprehensive report of the financial transactions and administrative activities of the city government during the fiscal year ending on the preceding thirtieth day of June, and cause to be printed such number of copies thereof as the council shall direct;

E. Prepare and submit to council quarterly statements of all revenues, expenditures and encumbrances of funds in sufficient detail to show the exact financial condition of the city; council may by ordinance prescribe more frequent financial reporting;

F. Perform such other duties as may be prescribed by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter;

G. Execute, under the direction of the council, all contracts, deeds and other papers, and the seal of the corporation shall be affixed, and attested by the city clerk; and

H. Have direction of and control over all departments of the city except as otherwise provided by this charter. (1978, c. 576; 1982, c. 76; 1983, c. 45; 2007, c. 319)

§ 5.06. Absence or disability of the city manager; acting city manager; limitation on appointment of council member.

During the absence or disability of the city manager, the council may designate some properly qualified person to perform his duties until his return to duty or the appointment of his successor. Upon the

death or resignation of the city manager, the council shall designate an acting city manager to serve until the appointment of a city manager. Provided that in no instance shall a member of council be appointed as city manager or acting city manager. (1978, c. 576)

Chapter 6. Budget, Etc.

§ 6.01. Fiscal year; definition of "budget year."

The fiscal year of the city government shall be established by ordinance. Such fiscal year shall also constitute the budget and accounting year. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered. (1978, c. 576)

§ 6.02. Submission of general budget.

The city manager, at least sixty days prior to the beginning of each budget year, shall submit to the council a general budget. (1978, c. 576)

§ 6.03. Estimates of revenue and expenditures filed by department heads, etc.

It shall be the duty of the head of each department, the judges of all courts, each board or commission, including the school board, and each other officer or agency supported in whole or in part by the city, including the commissioner of revenue, the treasurer, the sheriff, the Attorney for the Commonwealth and clerks of courts to file with the city manager or with his/her designee for budget preparation, at such time as the manager may prescribe, estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the city manager's designee for budget preparation and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the city manager may require to be submitted thereon. The city manager's designee for budget preparation shall assemble and compile these estimates and supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the city manager in the preparation of the budgets. The city manager shall hold such hearings as he may deem advisable and with the assistance of the city manager's designee for budget preparation, shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board, he may recommend a revision only in its total estimated expenditures. (1978, c. 576; 1980, c. 78)

§ 6.04. Contents and form of general budget.

The general budget shall contain:

A. An estimate of such portion of the general fund balance, if any, at the end of the current fiscal year as it is proposed to use for meeting expenditures in the general budget.

B. An estimate of the revenues from current ad valorem taxes on real estate and personal property during the ensuing fiscal year.

C. An estimate of revenues from all other sources of revenue.

D. A statement to be furnished by the director of finance of the debt service requirements for the ensuing year.

E. An estimate of the city's general fund balance deficit, if any, at the end of the current fiscal year and of any other obligations required by this charter to be budgeted for the ensuing fiscal year.

F. An estimate of expenditures for all other purposes to be met in the ensuing fiscal year.

All the estimates shall be in detail, showing revenues by sources and expenditures by operating units, functions, character and object, so arranged as to show revenues and expenditures as estimated for the current fiscal year and actual revenues and expenditures for the last preceding fiscal year in comparison with estimated revenues and recommended expenditures for the ensuing year. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present a simple and clear summary of the detailed estimates of the budget. (1978, c. 576; 1980, c. 78)

§ 6.05. Balancing of budget.

In no event shall the expenditures recommended by the city manager in the general budget exceed the receipts estimated, taking into account the estimated general fund balance or deficit at the end of the current fiscal year, as provided in the preceding section, unless property assessments have been raised or unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year, the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures the city manager may recommend revisions in the tax and license ordinances of the city, in order to bring the general fund budget into balance. (1978, c. 576; 1980, c. 78)

§ 6.06. Budget message.

The budget message submitted by the city manager to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. As a part of the budget message, with relation to the proposed expenditures for down payments and other proposed expenditures for capital projects stated in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects,

relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget years. (1978, c. 576)

§ 6.07. Appropriation and additional tax ordinances.

At the same time that he submits the general fund budget, the city manager shall present to the council a general appropriation ordinance. The appropriation ordinance shall be based on the general fund budget but need not be itemized further than by administrative units. At the same time, the city manager shall also present any ordinance or ordinances altering the tax rate on real estate and personal property or levying a new tax or altering the rate of any other tax necessary to balance the general fund budget as hereinbefore provided. Nothing contained herein shall prohibit the adoption of an ordinance altering the tax rate on real estate or personal property or the levying of a new tax or altering the rate of any other tax, at a time other than when the general fund budget and general appropriation ordinance is presented to council, when necessary for the efficient operation of the city. The hearing on the budget plan as a whole, as provided in this section shall constitute the hearing on all ordinances presented at the same time the budget is presented. (1978, c. 576; 1980, c. 78)

§ 6.08. Budget, etc., as public record.

The budget and budget message and all supporting schedules shall be a public record in the office of the city manager open to public inspection after the budget has been made public by the city manager; provided, however, that no department or agency, head or judge or board or commission shall divulge details of the proposed budget nor make public statements regarding budget estimates until the budget has been publicized by the city manager and made public by him. Provided, however, that nothing in this section shall be construed as prohibiting the city manager from discussing budget estimates with city council. The city manager on authorization from the council shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons. (1978, c. 576; 1980, c. 78)

§ 6.09. Publication of notice of public hearing.

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, which time shall be at least thirty days prior to the beginning of each budget year, and shall cause to be published a notice of the place and time, not less than fifteen days prior to the date of the public hearing. (1978, c. 576)

§ 6.10. Public hearing on budget.

At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof. (1978, c. 576)

§ 6.11. Action by the council on general budget.

After the conclusion of the public hearing on the general budget, the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service as required by law shall be reduced or striken out. The council shall in no event adopt a general budget in which the total expenditures exceed the revenues, estimated as hereinbefore provided, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as hereinbefore provided, sufficient to make up the difference. (1978, c. 576; 1980, c. 78)

§ 6.12. Adoption of budget.

The budget shall be adopted by ordinance by the votes of at least a majority of all the members of the council. The budget shall be finally adopted not later than the fifteenth day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council. (1978, c. 576)

§ 6.13. Additional appropriations.

An appropriation in addition to those contained in the general appropriation ordinance, except for the purpose of meeting a public emergency as provided for elsewhere in this charter, may be made by the council, by not less than a majority affirmative vote of the members present, only if there is an available funding source to meet such appropriation. (1978, c. 576; 1980, c. 78)

§ 6.14. Reserve for permanent public improvements.

The council may by ordinance establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund balance not otherwise appropriated at the close of any fiscal year. It may likewise assign to such fund a specified portion of the ad valorem tax on real estate and tangible personal property not to exceed ten cents on the hundred dollars of the assessed valuation thereof or the whole or part of the proceeds of any other tax. (1978, c. 576; 1980, c. 78)

Chapter 7. Borrowing.

§ 7.01. Power of council to issue bonds and notes.

The city council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter. (1978, c. 576)

§ 7.02. Purposes for which bonds may be issued.

Bonds may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project, and to refund outstanding bonds. A capital improvement is hereby defined to include any public improvement or utility which the city is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, structure, or facility, necessary or useful in carrying out the powers of the city, and in the equipment or re-equipment of the same. (1978, c. 576)

§ 7.03. Limitation on indebtedness.

Except as otherwise provided in §§ 7.07 and 7.08 of this chapter, the city shall not issue bonds or other interest bearing obligations to an amount which, including existing indebtedness, shall, at any time, exceed ten percent of the assessed valuation of real estate in the city subject to taxation, as shown by the last preceding assessment for taxes; provided, however, that in determining the limitations to the power to incur indebtedness, there shall not be included the classes of indebtedness especially described in Article VII, Section 10 of the Constitution of Virginia. (1978, c. 576; 1982, c. 76)

§ 7.04. Notes in anticipation of bonds.

Whenever an issue of bonds has been authorized as provided in this charter, the mayor, when authorized by resolution, shall have power to issue notes of the city in anticipation of such bonds, for the purpose of defraying the whole or any part of the cost of such project. Such notes shall be authenticated by the signature of the mayor and the city treasurer and shall mature not later than five years after the date of issue. (1978, c. 576; 1982, c. 76)

§ 7.05. Form of bonds.

All bonds issued pursuant to this charter shall be issued in accordance with the general laws of Virginia relating to the issuance of bonds by municipalities. (1978, c. 576)

§ 7.06. Payment of bonds and notes generally.

The faith and credit of the city and all taxes and revenues paid thereto are hereby pledged for the payment of principal of and interest on all bonds and notes of the city issued pursuant to this charter, except bonds for revenue producing utilities issued pursuant to this charter and which bonds are by their terms payable solely from the revenues derived from such utilities, whether or not such pledge be stated in the bonds or notes or in the bond ordinances authorizing their issue. (1978, c. 576)

§ 7.07. Bond issues for revenue producing utilities.

The city is hereby empowered to issue from time to time in the manner prescribed by Article VII, Section 10 of the Constitution of Virginia, bonds of the city, for the purpose of acquiring, establishing, constructing, improving or enlarging any sewage disposal system, waterworks, gas plant, electric plant, garbage and trash disposal system, incinerator, toll bridge, motor vehicle parking area or building, airport or other public utility, from which the city may derive a revenue; for the purpose of reimbursing the general fund or any other fund of the city for monies paid from such fund or funds for such purposes; and/or for the purpose of funding or refunding any existing indebtedness incurred for such purposes. Such bonds shall not be included in determining the power of the city to incur indebtedness within the limitation prescribed by Article VII, Section 10 of the Constitution of Virginia or § 7.03 hereof; but, from and after a period to be determined by the council, not exceeding five years from the date of the election authorizing such bonds, whenever and for so long as any such revenue producing utility fails to produce sufficient revenue to pay for cost of operation and administration, including the interest and amortization of such bonds, and the cost of insurance against loss by injury to persons or property, all

such bonds outstanding shall be included in determining the limitation of the power of the city to incur indebtedness under any provision of this charter or under the provisions of Article VII, Section 10 of the Constitution of Virginia. The city may, however, issue bonds from time to time for any or all of such purposes, including reimbursement of funds and the funding or refunding of existing indebtedness, in the manner prescribed by Article VII, Section 10 of the Constitution of Virginia, the principal and interest of which bonds shall be payable exclusively from the revenue of such revenue producing utilities and for which payment of principal and interest the full faith and credit of the city shall not be deemed to be pledged, notwithstanding any other provision of this charter, and such bonds shall never be included in determining the limitation of the power of the city to incur indebtedness under the provisions of this charter or under the provisions of Article VII, Section 10 of the Constitution of Virginia. (1978, c. 576)

§ 7.08. Contents of bond ordinance for revenue producing utilities.

The ordinance authorizing the issuance of any bonds for any revenue producing utility shall state either:

A. That the bonds shall be payable from the ad valorem taxes without limitation of rate or amount; the full faith and credit of the city is deemed to be pledged for the payment of principal and interest thereof; and the bonds are to be issued pursuant to the provisions of Article VII, Section 10 of the Constitution of Virginia and are not to be included in determining the power of the city to incur indebtedness within the limitation prescribed by Article VII, Section 10 of the Constitution of Virginia; provided, however, that from and after a period specified in such ordinance not exceeding five years from the date of the election authorizing the bonds, whenever and for so long as such revenue producing utility fails to produce sufficient revenue to pay for the cost of operation and administration, including the interest on bonds issued therefor, the cost of insurance against loss by injury to persons or property, and an annual amount to be placed into a sinking fund sufficient to pay the bonds at or before maturity, all outstanding bonds issued on account of such revenue producing utility shall be included in determining such limitation; or

B. That the principal and interest of such bonds shall be payable exclusively from the revenue of such revenue producing utility, the faith and credit of the city shall not be deemed to be pledged for the payment of such principal and interest; and the bonds are to be issued pursuant to the provision of Article VII, Section 10 of the Constitution of Virginia and are never to be included in determining the power of the city to incur indebtedness within the limitation prescribed by Article VII, Section 10 of the Constitution of Virginia. (1978, c. 576)

§ 7.09. Borrowing to pay judgment.

In the absence of unappropriated available revenues to pay a final judgment for money which may be recovered against the city, the council may by resolution authorize the issuance of a note or notes, the proceeds of which shall be used to pay such judgment, which note or notes may be renewed from

time to time, but such note or all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which such judgment was recovered. (1978, c. 576)

§ 7.10. Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year 19.." (stating the budget year). Such notes may be issued for periods not exceeding one year and may be renewed from time to time for periods not exceeding one year, but together with renewals shall mature and be paid not later than the end of the third fiscal year after the budget year in which the original notes have been issued. (1978, c. 576)

§ 7.11. Borrowing in anticipation of other revenues.

In any budget year, in anticipation of the collection or receipt of other revenues of that year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue notes for the year 19.." (stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year after the budget year in which the original notes shall have been issued. (1978, c. 576)

§ 7.12. Notes redeemable prior to maturity.

No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note. (1978, c. 576)

§ 7.13. Sales of notes.

All notes issued pursuant to the provisions of this chapter when authorized by the council, may be sold at not less than par and accrued interest at private sale without previous advertisement by the director of finance, with the approval of the city manager. (1978, c. 576)

§ 7.14. Payment of notes.

The power and obligation of the city to pay any and all notes hereafter issued by it pursuant to the provisions of this chapter shall be unlimited and the city shall levy ad valorem taxes on all the taxable property within the city for the payment of such notes and interest thereon without limitation of rate or amount. (1978, c. 576)

§ 7.15. Supplemental method of borrowing and payment.

In addition to any other indebtedness of the city and certificate of debt, or bonds, which the council of the city has issued, the council of the city, by the affirmative vote of not less than four members thereof, may, from time to time, borrow an additional sum, or sums of money, not exceeding in the aggregate, however, under this authority, the sum of $500,000 (provided, however, such sum shall not be in

excess of the amount fixed by law which it may borrow), and may, in the name and for the use of the city, cause to be issued certificates and notes, evidencing the indebtedness, which certificates and notes, however, shall be payable in not more than five years from their date and upon payment, or redemption of such certificates of debt, or notes, the council may again, by the affirmative vote of not less than four of the members thereof, from time to time, borrow a like sum and issue like certificates, or notes, evidencing the indebtedness thereof, which shall likewise be payable not more than five years from their date. (1978, c. 576)

§ 7.16. Inclusion of certain notes, etc., in determining constitutional debt limit.

All notes or other evidences of debt issued pursuant to §§ 7.09 through 7.15, inclusive, of this chapter shall, unless payable within one year of their issue, or the date of the original obligation if the issue is a renewal, and not past due, be included in determining the limitation on indebtedness in accordance with Article VII, Section 10 of the Constitution. (1978, c. 576)

Chapter 8. Finance Generally.

§ 8.01. Establishment of department of finance; functions.

There shall be a department of finance, which shall include the functions of accounting and control, and such other functions as may be provided by ordinance. (1978, c. 576; 1980, c. 78)

§ 8.02. Director of finance generally; to be head of department of finance; appointment and qualifications.

The head of the department of finance shall be the director of finance, who shall be appointed by the city manager. He shall be a person skilled in accounting and financial control. (1978, c. 576)

§ 8.03. Same; bond.

The director of finance shall provide a bond with such surety and in such amount as the council may require. (1978, c. 576)

§ 8.04. Same; powers and duties.

The director of finance, under the supervision of the city manager, shall have authority and shall be responsible for the department of finance in order to discharge the following functions:

A. [Repealed.]

B. [Repealed.]

C. Disbursements and expenditures. Supervise and authorize the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded.

D. Accounts and accounting. Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial accounting control over each office, department and agency; keep separate accounts for the items of

appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid thereon, the unpaid obligations against it and the unencumbered balance; and require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient.

E. [Repealed.]

F. Annual statement and report. Prepare for the city manager, as of the end of each fiscal year, a complete financial statement and report.

G. Certification of unencumbered balance. No appropriation shall be encumbered and no expenditure shall be made unless the director of finance shall certify that there is an unencumbered balance of appropriated and available funds. (1978, c. 576; 1980, c. 78; 1982, c. 76)

§ 8.05. Departmental, etc., work programs and requested allotments.

Before the beginning of the fiscal year, the head of each office, department or agency may be required to submit to the city manager or his/her designee for budget preparation, at such time as may be set by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, for such periods as may be designated by the city manager, for the entire budget year. The city manager shall review the requested allotments and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to such office, department or agency for the budget year. (1978, c. 576; 1980, c. 78)

§ 8.06. Approved departmental, etc., allotments as basis for expenditures.

The director of finance shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the city manager shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices, departments and agencies and revise the allotment so as to prevent the making of expenditures in excess of such income. (1978, c. 576)

§ 8.07. Transfer of unencumbered balance of appropriation.

The city manager may at any time transfer any unencumbered appropriation balance or portion thereof within the same general classification of expenditures within an office, department or agency. (1978, c. 576)

§ 8.08. Supervision and control of accounting.

The Director of finance shall have power and shall be required to:

A. Forms. Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government.

B. Contracts, etc. Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that funds have been appropriated and allotted and will be available when the obligation shall become due and payable.

C. Bills, etc. Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with advice of the city attorney, determine the regularity, legality and correctness of such claims, demands or charges. (1978, c. 576)

§ 8.09. Certain contracts and expenditures prohibited.

No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter shall be null and void. Any officer or employee of this city who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (1978, c. 576)

§ 8.10. Lapse of appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. (1978, c. 576)

§ 8.11. Disposition of fees received by officers or employees.

All fees received by any officer or employee shall belong to the city government and shall be paid to the city treasurer as and when directed by the director of finance, and the officer or employee shall notify the director of finance and pay same to the treasurer as and when directed by the director of finance. (1978, c. 576; 1980, c. 78)

§ 8.12. Contracts for city improvements.

Any city improvement costing more than $1,000, except where such improvement is executed directly by a city department, shall be executed by contract. All such contracts for more than $50,000 shall be awarded to the lowest responsible bidder, or if the council should so determine, to such bidder whose bid is more acceptable to the public interest, after such public notice and competition as may be prescribed by ordinance, provided the city manager shall have the power to reject all bids and advertise

again. Alterations in any contract may be made when authorized by the council upon the written recommendation of the city manager. (1978, c. 576; 1980, c. 78; 2007, c. 766)

§ 8.13. Effectiveness of bond ordinances prerequisite to execution of certain contracts.

No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law. (1978, c. 576)

§ 8.14. Periodic independent audits.

After the close of each fiscal year, the council shall cause to be made an independent audit of all accounts, books, records and financial transactions of the city, including the school board, by the Auditor of Public Accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall always be available for public inspection in the office of the city manager during regular business hours. (1978, c. 576)

§ 8.15. Collection of taxes generally; taxes paid by tenant; recordation of list of delinquent real estate taxes.

The city treasurer or city collector, if designated by council, shall have any or all of the powers which are now or which may be hereafter vested in any officer of the Commonwealth charged with the collection of State taxes, and may collect the same in the same manner in which State taxes are collected by any officer of this Commonwealth. No deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained or sold for taxes assessed thereon, no matter in whose possession such goods and chattels may be found. A tenant from whom payment of taxes on his landlord's property shall be obtained by distress or otherwise shall have credit for the same against such person on account of his rent, unless by contract the tenant is to pay such taxes. The council may require a list of all real estate in the city delinquent for the nonpayment of taxes thereon for the preceding year to be recorded in a book of delinquent taxes to be kept in the office of the director of finance. (1978, c. 576)

§ 8.16. Penalties for nonpayment of taxes; distress; garnishment, etc., after addition of penalty; collection when delinquent taxpayer is or contemplates moving.

The council may impose penalties for the nonpayment of city taxes and levies and for the failure to make any return required by law for the assessment of taxes, and may cause such penalties to be added to the amount of taxes and levies due from taxpayers, as it may by ordinance or resolution from time to time prescribe; and after such penalty has been added, the city treasurer or the city collector if designated by the council shall have the power of distress, garnishment or action and any other power now possessed or that may hereafter be given to any person charged with the collection of State taxes after the penalty for the nonpayment of State taxes has been added. Should it come to the knowledge

of the city treasurer or the city collector that any person, firm or corporation owing taxes or levies to the city is moving or contemplating moving therefrom prior to the time such penalty may be added by the council, he shall have the right to collect taxes by distress, garnishment, suit or action or otherwise at any time after such bills for taxes have come into his hands. (1978, c. 576)

Chapter 9. City Auditor.

§ 9.01. Establishment of position; appointment; term; qualifications; powers and duties.

The council may appoint a city auditor for a four-year term. He shall be qualified by training and experience for the duties of his office, and shall have supervision and control of the personnel in his department. The city auditor's duties and responsibilities shall be those set out by council in an ordinance. (1978, c. 576; 1983, c. 45)

Chapter 10. Department of Law.

§ 10.01. Establishment; composition.

There shall be a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance. (1978, c. 576)

§ 10.02. City attorney; to be head of department; qualification; appointment; term.

The head of the department of law shall be the city attorney. He shall be an attorney-at-law licensed to practice law in the Commonwealth. He shall be appointed by the council and shall serve at its pleasure. He shall not engage in the private practice of law. (1978, c. 576; 1988, c. 146)

§ 10.03. Same; powers and duties.

The city attorney shall:

A. be the legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city, including the school board, in all matters affecting the interests of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties;

B. at the request of the city manager or any member of the council, prepare ordinances for introduction at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof;

C. draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest;

D. have the management and control of all the law business of the city and the department, boards, commissions and agencies thereof or in which the city has an interest, and represent the city as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue;

E. institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city;

F. attend in person or assign one of his assistants to attend all meetings of the council;

G. appoint and remove such assistant city attorneys and other employees as shall be provided by the council, and authorize the assistant city attorney or any of them or special counsel to perform any of the duties imposed upon him in this charter; and

H. have such other powers and duties as may be assigned to him by ordinance. (1978, c. 576)

§ 10.04. Filing of statement of claim prerequisite to maintenance of action for damages against city.

No action shall be maintained against the city for injury to any person or property, or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received, shall have been filed with the city attorney or with the mayor or chief executive within six months after such cause of action shall have accrued, except if the complainant, during such six-month period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted, that he was physically or mentally unable to give such notice within the six-month period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from the injury so as to be able to give such notice. Neither the city attorney or any other officer, employee or agent of the city shall have authority to waive the foregoing conditions precedent or any of them. (1978, c. 576)

Chapter 11. Department of Education.

§ 11.01. Composition; powers and duties of school board, division superintendent of schools, etc.

The department of education shall consist of the city school board, the division superintendent of schools, and the officers and employees thereof. Except as otherwise provided in this charter, the city school board and the division superintendent of schools, and the officers and employees thereof, shall exercise all the powers conferred and perform all the duties imposed upon them by general law. (1978, c. 576)

§ 11.02. Composition of school board; choice, term and qualifications of members; filling of vacancies.

The school board of the city shall be composed of seven members who shall be elected as required by the general laws of the Commonwealth of Virginia pertaining to the popular election of school boards. Any vacancies occurring on the school board shall be filled as required by the general laws of the Commonwealth of Virginia pertaining to the popular election of school boards. All members shall

be residents of the city and, furthermore, residents of the district within the city which they represent, if not elected at large. (1978, c. 576; 1999, cc. 799, 827)

Chapter 12. Assessment of Real Estate for Taxation.

§ 12.01. Annual assessment, etc., of real estate for taxation; authority of council.

The council shall have the power, in lieu of the means and methods prescribed by law, to provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation. (1978, c. 576)

§ 12.02. Basis of assessment of real estate for taxation.

Such assessment or reassessment shall be made on the same basis as real estate is required to be assessed under the provisions of the Code of Virginia, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made under the provisions of the Code of Virginia; provided, however, that nothing contained herein shall prevent the assessment or reassessment of real estate at more frequent intervals when so authorized by the Code of Virginia. (1978, c. 576)

§ 12.03. Board of review; composition; appointment, term and compensation of members; vacancies.

Pursuant to § 58.1-3370 of the Code of Virginia, as amended, the courts of record en banc of the city or the judges thereof in vacation shall annually appoint for the city, a board of review of real estate assessments to be composed of three members, who shall be freeholders of the city for which they serve. The terms of such members shall commence on September 1 of the year in which they are appointed and shall expire on the thirtieth day of November of the year in which they are appointed, unless their terms are extended. Such courts or the judges thereof in vacation may extend the terms of the members of the board of review and shall fill any vacancy therein for the unexpired term. The members of the board shall receive per diem compensation for the time actually engaged in the duties of the board to be fixed by the council of the city, and to be paid out of the treasury of the city, and the council may limit the per diem compensation to such number of days as, in its judgment, is sufficient for the completion of the work of the board. (1978, c. 576; 2023, cc. 64, 65)

§ 12.04. Board of review; powers; procedural regulations.

Such board of review shall have and may exercise the power to revise, correct and amend any assessment of real estate made in the year in which they serve, and to that end shall have all powers conferred upon boards of equalization by §§ 58.1-3378 through 58.1-3387, inclusive, of the Code of Virginia, as amended. Notwithstanding any provisions of such sections, however, the board of review may adopt regulations providing for the presentation of oral and written information for the purpose of facilitating the orderly presentation and consideration of proceedings before the board. (1978, c. 576; 2023, cc. 64, 65)

§ 12.05. Board of review; appeal.

Any person, or the city, aggrieved by any assessment made by the board of review may apply for relief in the manner provided by Article 5 (§ 58.1-3980 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, as amended; however, no person aggrieved by any assessment made by the assessor may apply for or be entitled to relief from the circuit court pursuant to said sections of the Code of Virginia until the assessment complained of has first been reviewed by and acted upon by the board of review, as permitted by § 58.1-3350 of the Code of Virginia, as amended. (1978, c. 576; 2023, cc. 64, 65)

§ 12.06. Real estate assessable by State Corporation Commission.

This charter shall not apply to the assessment of any real estate assessable under the law by the State Corporation Commission. (1978, c. 576)

Chapter 13. Port and Industrial Authority.

§ 13.01. Establishment authorized.

There may be established a port and industrial authority for the consolidated city. (1978, c. 576)

§ 13.02. Grant of powers under Acts 1952, Chapter 46.

All of the provisions and powers set forth in Chapter 46, Acts of Assembly, 1952, as amended, are hereby granted to the consolidated city as though the consolidated city were the city set forth in such chapter. (1978, c. 576)

Chapter 14. Courts of Record.

§ 14.01. Appointment by judges of the court of record.

The judges of the court of record shall act en banc in making appointments to fill vacancies occurring in any office in the city which are filled or to be filled by the judges of the court of record, and, in case of disagreement, the vote of a majority of such judges shall be binding. (1978, c. 576)

Chapter 15. Clerks' Offices of Courts of Record.

§ 15.01. Compensation of clerk; expenses and fees.

The clerk of the court of record of the city of Newport News shall be paid a salary of not less than $12,000 per annum. Such salary shall be in full compensation for services and shall be in lieu of the retention by such officer of any and all official fees, commissions or compensation of whatever kind or character, and from whatever source derived; and the city council of the city shall provide for the payment of such salary out of the city treasury.

The expenses of office of such officer, including the compensation of deputies and employees, shall be likewise paid out of the city treasury on duly authenticated vouchers, when and as such expenses are incurred, or may become due and payable, or at least twice monthly. The maximum amount of

such expenses in the case of the officer shall be fixed by the State Compensation Board, and the State Compensation Board shall fix the number and compensation of the deputies and employees of such officer.

All fees and commission of every kind or character received or collected by such clerk and from whatever source derived, shall be paid into the city treasury by such clerk monthly. All fees and commissions of every kind and character, whether payable by the Commonwealth, the United States, or private persons, firms or corporations, now or hereafter made receivable by law or ordinance by such clerk shall continue to be paid to and collected by him, and shall be paid into the city treasury monthly, except that the city aforesaid shall not be required to pay such clerk any fees or commissions for services performed for such city. (1978, c. 576)

§ 15.02. Location of records.

Commencing on the effective date of consolidation, the clerks' offices, and the records thereof, of the courts of record of the consolidated city shall be located and maintained in or adjacent to the building in which the clerk's office of the circuit court is located. (1978, c. 576)

Chapter 16. Architectural Review Board.

§ 16.01. Creation of the Hilton Village Architectural Review Board.

There may be created by ordinance a Hilton Village Architectural Review Board which shall have the authority and power to review all building and construction plans pertaining to the Hilton Village Historical Zoning District. The architectural review board shall have the power to review all plans pertaining to the Hilton Village Historical Zoning District, notwithstanding any other provision of law to the contrary, and the city council may enact by ordinance such rules and regulations pertaining to the review board as it deems necessary. (1978, c. 576)

Chapter 17. Miscellaneous Provisions.

§ 17.01. Severability of charter provisions.

In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, but all parts of the charter not expressly held to be invalid shall remain in full force and effect. (1978, c. 576)

§ 17.02. Maximum length of service for members and trustees of boards and commissions.

No member or trustee of any board or commission of the city, no matter who the appointing authority, shall be eligible to serve more than:

A. Eight consecutive terms if the term of office is one year.

B. Four consecutive terms if the term of office is two years.

C. Three consecutive terms if the term of office is three years.

D. Two consecutive terms if the term of office is four years.

E. Two consecutive terms if the term of office is for five years or more.

Notwithstanding the above limitations, no member or trustee of any board or commission of the city shall be appointed so as to serve more than ten years on a board or commission, except that a person who has served on a board or commission may be reappointed to that same board or commission if one year has elapsed since the expiration of his last appointment to the board or commission.

Council is hereby authorized and empowered, but not directed, to provide by ordinance for staggered terms of all members of boards and commissions of the city to the end that there will not result a complete board or commission membership turnover on the same date.

The portion hereof concerning limitation of terms shall apply to regional boards and commissions only in those cases in which all political subdivisions appointing members to such regional board or commission are bound by a like provision.

This section shall be in effect, notwithstanding any other provision in the city code or city charter to the contrary. (1978, c. 576)

§ 17.03. Authority to create library board.

There may be a Newport News Public Library Board, as provided by the council of the city of Newport News, which shall consist of such number of members or trustees as the council may provide. Vacancies on the library board shall be filled by the council for the unexpired portion of the term. The library board shall have such authority, powers and duties as may be provided by ordinance. (1978, c. 576)

§ 17.04. Power to contract with and receive aid from federal government.

In addition to the other powers conferred by this charter, the city of Newport News shall have the power and authority to accept contributions, grants and other financial assistance from the federal government and other agencies and agency or instrumentality thereof for or in aid of the local federally assisted programs. To these ends, the city of Newport News shall have the power to comply with such conditions and to execute such agreements as may be necessary, convenient or desirable and not in conflict with any other provision of this charter. (1978, c. 576)

§ 17.05. Continuance of Acts 1926, Chapter 530.

All of the provisions, obligations, and directions of Chapter 530, Acts of Assembly, 1926, and all amendments thereto, except as otherwise changed by this chapter, concerning the waterworks system shall continue in full force and effect as though the consolidated city was in the original act the city set forth in such act. Notwithstanding anything to the contrary in Chapters 530, Acts of Assembly, 1926, or any other provision of law, the city may sell, convey, lease, or otherwise dispose of any real property belonging or appertaining to the waterworks system after a descriptive notice of the

ordinance proposing to sell, lease, or otherwise dispose of said real property is advertised once a week for two successive weeks in a newspaper having general circulation in the city. (1978, c. 576; 2023, cc. 66, 67)

§ 17.06. Continuation of rights, powers, etc., in Regional Redevelopment and Housing Authority for Hampton and Warwick, Virginia, and the Newport News Housing and Redevelopment Authority.

All rights, powers, liabilities and benefits of the former city of Warwick resulting from agreement or arising by law in the Regional Redevelopment and Housing Authority for Hampton and Warwick, Virginia, shall inure to the consolidated city, and the representative of the former city of Warwick to such authority at the time of the effective date of the consolidation shall continue on the commission as if the consolidated city had originally been a party to the agreement and action creating the Regional Redevelopment and Housing Authority for Hampton and Warwick, Virginia; and all the rights, powers, liabilities and benefits of the former city of Newport News resulting from agreement or arising by law in the Newport News Redevelopment and Housing Authority shall inure to the consolidated city and the representatives of the former city of Newport News on the authority at the time of the effective date of the consolidation shall continue as the representatives of the consolidated city as if the consolidated city had originally been a party to the agreement and action creating the Newport News Redevelopment and Housing Authority. (1978, c. 576)

§ 17.07. Courts not of record.

The City of Newport News shall provide suitable quarters for the general district court and its clerk, the juvenile and domestic relations court and its clerk, social services staff and a suitable room or rooms for the sessions of the courts at the places designated for such purpose. The City shall also provide all necessary furniture, filing cabinets and other equipment necessary for the efficient operation of the courts.

All fees, fines and commissions of every kind and character received or collected by the judges or clerks of such courts and from whatever source derived shall be paid promptly to the clerk of the circuit court. All fees, fines and commissions of every kind and character, whether payable by the Commonwealth, the United States, or private persons, firms or corporations, now or hereinafter made receivable by law or ordinance by such judge or clerk, shall continue to be paid to and collected by him, and shall be promptly paid to the clerk of the circuit court, except that the city aforesaid shall not be required to pay such judge or clerk any fees or commissions for services performed for such city. (1989, c. 654)

Editor's note: The following Chapter 27, as amended, is retained from the Charter of 1958.

Chapter 27. Miscellaneous and Transition Provisions.

§ 27.01. Ownership of commissions, authorities, etc.

All of the ownership, rights, title, interest, powers and obligations of the former political subdivisions comprising this City or of either of them, resulting from law, by agreement, or otherwise, relative to or in any manner connected with (1) the waterworks plant or system of the former City of Newport News, (2) The Peninsula Airport Commission, (3) the Chesapeake Ferry District, (4) the Port and Industrial Authority, (5) any sewerage and sewerage disposal systems, (6) Housing Authorities, and (7) rights and privileges granted by the Commonwealth of Virginia or the United States of America, shall be vested in, enure to and be assumed by this City, and any ordinances or regulations in connection therewith which are in effect at the time of the effective date of this City shall remain in effect unless and until revoked, amended or superseded by ordinances or regulations of this City, except as otherwise provided in this charter. (1958, c. 141)

§ 27.02. Assumption of all debts, obligations.

Upon the effective date of consolidation all of the then outstanding indebtedness, bonded or otherwise, including interest thereon, and all of the then existing contracts, franchises, and any other legal obligations, including but not limited to all legal obligations existing by reason of any retirement plans within the cities in effect at the time of consolidation, or debts of each of the former cities now comprising this city shall become the indebtedness and obligation of this city, and there shall enure to this city in connection therewith all of the rights and privileges therein, or by law provided for, in the same manner and to the same extent as if they were issued, made, entered into or arose, in the original instances directly by or with this city. It is a provision of this consolidation agreement that the payment of the employer's share of the obligation under existing retirement or pensions plans in effect on the date of consolidation in the cities of Warwick and Newport News, and all allowances, annuities, and benefits accruing, granted and to be paid in the future to employees of the cities pursuant to such plans, and all expenses in connection with the operation and administration thereof are hereby made obligations of the consolidated city, to the extent herein specified and in accordance with the ordinances and provisions of the various cities affecting retirement. The consolidation agreement shall be deemed an agreement between the Consolidated City and the employees and retirants covered by such retirement plans as of the date of consolidation, to the end that the right and equities of the employees and retirants, as herein specified, in service or in retirement on the date of consolidation, under the existing retirement plans, in accordance with the provisions of such plans, shall not be diminished, curtailed or impaired for services rendered as of the effective date of consolidation. This obligation on the part of the consolidated city shall include, in accordance with the provisions of the various pension or retirement plans:

(a) The continuation of retirement allowances or pension payments to retired employees.

(b) The payment of retirement allowances or pensions, when due, to those former employees who retained "vested rights."

(c) The retirement and payment of pensions to those employees who are qualified for retirement under any of the existing plans on the effective date of consolidation.

(d) The vesting of service retirement allowances for those employees who are qualified under the terms of existing plans.

(e) The payment of withdrawal benefits, as provided in existing plans, to all employees who do not qualify for pensions or vested service retirement allowances.

(f) The payment of any other benefit provided, including Social Security payments made by any employee, for which the employee has qualified, on the date of consolidation that is in the particular plan applicable to the employee.

(g) The payment of any other benefit provided to retire employees prior to consolidation to any employees receiving the same by special pension benefits not covered by a general plan.

It is also provided that any employee of either of the cities who is employed by the consolidated city, shall be given credit for the years of service already to his credit in Warwick or Newport News in any retirement plan enacted by the consolidated city at a cost not to exceed the withdrawal allowance to the credit of said employee at the date of consolidation.

If any employee who is entitled to retirement, or who has retired from either of the cities, is employed by the consolidated city, he shall not receive his pension during the term of his employment with the consolidated city but shall be entitled to receive such pension when his employment with the consolidated city ends. Provided, however, that independent contractors, substitute teachers, or other non-permanent or seasonal employees shall not have their pension withheld by the provisions of this paragraph.

This provision applies to all pension or retirement systems of both cities and includes the systems that provide retirement to employees of school boards or other boards or commissions and to the city officers and their employees if such employees were included in retirement systems prior to consolidation.

Such funds, reserves, appropriation, cash and investments in the hands of either of the cities or in hands of trustees of any of the retirement funds of the cities shall, on the date of consolidation, or as soon thereafter as is practicable, be paid over to such officers or boards of the consolidated city, as the council of the consolidated city may designate, to be used to meet the obligations as herein provided.

The consolidated city is hereby authorized and directed to provide and pay such additional money as is necessary to fulfill and carry out the provisions of this portion of the consolidation agreement of the consolidated city.

The full faith and credit of the consolidated city is hereby irrevocably pledged to meet this obligation. (1958, c. 141; 1973, c. 157)

§ 27.03. All assets and property to be owned by consolidated city.

All property, real, personal or mixed, and all other assets of every kind, and wheresoever the same may be situated or located, owned by the political subdivisions comprising this city immediately preceding the effective date of this city shall become the property of this city upon its effective date, and all legal rights or interest of any kind in the aforesaid property which the said political subdivisions had at such time shall fully enure to this city. (1958, c. 141)

§ 27.04. Provisions as to constitutional officers.

Upon the date the consolidation agreement takes effect, there shall be terminated the terms of office of the Commonwealth's Attorney, Commissioner of the Revenue, Treasurer and Sergeant for each of the political subdivisions so consolidated.

On the second Tuesday in April, 1958, an election shall be held to select the Commonwealth's Attorney, Commissioner of the Revenue, Treasurer and Sergeant of the Consolidated City, who will take office July 1, 1958, for a term expiring December 31, 1961. In the general election to be held in November, 1961, these officers will be elected for four (4) year terms, starting January 1, 1962, and each four (4) years thereafter, these offices will be filled at the general elections in November. (1958, c. 141)

§ 27.05. Effects upon members of boards, commissions or any agency.

The terms of all persons holding office as members of any board, commission, agency or authority created by any ordinance of either of the cities or appointed by council pursuant to any law of the Commonwealth shall terminate as of July 1, 1958, except as otherwise herein provided, and the Council of the consolidated city shall have authority and power to make new appointments for an original term as prescribed by any such ordinance or statute. (1958, c. 141)

§ 27.06. Tax levies, funds and assessments.

All levies, both current and delinquent, and all school and other funds which may be held by the State to the credit of the cities of Newport News and Warwick shall become the property of this city. The tax levies, service charges and assessments made for the current or ensuing year or years by the aforesaid cities shall stand as levies and assessments of this city until superseded by levies and assessments made by this city. (1958, c. 141)

§ 27.07. (1958, c. 141; repealed 1978, c. 576)

§ 27.08. (1958, c. 141; repealed 1968, c. 448)

§ 27.09. (1958, c. 141; repealed 1978, c. 576)

§ 27.10. Election of officers and councilmen.

An election shall be held by the combined qualified voters of the cities of Newport News and Warwick in accordance with general law, on April 8, 1958, for the offices of Commonwealth Attorney, Commissioner of Revenue, Treasurer and Sergeant of the Consolidated City. The candidate receiving the highest number of said combined qualified votes for each of such offices shall be declared the holder of such office and their respective terms of office shall commence July 1, 1958.

The said election shall be held within the areas of the cities in all respects in the same manner and subject to the same rules and regulations as if the respective officers were being elected for such city in a general election, and the costs of such elections within the respective areas of such cities shall be borne by each such city.

In the event all matters in any way concerning or governing said election have not herein been provided for, or if any question in connection therewith is raised, the judges of the courts of record of said cities sitting en banc are authorized and directed to enter such orders concerning the same which may be necessary to provide such omission or settle such dispute.

The terms of office of the city councilmen elected by the combined qualified voters of the cities of Newport News and Warwick, in accordance with general law, on Tuesday, November 5, 1957, shall commence June 30, 1958. (1958, c. 141)

§ 27.11. Preliminary meeting of the council elect to choose a city manager and for other purposes.

At any time following the ascertainment of the result of the first election of councilmen for this city, such councilmen-elect are directed and authorized to meet at such places they may select and at such times as they may deem necessary for the purposes of considering the appointment of a city manager, the preparation of ordinances, appointments which are required of them, and all such other matters as may be necessary to effectuate the transition resulting from the consolidation of the cities into this city. All expenses of the council-elect in complying with the above provisions shall be paid by this city upon vouchers signed by such members of the council-elect as they may designate. (1958, c. 141)

§ 27.12. Transfer of books and papers.

If any person having been an officer of the city, shall not, within ten days after he shall have vacated or been removed from office, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of $500, to be sued for and recovered with costs. All books, records, and documents used in any such office, by virtue of any provision of this charter or of any ordinance or order of the council or any superior officer of the city, shall be deemed the property of the city and appertain to said office, and the chief officer thereof shall be responsible therefor. (1958, c. 141)

§ 27.13. Notary public.

All certificates of acknowledgments to deeds and other writings taken and certified by a Notary Public or other officer originally duly authorized to take acknowledgments in the former City of Newport News, and the former City of Warwick, prior to the normal expiration date of the commission of such Notary Public or other officer, are declared to be valid to the same extent they would have been valid as if such Notary Public or other officers had been commissioned for the Consolidated City. (1958, c. 141)

§ 27.14. (1958, c. 141; repealed 1968, c. 448)

§ 27.15. Peninsula Airport Commission.

All the rights, powers and liabilities of the former City of Newport News, and the former City of Warwick resulting from any agreement or arising by law in the Peninsula Airport Commission shall be acquired by the Consolidated City and the representation of the former Cities of Newport News and Warwick at the time of consolidation shall continue as the representatives of the Consolidated City as if the Consolidated City had originally been a party to the creation of the Peninsula Airport Commission until their successors are appointed by the council of the Consolidated City. (1958, c. 141)

§ 27.16. (1958, c. 141; repealed 1968, c. 448)

§ 27.17. Water, sewerage and sewage disposal systems.

The consolidated city shall acquire all of the rights, privileges, and liabilities of the former City of Newport News, and the former City of Warwick respective to the law under which its interest in any water supply system and any sewage disposal systems have been and are being installed, and all rights and privileges granted by the Commonwealth of Virginia or by the United States of America to the former Cities of Newport News and Warwick. (1958, c. 141)

§ 27.18. Meaning of "at the effective date of this charter."

As used in this charter, the term "at the effective date of this charter" shall be interpreted to refer to a period immediately preceding the taking effect thereof. (1958, c. 141)

§ 27.19. Saving clause.

In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, but all parts of said charter not expressly held to be invalid shall remain in full force and effect. (1958, c. 141)

§ 27.20. (1971, c. 77; repealed 1978, c. 576)

§ 27.21. (1970, c. 647; repealed 1978, c. 576)

§ 27.22. (1970, c. 647; repealed 1978, c. 576)

Editor's note: Complete amendments listing for the City of Newport News:

Current charter

Charter, 1978, c. 576.

Amendments to current charter

1980, c. 78 (§§ 6.03, 6.04, 6.05, 6.07, 6.08, 6.11, 6.13, 6.14, 8.01, 8.04, 8.05, 8.11, 8.12)
1982, c. 76 (§§ 4.01, 5.05, 7.03, 7.04, 8.04)
1983, c. 45 (§§ 5.05, 9.01)
1988, c. 146 (§ 10.02)
1988, cc. 612, 631 (§§ 3.01, 3.02, 3.04, 4.03, 4.05)
1989, c. 654 (§ 17.07 [added])
1990, c. 305 (§§ 3.01, 3.02, 3.04, 4.03, 4.05)
1990, c. 653 (§ 2.06 [added])
1993, cc. 862, 874 (§ 2.05 [added])
1999, cc. 799, 827 (§§ 3.01, 3.04, 4.03, 4.05, 11.02)
2003, c. 183 (§ 2.02)
2007, c. 319 (§§ 4.05, 5.05)
2007, c. 766 (§ 8.12)
2012, cc. 193, 426 (§§ 1.01, 4.03)
2019, cc. 108, 198 (§ 4.05)
2023, cc. 64, 65 (§§ 12.03, 12.04, 12.05); cc. 66, 67 (§ 17.05)

Newsoms, Town of

County of Southampton

History of incorporation

Incorporated by order of the Circuit Court of Southampton County, April 1, 1946 (Book 15, p. 491). Plat recorded in Plat Book #4, Page #197.

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

In the Matter of Incorporation
of The Town of Newsoms

ORDER

This day came more than 20 duly qualified voters of the thickly settled community of Newsoms located in this county and living within the boundaries hereinafter set out, and presented to the court their petition setting forth the metes and bounds of said community and praying that said community may be incorporated as a town.

And it appearing to the court from satisfactory proof that said petition, together with notice attached stating that said petition would be presented this day to the court for action thereon, has been published in full in the Tidewater News, a newspaper published in said County once a week for four successive weeks and posted at the front door of the Courthouse of said County for four weeks as required by law, which said petition and a map showing proposed limits of the Town of Newsoms made by C. R. Revelle, Surveyor, or, Conway, N. C., January, l946, are this day filed, and it further appearing to the

court that it will be to the interest of the inhabitants of said community to incorporate same as a town; that the prayer of said petition is reasonable; that the general good of the community will be promoted by said incorporation; that the number of inhabitants of said community exceeds 200 and does not exceed 5000, and that the area of land designed to be embraced within the town is not excessive.
COURT DOTH THEREFORE ORDER that said community be, and the same is hereby incorporated as a town by the name and style of the Town of Newsoms. The metes and bounds of said town are hereby designated as follows and the inhabitants within such bounds shall be, and they are hereby declared, a body politic and corporate with all the powers, privileges and duties conferred upon and appertaining to towns under the general law:

Beginning in the center of the highway leading from Newsoms to Sands and Statesville, near the Baptist Church and near a lane leading east from said highway; thence S. 73 degrees 10" W. 150.5 ft. across another highway; thence S. 24 degrees 45" W. 130 ft. to Darden Mill Swamp; thence S. 24 degrees 45" W. 110 ft.; thence S. 4 degrees 30" E. 275 ft.; thence S. 43 degrees 30" W. 171 ft.; thence S. 71 degrees 15" W. 92 ft.; thence N. 17 degrees 0" W. 113 ft; thence N. 10 degrees 20" W. 336 ft.; thence N. 70 degrees 15" W. 883 ft.; thence N. along a wire fence 991 ft.; thence N. 69 degrees 30" W. 835.5 ft. to right of way of Seaboard Airline Railroad; thence along south side of said right of way S. 63 degrees 10" W. 482 ft.; thence N. 27 degrees 10" W. 258 ft.; thence N. 12 degrees 25" E. 562 ft.; thence N. 24 degrees 10" W. 651 ft. to center of Boykins road; thence N. one degree 45" W. 155 ft.; thence N. 6 degrees 30" E. 979 ft. to a gum tree; thence N. 72 degrees 30" E. 500 ft. to old road leading to Boykins and near a colored church; thence N. 80 degrees 3555 ft. to a small pond; thence S. 5 degrees 30" E. 247 ft. and 1765 ft. across to a new road and across said railroad to a cherry tree; thence S. 79 degrees 0" W. 249 ft. along southern side of said railroad right of way; thence S. 17 degrees 0" E. 550 ft.; thence S. 75 degrees 35" W. 832 ft. to a cedar tree; thence S. 6 degrees 20" E. 1222 ft.; thence S. 1 degree 0" W. 236 ft; thence S. 73 degrees 10" W. 567 ft.; to the point of beginning.

It is further ordered that an election shall be held in said Town for the election of town officers at the Woman's Club or Community House on the 11th day of June, 1946, and the electoral board of this county shall, not less than 15 days before said election, appoint one registrar and 3 judges of election who shall also act as commissioners of election and said officers of election shall conform to the requirements of law regarding their respective offices and the conduct of said election shall conform in all respects to the requirements of general law regarding the holding of elections in towns so far as applicable. Said election shall be held and the vote counted, returned, canvassed and certified as regular elections are held, returned, canvassed and certified, and the officers elected shall hold office until the next regular election of town officers to be held as provided by general law.
And the Clerk of this Court is hereby directed to transmit to the chairman of the electoral board for this county a copy of this order and is further directed to record in the plat book in his office the above mentioned map of the Town of Newsoms.

It is further ordered that in the election of June 11, 1946, the electors of said town shall elect a Mayor, 6 councilmen, who shall hold office until the next regular election of town Officers as provided by law.

Nickelsville, Town of

County of Scott

History of incorporation

Name changed from Nickolsville by a 1938 Act of Assembly.

Current charter

Incorporation and charter, 1902, c. 464.

Amendments to current charter

1938, c. 198 (§§ 1 through 4)

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

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

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

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

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

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

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

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

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

§ 10. The council shall have the power to elect a treasurer, sergeant, and any other officers they may deem necessary for said town; to regulate their duties, prescribe their compensation, remove them from office, and require bonds, with approved security, for the faithful performance of their respective duties. The council shall also have the power to pass all necessary by-laws and ordinances for the

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

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

§ 12. For the purposes of taxation, the council shall provide for the annual assessment of all real and personal property within the corporate limits of said town, so that said assessment be not higher than

that made for county and State purposes, and such assessment shall be the basis of taxation. (1902, c. 464)

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

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

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

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

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

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

Norfolk, City of

History of incorporation

Established in 1682, stated in preamble to Chapter 70, 1882.
Incorporated as a borough in 1736, c. XXIV (Hening's Statutes at Large).
City incorporation and charter, 1845, c. 138.
Charter, 1871, c. 139; repealed 1882, c. 70.
Charter, 1882, c. 70; repealed 1884, c. 33.
Charter, 1884, c. 33; amended and reenacted, 1906, c. 170.
Charter, 1906, c. 170; repealed 1918, c. 34.

Current charter

Charter, 1918, c. 34.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Whereas the city of Norfolk, a city having a population in excess of sixty-five thousand inhabitants, and less than one hundred thousand inhabitants, has, pursuant to chapter 55 of the acts of assembly of 1916, requested the general assembly of Virginia to grant a special form of government for such city as hereinafter mentioned and set out.

Now therefore to the end that said city of Norfolk may have a special form of government pursuant to the provisions of § 117, of the Constitution of Virginia as amended, be it enacted by the general assembly of Virginia, as follows:

§ 1. The city and its boundaries.

The inhabitants of the territory comprised within the present limits of the city of Norfolk as hereinafter described, or as the same may be hereafter altered and established by law, shall continue to be a body politic and corporate to be known and designated as the city of Norfolk, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure; the present boundaries of the said city being as follows, to-wit:

> Beginning at a point on the port warden's line of the Elizabeth river where the northern line of Forty-ninth street (formerly Forty-fifth street) intersects said port warden's line, thence S. 24° 55' W. 4450 feet, more or less, to the coal pier of Norfolk and Western railway at Lamberts Point, thence following the port warden's line southeasterly and passing across the mouths of all tributary creeks to the intersection of said port warden's line with the centre line of Ohio creek, thence northwardly along the centre line of Ohio creek to the centre line of Corprew avenue, thence westwardly along the centre line of Corprew avenue to the eastern line of Park avenue, thence northeastwardly along the eastern side of Park avenue to the northern side of Princess Anne avenue, thence westwardly along the northern side of Princess Anne avenue to the eastern side of the right of way of the Norfolk and Western railway company, thence northwardly and westwardly along the eastern and northern line of said right of way to the centre line of a cove or arm of Tanner's creek, which said cove divides and separates the land of Lindenwood on the west from the land of Washington Heights on the east, thence northwardly following the centre line of said cove as defined by above mentioned properties to the prolongation of the north side of Hayes street (formerly Union street), thence northwestwardly along the prolongation of the north side of Hayes street and of the north side of Hayes street to the intersection of Hayes street and West street to the head of another cove, thence northwardly and following the centre of the cove, thence continuing northwardly across and to the centre of Tanner's creek, thence following the centre line of Tanner's creek, and a branch thereof to the intersection of said centre line with the centre line of Colley avenue extended northerly, thence

southerly along the centre line of Colley avenue to its intersection with the western boundary of "Highland Park," thence southerly along the western boundary of "Highland Park" to its intersection with the northern side of Forty-ninth street (formerly Forty-fifth street), thence westerly along the northern line of Forty-ninth street to the port warden's line of the Elizabeth river to the point of beginning.

Also, beginning at the point in the harbor line on the south side of the eastern branch of the Elizabeth river where the line between B. A. Colonna and the Hardy heirs intersects the same; and thence about south to the forks of the creek, and thence southeasterly following the middle of the southeast fork of said creek, and the southern boundary of said Colonna's property to the western boundary of the Norfolk and Western railroad in such a manner as to exclude the farm of B. A. Colonna from what was formerly the town of Berkley; thence following southerly along the western line of the Norfolk and Western railroad company's right of way to its intersection with the Oberndorfer road; thence continuing along the western side of said road to Liberty street extended; thence along the north side of Liberty street to the western line of Chesterfield street to the centre of Liberty street to the western line of Chesterfield (formerly Fourteenth street) on the Tunis property extended; thence along the western line of said Chesterfield street to the centre of Mill Run creek; thence down the centre of said creek to the southern branch of the Elizabeth river; thence down the southern branch to the Elizabeth river proper, along the said river to the eastern branch and up the eastern branch to the point of beginning.

The courts of said city shall have civil and criminal jurisdiction beyond said boundaries as is now provided or may hereafter be provided by law, and the said courts shall have exclusive jurisdiction over that part of the eastern branch of the Elizabeth river which lies between the portions of said city above described and concurrent jurisdiction with the courts of the county of Norfolk or of the city of Portsmouth over the Elizabeth river and its tributaries lying between the said city of Norfolk and the said county of Norfolk and between said city of Norfolk and the city of Portsmouth, subject in each case only to the maritime and admiralty jurisdiction of the United States. (1918, c. 34)

§ 2. Power of the city.

In addition to the powers mentioned in the preceding section, the said city shall have power:

(1) To raise annually by taxes and assessments in said city such sums of money as the council hereinafter provided for shall deem necessary for the purposes of said city, and in such manner as said council shall deem expedient, in accordance with the Constitution and the laws of this State and of the United States; provided, however, that it shall impose no tax on the bonds of this city.

(2) To impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(3) Subject to the provisions of the Constitution of Virginia and of § 86, as amended, of this charter, to contract debts, borrow money and make and issue evidence of indebtedness.

(4) To expend the money of the city for all lawful purposes.

(5) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein within or without the city or State and for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof.

(6) To acquire, in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within and without the city not exceeding at any one time 5,000 acres in the aggregate, and from time to time to sell or lease the same or any part thereof for industrial or commercial uses and purposes.

(7) To make and maintain public improvements of all kinds, including municipal and other public buildings, armories, markets and all buildings and structures necessary or appropriate for the use of the departments of fire and police; and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(8) To furnish all local public service; to purchase, hire, construct, own, maintain and operate, or lease local public utilities, to acquire by condemnation or otherwise, within or without the corporate limits, land and property necessary for any such purposes.

(9) To acquire, in any lawful manner, in any county of the State, or without the State, such water, lands and lands under water as the council of said city may deem necessary for the purpose of providing an adequate water supply for said city and of piping or conducting the same; to lay all necessary mains; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands or material for any such use to exercise within the State all powers of eminent domain possessed by railroad corporations under the laws of this State; provided that the lands and lands under water which may be held in this State by said city for such purpose shall not exceed, in the aggregate, 30,000 acres at any one time. For any of the purposes aforesaid, said city may, if the council shall so determine, acquire by condemnation, purchase or otherwise, any estate or interest in such lands or any of them, or any right or easement therein, or may acquire such lands or any of them in fee, reserving to the owner or owners thereof

such rights or easements therein as may be prescribed in the ordinance providing for such condemnation or purchase. The said city may sell or supply to persons, firms or industries residing or located outside of the city limits any surplus of water it may have over and above the amount required to supply its own inhabitants.

(10) To establish, impose and enforce water rates and rates and charges for public utilities, or other service, products, or conveniences, operated, rendered or furnished by the city.

(10 1/2) To establish, in the manner hereinafter provided, adjacent to or near the lines of existing streets, on either or both sides thereof, building lines, and to provide that no new buildings shall thereafter be erected upon the property (hereinafter called the interlying property) lying between said building lines and the street lines. Said building lines may be established for the whole or any part of a street (but not for less than one block or the distance between two cross streets), as the council may determine. Before any such lines shall be established, the council shall cause to be published, for at least 10 days in some paper of general circulation in the city, a notice addressed generally, but without naming them, to the owners of the property on which building lines are proposed to be established, stating that it is proposed to establish building lines thereon and naming a day when a hearing will be had in respect thereof. After said hearing the council may proceed to establish such lines, and the ordinance establishing the same shall be recorded by the city clerk and indexed in the name of the street near which said building lines are to be established; and thereafter all persons shall be deemed to be affected with notice of the establishment of such lines, and no permits shall be granted for the construction of any building on the interlying property.

But the ordinance establishing said lines shall become null and void as against any owner of property objecting thereto, unless:

(a) When the interlying property shall be unoccupied by buildings, the city shall, within 60 days after the passage of the ordinance establishing said lines, purchase the same or institute condemnation proceedings for the acquisition thereof; or

(b) When the interlying property is occupied, in whole or in part, by buildings, the city shall, within 60 days after receipt of notice in writing that the said buildings have been removed from said interlying property (it being hereby made the duty of the said owner to give such notice), purchase said interlying property or institute condemnation proceedings for the acquisition thereof, and thereafter complete its acquisition of property in said proceedings.

The rights of the city shall not be prejudiced by any defect in the proceedings instituted under paragraph (a) and (b) hereof, resulting in their dismissal, if within 30 days after said dismissal new proceedings shall be instituted for the same purpose. Nothing herein contained shall be construed as limiting or abridging in any degree the power of eminent domain now possessed by the city under existing law.

(11) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter or close the same; to establish and maintain parks, playgrounds and other public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstructing of such streets and highways, abolish and prevent grade crossings over the same by railroads; regulate the operation and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains on railroads within the city; to regulate the services to be rendered and rates to be charged by busses, motor cars, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of baggage; require all telephone and telegraph wires and all wires and cables carrying electricity to be placed in conduits under ground and prescribe rules and regulations for the construction and use of such conduits; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(12) To construct and maintain, or aid in constructing and maintaining, public roads, boulevards, parkways and bridges beyond the limits of the city, in order to facilitate public travel to and from said city and its suburbs, and to and from said city and any property owned by said city and situated beyond the corporate limits thereof, and to acquire land necessary for such purpose by condemnation or otherwise.

(13) To establish, construct, maintain and operate public lands, public wharves and docks either within or without the city; to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for the purposes aforesaid; to lay and collect reasonable duties or wharfage fees on vessels coming to or using said landings, wharves or docks; to regulate the manner of using other wharves and docks within the city and rates of wharfage to be paid by vessels using the same; to dredge or deepen the harbor or river or any branch or portion thereof; to prescribe and enforce reasonable rules and regulations for the protection and use of its said properties, whether within or without the city; and to impose and enforce adequate penalties for the violation of such rules and regulations.

(14) Subject to the provisions of the Constitution of Virginia and of §§ 100, 104 and 105 of this charter, both inclusive, to grant franchises for public utilities.

(15) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; or to contract for and regulate the collection and disposal thereof.

(16) To compel the abatement and removal of all nuisances within the city or upon property owned by the city beyond its limits at the expense of the person or persons causing the same, or of the

owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within said city to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses or other noisome or offensive business within said city, the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

(17) To inspect, test, measure and weigh any commodity or article of consumption or use within the city and to establish, regulate, license and inspect weights, meters, measures and scales.

(18) To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department or division; to regulate the size, materials and construction of buildings, fences and other structures hereafter erected in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure or addition thereto which by reason of dilapidation, defect of structure or other causes may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; provided, however, that by a vote of four-fifths of all the members of the council permission may be granted for storage sheds constructed on pile piers or wharves on the waterfront, the sides and roofs of which shall be covered with corrugated iron or other fireproof material.

(19) To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

(20) To organize and administer public schools and libraries subject to the general laws establishing a standard of education for the State.

(21) To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive or penal institutions.

(22) To prevent persons having no visible means of support, paupers and persons who may be dangerous to the peace or safety of the city from coming to said city from without the same; and for this purpose to require any railroad company, the master of any ship or vessel or the owners of any conveyance bringing such person to the city, to take such person back to the place whence he was

brought, or enter into bond with satisfactory security that such person shall not become a charge upon said city within one year from the date of his arrival; and also to expel therefrom any such person who has been in said city less than 90 days.

(23) To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, inspect all foods and foodstuffs and prevent the introduction and sale in said city of any article or thing intended for human consumption which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to supplement the salary paid by the Commonwealth to the Director of Public Health, to have the powers of a board of health, for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State and of the United States; to provide and keep records of vital statistics and compel the return of all births, deaths and other information necessary thereto.

(24) To acquire, by purchase, gift, devise, condemnation or otherwise, lands, either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof, and generally regulate the burial and disposition of the dead.

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

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

(27) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them in a manner consistent with § 2(e), as amended, of this charter. The city may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation.

The council may, by ordinance, establish certain voluntary design guidelines for new construction or rehabilitation of residential real property in certain designated districts. The guidelines shall be

voluntary and may only be applied at the request of the property owner. A fee may be charged for review, which shall not exceed the actual cost of such review process or $200, whichever is less.

The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this State. (1918, c. 34; 1919, c. 68; 1982, c. 289; 2000, cc. 950, 979; 2004, c. 52; 2010, c. 118)

§ 2-a. In addition to the other powers conferred by law, the said city shall have the power to impose, levy and collect, in such manner as its council shall deem expedient, an admission tax on admission to any public amusement, entertainment, performance, exhibition, sport or athletic event in said city and may provide that such tax may be added to and collected with the price of admission or other charge for such amusement, entertainment, performance, exhibition, sport or athletic event. Such tax may be imposed, levied and collected in multiples of one cent. (1946, c. 98)

§ 2-b. In addition to the other powers conferred by law, the said city shall have the power to impose, levy and collect, in such manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, gas, electricity, telephone, and any other public utility service within the city, or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. (1948, c. 34)

§ 2(c). The City shall have power to aid in financing the construction of any bridge constructed within the corporate limits of the City by either the State of Virginia or by any of its agencies or political subdivisions, and in financing the maintenance and operation of such bridge, upon such terms and conditions as may be prescribed by an agreement or agreements made by the City with the State or agency or political subdivision constructing such bridge, provided the bridge is, in the opinion of the Council, necessary or appropriate to serve the City and its inhabitants. (1950, c. 436)

§ 2(d). Public wholesale market.

The city shall have power to acquire, erect, construct, reconstruct, improve, equip, maintain and operate, and lease buildings, structures and other facilities suitable or necessary for a public wholesale market, and to acquire any land or rights in land needed for such purposes. Such buildings, structures or other facilities may include any building, structure or other facility suitable for use by merchants, dealers, farmers and others engaged in the marketing of perishable farm produce, fruits, vegetables, poultry, eggs, horticultural products, dairy products, meats, sea food, dry groceries or frozen foods, and in the operation of freezing and pre-packaging plants, and in the furnishing of baskets and containers for farm produce and other articles dealt in at said market. The city may make charges for the use of any of the facilities afforded by said market. (1956, c. 295)

§ 2(e). Penalties for violation of ordinances.

The city is empowered to provide and impose punishment for the violation of its ordinances by fine and imprisonment, either or both, up to the maximum penalty provided for Class 1 misdemeanors under the Code of Virginia, as amended. (1956, c. 115; 2000, cc. 950, 979)

§ 2(f). City jail.

In addition to the other powers conferred by law, the said city shall have the power to establish, maintain and operate, within or without the city, a jail for the confinement of prisoners ordered or sentenced to be confined therein. The courts, city sergeant and his deputies, and police justices of the city, shall have the same jurisdiction and powers over any jail that may be established, maintained and operated by the city without its corporate limits as they may now or may hereafter have by law over any jail that may be located within the city. (1956, c. 115)

Districts.

§ 3. (1918, c. 34; 1940, c. 6; repealed 1992, c. 261)

§ 3.1. (1992, c. 261; repealed 2005, cc. 893, 897)

§ 3.2. Wards.

The City of Norfolk shall be divided into five (5) single-member wards numbered one through five, and the city shall also be divided into two single-member superwards numbered six and seven. The boundaries of such wards and superwards shall be established by ordinance of the city council as provided by law. (2005, cc. 893, 897)

The Council.

§ 4. Creation and powers of council.

There is hereby created a council, which shall have full power and authority, except as herein otherwise provided, to exercise all of the powers conferred upon the city. It shall by ordinance fix the salaries of all officers and employees of the city, except the salaries of its own members, which shall be as provided in this charter; and may, so far as is not inconsistent with the provisions of this charter, define the powers and prescribe the duties of all such officers and employees. (1918, c. 34)

§ 4(a). Council may require certain officers and employees to reside in the city.

Notwithstanding the authority granted the civil service commission by paragraph 5 of § 112 of this charter to establish resident requirements for candidates and eligibles, the council shall have the power to provide by ordinance that the regular, permanent officers and employees of the city in the classified and unclassified services, or any of them, as a condition of holding office or employment, shall reside in the city during their continuance in office or employment, and the council shall have the power to make such exceptions to and to impose such conditions upon any resident requirement

prescribed pursuant hereto as it deems to be in the best interest of the city; provided, however, that if the council adopts an ordinance providing for such a resident requirement as is authorized herein the regular, permanent officers and employees of the city who are in office or employment on the effective date of this act and who also reside outside of the city in homes owned by them shall not be affected by the terms of any such ordinance so long as they continue to reside in their present homes. (1962, c. 459)

Composition of Council.

§ 5. (1918, c. 34; 1940, c. 6; 1950, c. 428; 1972, c. 706; 1992, c. 261; repealed 2005, cc. 893, 897)

§ 5.1. Composition of council.

On and after July 1, 2006, the city council shall consist of seven members, each elected from single-member wards as provided in § 3.2, and a mayor elected at-large. Any member of city council shall be subject to recall in accordance with the provisions of this charter.

The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. (2005, cc. 893, 897)

Qualification of Members; Conduct of Candidates.

§ 6. (1918, c. 34; 1940, c. 6; 1992, c. 261; repealed 2005, cc. 893, 897)

§ 6.1. Qualification of members; conduct of candidates.

Beginning with the municipal election in 2006, any person qualified to vote in said city shall be eligible to the office of mayor or for the office of council member for the ward or superward in which such person resides. No person shall serve on council as both mayor and council member from a ward or superward, nor from more than one ward, including superwards. No candidate for the office of council member, including mayor, shall promise any money, office, employment, or other thing of value to secure a nomination or election, or expend in connection with his candidacy any money except as permitted by the general election laws of the state; and any such candidate violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500, or imprisonment for a term not exceeding six months, or both, in the discretion of the jury, and shall forfeit his office, if elected; in which event, the person receiving the next highest number of votes from the voters for said office, who has not violated the said provision, shall be entitled to said office. Should there be no such candidate, the council shall fill the office with a person from the vacated ward or superward and, in the case of the office of mayor from the city at-large, in accordance with § 7, until a special election pursuant to general law is held. (2005, cc. 893, 897)

Vacancies.

§ 7. (1918, c. 34; 1940, c. 6; 1950, c. 428; 1956, c. 115; 1982, c. 289; 1983, c. 587; 1992, c. 261; repealed 2005, cc. 893, 897)

§ 7.1. Vacancies.

Any vacancy in the council after July 1, 2006, except as otherwise provided in this Charter, shall be filled by the remaining members. Any person elected to fill an unexpired term for ward representative shall be elected only from among the qualified voters in the ward or superward where such vacancy exists. Any vacancy in the office of mayor shall be filled from among the qualified voters of the city at-large. No candidate shall be elected unless he receives at least five votes in his favor. If by reason of resignation, death, or other circumstances, except in the case of vacancies resulting from a recall election, five or more vacancies exist or occur at the same time in said council, then the members of the civil service commission shall at once convene a majority of said commission and, by a majority vote of the members of said commission present, forthwith make such number of appointments from the wards and superwards where such vacancies exist, or from the city at-large in the case of the mayor, as may be necessary to constitute a council of five qualified members, which five members shall at once proceed to fill the remaining vacancies with qualified members. And in any case the council shall fail to fill a vacancy therein for a period of thirty days after the occurrence of the vacancy, such vacancy shall be filled by said commission as provided herein. The city clerk shall act as the clerk of the commission so constituted, and shall cause his certificate of its action to be entered on the record of the council.

If the term of office so filled, either by the council or by said commission, does not expire for two years after the next regular election of council members following such vacancy, and such vacancy occurs more than one hundred twenty days prior to that election, an additional council member shall then be elected at such election only by the qualified voters of the ward or superward where such vacancy exists, or in the case of the mayor from the city at-large and after the date of his qualification, succeed such appointee, and serve the unexpired term. When any vacancy is so required to be filled by election, the council or commission shall, within fifteen days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy at the next general election of council members. In the event that more than one vacancy is to be filled by election, the same provision shall apply. The foregoing provisions of this section are subject to the further provision that any vacancy resulting from a recall election shall be filled in the manner provided in such case. (2005, cc. 893, 897)

§ 8. Compensation of council members.

Each member of the council shall receive such salary as shall be established by state law. (1918, c. 34; 1956, c. 100; 1970, c. 484; 2005, cc. 893, 897)

§ 9. Limitations on the powers of the council.

Neither the council, nor any of its members, shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager, or prevent him from

exercising his own judgment in the appointment of officers or employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof, shall give orders to any of the subordinates of the city manager either publicly or privately. Any such dictation, prevention, orders or other interferences on the part of a member of the council with the administration of the city, shall be deemed a misdemeanor, and upon conviction thereof the member so convicted shall be fined not exceeding one hundred dollars and may, in the discretion of the court, be removed from office. (1918, c. 34)

§ 10. (1918, c. 34; 1975, c. 127; 1976, c. 599; 1982, c. 289; repealed 2005, cc. 893, 897)

§ 10.1. Officers elected by council; rules.

Effective July 1, 2006, the council shall elect a city manager, a city clerk, a city attorney, a city auditor, and a high constable. The said council shall also appoint the members of such boards and commissions as are hereinafter provided for. All elections by the council shall be viva voce and the vote recorded in the record of the council. The mayor shall serve as chair of the council. The council may determine its own rules of procedure, may punish its members for misconduct, and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a record of its proceedings. A majority of all the members of the council, including the mayor, shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

No member of the council shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the council by election or appointment, except that a member of the council may be named a member of such other boards, commissions, and bodies as may be permitted by general law. (2005, cc. 893, 897)

§ 11. Elections by council; when held, terms, etc.

The council shall appoint a city manager, a city assessor, a city clerk, a city attorney, a city auditor and a high constable, each of whom shall be appointed for an indefinite period and serve at the will of the council. (1918, c. 34; 1976, c. 599; 1999, cc. 479, 525)

§ 11(a). (1952, c. 258; repealed 1976, c. 599)

§ 11(b). The council is authorized to create the position of city architect whose duties shall be to review, advise the council with regard to and recommend approval or disapproval of the plans for the construction or reconditioning of all public buildings to be constructed or reconditioned by the city, and such other duties as the council may prescribe. Such city architect shall be elected by the council for an indefinite period and shall serve at the will of the council, except that he shall not be removed within twelve months from the date he assumes his duties, except for incompetence, malfeasance, misfeasance, or neglect of duty. He shall receive such compensation as may be prescribed by the council, shall be responsible only to the council, shall devote his full time to the duties of his office,

shall not be a member of the classified civil service, and shall be a member of the employees' retirement system of the city. (1962, c. 120)

§ 12. Meetings of council.

On the next Tuesday in January after January 1 following the regular municipal election, the council shall meet at the usual place for holding meetings of the legislative body of the city, at which time the newly elected council members shall assume the duties of their office. The time for any such meeting shall be set by ordinance adopted by council not less than thirty nor more than forty-five days prior to the election. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. It shall hold at least one regular meeting each month. The mayor, any member of the council, or the city manager, may call special meetings of the council at any time upon at least twelve hours' written notice to each member, served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, provided all members of the council attend. All meetings of the council shall be public except where closed pursuant to the provisions of general law, and any citizen may have access to the minutes and records thereof at all reasonable times. (1918, c. 34; 1952, c. 239; 1964, c. 24; 1966, c. 188; 1975, c. 127; 1988, c. 519; 1995, c. 164; 1997, c. 535; 2004, c. 52; 2005, cc. 893, 897; 2006, cc. 152, 727; 2014, cc. 235, 683; 2022, c. 288)

§ 13. Penalty for absence.

For each absence of a councilman from a regular meeting of the council, except where such absence is occasioned or required by city business, sickness, or other unavoidable cause, in which case the absence of such councilman may be excused by a two-thirds vote of the council, there shall be deducted from his pay a sum equal to two per centum of his annual salary. Absence from five consecutive regular meetings shall operate to vacate the seat of a member, unless the absence is excused by a council resolution setting forth the reason thereof, and entered upon the record. (1918, c. 34; 1926, c. 289; 1954, c. 72; 1982, c. 289)

Legislative Procedure.

§ 14. (1918, c. 34; 1940, c. 6; 1950, c. 428; 1958, c. 115; 1966, c. 51; 1982, c. 289; repealed 2005, cc. 893, 897)

§ 14.1. Legislative procedure.

Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or resolution, which shall be introduced in writing, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title.

Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to

those subjects respectively. Nothing herein shall be construed to prevent the council from authorizing in and by the same ordinance the making of any one public improvement and the issue of bonds therefore.

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the City of Norfolk"; the enacting clause of all ordinances submitted to popular election by the initiative shall be, "Be it ordained by the people of the City of Norfolk." No ordinance, unless it be an emergency measure, shall be passed until it has been read by its title at two regular meetings not less than one week apart, or the requirements of such reading has been dispensed with by the affirmative vote of five of the members of the council. No ordinance, section, or subsection thereof shall be revised or amended by its title, section number, or subsection number only, but the new ordinance shall contain the entire ordinance, section, or subsection, as revised or amended. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the record of the proceedings of the council, and every ordinance or resolution shall require, on final passage, the affirmative vote of at least five of the members. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved.

In authorizing the making of any public improvements, or the acquisition of real estate or any interest therein; or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of indebtedness (except temporary loans in anticipation of taxes or revenues or of the sale of bonds lawfully authorized); or authorizing the sale of any property or rights in property of the City of Norfolk, or granting any public utility franchise, privilege, lease, or right of any kind to use any public property or easement of any description or any renewal, amendment or extension thereof, the council shall act only by ordinance; provided, however, that after any such ordinance shall have taken effect, all subsequent proceedings incidental thereof and providing for the carrying out of the purposes of such ordinance may, except as otherwise provided in this Charter, be taken by resolution of the council. (2005, cc. 893, 897)

Emergency Measures.

§ 15. Effective date of ordinances and resolutions.

All ordinances and resolutions passed by the Council shall be in effect from and after thirty days from the date of their passage; provided, however, that the Council may, by the affirmative vote of five of its members, pass any ordinance or resolution to take effect at the time indicated therein, but every measure providing for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be in effect from and after thirty days from the date of its adoption. (1918, c. 34; 1940, c. 6; 1950, c. 428; 1966, c. 50; 1972, c. 706)

§ 16. Record and publication.

Every ordinance or resolution upon its final passage shall be recorded, and shall be authenticated by the signatures of the presiding officer and the city clerk. Every ordinance of a general or permanent nature shall be published by title once within ten days after its final passage in a newspaper or newspapers of general circulation published in the municipality; and where legally permissible, such publication shall be made but once; provided, that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation or codification of ordinances printed by authority of the council.

A record or entry made by the city clerk or a copy of such record or entry duly certified by him shall be prima facie evidence of the terms of the ordinance and its due publication.

All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the city clerk or from the volume of ordinances printed by authority of the council. (1918, c. 34; 1966, c. 74; 1982, c. 289)

§ 17. (1918, c. 34; repealed 2005, cc. 893, 897)

§ 17.1 Mayor.

Effective July 1, 2006, the mayor shall preside at meetings of the council, and perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. He may use said title in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the state, may so require; but this shall not be construed as conferring upon him the administrative or judicial functions, or other powers or functions, of a mayor, under the general laws of the state. In time of public danger or emergency, he may, with the consent of the council, take command of the police and of the home guards hereinafter provided for and maintain order and enforce laws. During his absence or disability his duties shall be performed by another member appointed by the council.

The powers and duties of the mayor shall be such as are conferred upon him by this Charter, together with such others as may be conferred by the council in pursuance of the provisions of this Charter, and no others. (2005, cc. 893, 897)

Nominations and Elections.

§ 18. Time of holding municipal elections and conduct of elections.

In accordance with § 15.2-1400 of the Code of Virginia (1950), as amended, beginning in 2022 municipal elections shall be held at the time of the November general election and every second year thereafter. The elections for wards one through five shall be at the time of the November 2022 general

election and every four years thereafter and the elections for superwards designated six and seven and the mayor shall be at the time of the November 2024 general election and every four years thereafter. All terms shall commenced on January 1 and end on December 31. Any matter which, by the terms of this charter, may be submitted to the electors of the city, at any special election, may be submitted at a regular municipal election. (1918, c. 34; 1992, c. 261; 2005, cc. 893, 897; 2013, c. 339; 2022, c. 288)

Nomination of Candidates.

§ 19. Notice of candidacy and petition.

Candidates for the city council shall be qualified voters of the ward or superward from which they seek election, or in the case of the election of the mayor, qualified voters of the city at-large. Such candidates, subject to the provisions of § 21 of this charter, shall file their notices of candidacy and their petitions in the manner provided by law. No candidate may seek election for more than one seat in an election. A sitting member of council who files his or her candidacy for mayor or for election to a council seat other than reelection to his or her own seat and so appears on the ballot shall be deemed to have resigned his or her seat effective December 31 of the year in which the election is held whether or not he or she is elected to the new seat sought. (1918, c. 34; 1928, c. 316; 1940, c. 6; 1968, c. 117; 1992, c. 261; 2003, c. 206; 2005, cc. 893, 897; 2022, c. 288)

Acceptance.

§ 20. (1918, c. 34; 128, c. 316; 1940, c. 6; repealed 1968, c. 117)

Ballots.

§ 21. (a) The ballots used in all elections provided for in this charter for the election of councilmen shall be without party marks or designations; provided, that such ballot shall bear a notation or direction substantially as provided by § 5 of this charter.

(b) There shall not be printed on any such ballot the name of any person who has been nominated, elected or designated for the office of councilmen by any primary election conducted or held under the auspices or authority of any political party, faction or combination. (1918, c. 34; 1928, c. 316; 1940, c. 6)

Method of Conducting Municipal Elections.

§ 22. The candidate at any regular municipal election who receives the highest number of votes from the ward or superward to which election to city council is sought shall be elected the council member for that ward or superward. Beginning with the municipal election in the year 2006, the candidate for mayor who receives the highest number of votes city-wide shall be elected mayor. Each qualified

voter shall be entitled to vote for no more than two council members in any election: one member from the ward or superward in which the voter is qualified to vote and the mayor. (1918, c. 34; 1940, c. 6; 1992, c. 261; 2005, cc. 893, 897)

§ 23. Election of other officers.

There shall be elected by the qualified voters of said city, on the Tuesday after the first Monday in November, 1921, and quadrennially thereafter, the following officers: one attorney for the Commonwealth, one commissioner of the revenue, one city treasurer, and one city sergeant, who shall hold their offices for the term of four years from the first day of January ensuing their election and until their successors are duly elected and qualified, unless sooner removed from office; and there shall be elected by the qualified voters of said city on the Tuesday after the first Monday in November, 1921, and every eight years thereafter, one clerk of the corporation court of the city of Norfolk, and one clerk of the circuit court of said city of Norfolk, whose terms shall begin and end as is now, or may hereafter be prescribed by the general assembly of this State; provided, that if the Constitution of Virginia shall at any time hereafter be so amended as to permit it, the said officers mentioned in this section or any of them may be elected or appointed in such manner as the council may by ordinance prescribe, and the council may in such case abolish any one or more of the said offices, if permitted so to do by the Constitution of the State, and prescribe by whom and in what manner the duties thereof shall be performed. (1918, c. 34)

The Recall.

§ 24. Recall procedure.

Any member of city council may be recalled and removed from office only by the qualified voters of the ward or superward from which such member serves, or in the case of the mayor from the qualified voters of the city at-large, and in accordance with the procedure described in this section. A petition for the recall of the council member designated, signed by at least three hundred qualified voters of the council member's ward or superward, or on or after July 1, 2006, at least one thousand qualified voters city-wide in the case of the mayor, and containing a statement in not more than two hundred words of the grounds of the recall, shall be filed with the city clerk, who shall immediately transmit a copy thereof to the city general registrar who shall examine the same, and ascertain and certify to the city clerk whether at least three hundred persons whose names are signed thereto are qualified voters of the said ward or superward or on or after July 1, 2006, one thousand qualified voters city-wide in the case of the mayor. Upon receipt of said certification, the city clerk shall forthwith notify such council member. Such council member may, within five days after such notice, file with such clerk a defensive statement not exceeding two hundred words. The city clerk shall, immediately upon the expiration of said five days, cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each copy he shall attach a printed or typewritten copy of such defensive

statement or statements, if any such shall have been furnished him within the time provided. He shall preserve the original petition and shall cause one copy of such petition with a copy of the defensive statement, if any, attached to be conveniently placed in his office, and provide facilities for there signing the same, and shall also cause one copy, with a copy of the defensive statement, if any, attached to be placed in at least two public buildings designated by council and located within the council member's ward or superward, or on or after July 1, 2006, in the case of the mayor, in each superward, and provide facilities for there signing the same, and for the proper custody thereof. The city clerk shall immediately cause notice to be published in some newspaper of general circulation published in the city, of the places where the said copies may be found, and of the time within which the same may be signed.

The said copies of such petition shall remain on file in the several places designated for a period of thirty days, during which time any one of them may be signed by any qualified voter of the designated council member's ward or superward, or any qualified voter in the city in the case of the mayor, including those who signed the original petition. (1918, c. 34; 1992, c. 261; 2005, cc. 893, 897)

§ 25. Notice.

At the expiration of said thirty days, the city clerk shall assemble all of said copies, and shall file the same as one instrument with the clerk of the circuit court of said city, who shall immediately transmit a copy thereof to the city general registrar who shall examine the same, and ascertain and certify to the clerk of the circuit court whether the persons whose names are signed thereto are qualified voters of the said ward or superward, equal in number to fifteen percent of the number of voters in said ward or superward who cast their votes at the last preceding regular municipal election in which such council member was elected, or on or after July 1, 2006, in the case of the mayor, fifteen percent of the number of voters city-wide who cast their votes at the last preceding regular municipal election in which the mayor was elected. If such signatures do amount to fifteen percent, the clerk of the circuit court of said city, shall at once serve notice of that fact upon the council member designated in the petition. (1918, c. 34; 1992, c. 261; 2005, cc. 893, 897)

§ 26. Recall election.

If the council member designated in such petition, files with the city clerk, within five days after the last mentioned notice from the clerk of the circuit court of said city, his written resignation, the said city clerk shall at once notify the clerk of the circuit court of said city of that fact, and such resignation shall be irrevocable, and shall be filed and preserved in the offices of the city clerk, and the council shall proceed to fill the vacancy, subject to the provisions of § 7 of this charter. In the absence of notice from the city clerk that such resignation has been filed, as aforesaid, the clerk of the circuit court of said city shall upon the expiration of said period of five days forthwith present to said court, the said copies with his certificate as to the percentage of qualified voters whose names are signed thereto as verified by the city general registrar, and a certificate as to the date of the service of the notice given by him to the

council member designated in the petition, as above provided. And thereupon the said court shall forthwith enter an order calling and fixing a date for holding a recall election for the removal of the council member named in said petition, who has not resigned as aforesaid. Any such election shall be held not less than thirty nor more than sixty days after the date of the entering of said order. If any other election is to be held within the said period, the said court, or the judge thereof in vacation, shall direct that the said recall election be held at the same time and in accordance with state law. (1918, c. 34; 1992, c. 261)

Ballots and Method of Voting.

§ 27. Ballots and method of voting.

The ballots at such recall election shall conform to the following requirements. With respect to each person whose removal is sought, the question shall be submitted:

"Shall (name of person) be removed from the office of council member by recall?"

Immediately following each such question, there shall be printed on the ballots the following:

" Yes

No"

In any such election if the majority of the votes cast on the question of the removal of any council member are affirmative, such council member shall be deemed removed from office upon the ascertainment and certification of the results of such election by the city electoral board, and the vacancy caused by such recall shall be filled by the remainder of the council, according to the provisions of § 7 of this charter. (1918, c. 34; 1940, c. 6; 1950, c. 428; 1992, c. 261)

§ 28. Effect of resignations pending proceedings for the recall of all council members.

Should all members of city council be subject to recall proceedings, the civil service commission, as provided in § 7 shall have the power, and it shall be its duty forthwith to fill such vacancy or vacancies which result from resignation of any or all council members. It shall be the duty of such commission to fill such vacancy or vacancies temporarily until successors are elected. The proceedings for the recall of the council members, and the election of their successors, shall continue and have the same effect as though there had been no resignation. (1918, c. 34; 1992, c. 261)

§ 29. Miscellaneous provisions.

No petition to recall any councilman shall be filed within one year after he assumes the duties of his office.

The method of removal herein provided shall not be deemed or held exclusive, but is in addition to such other methods as are now or may hereafter be provided by general law. (1918, c. 34)

Initiative.

§ 30. Petition.

Any proposed ordinance or ordinances, including ordinances for the repeal or amendment of an existing ordinance, may be submitted to the council by petition signed by qualified voters equal in number to ten per cent of the number of electors who cast their votes at the last preceding regular municipal election for the election of councilmen. Such petition shall contain the proposed ordinance in full, and shall have appended thereto or written thereon the names and addresses of at least five qualified voters, who shall be officially regarded as filing the petition, and who shall constitute a committee of the petitioners for the purpose hereinafter stated. (1918, c. 34)

§ 31. Time of filing.

All papers comprising the petition shall be assembled and filed with the city clerk, as one instrument, within one hundred and twenty days, from the date of the first signature thereon, and when so filed the clerk shall submit the same to the council at its next regular meeting, and provision shall be made for public hearings upon the proposed ordinance. (1918, c. 34)

§ 32. The council shall at once proceed to consider such petition and shall take final action thereon within thirty days from the date of the submission thereof. If the council rejects the proposed ordinance, or passes it in a form different from that set forth in the petition, or fails to act finally upon it within the time stated, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment, by the following procedure: Said committee shall present to the clerk of the corporation court of said city a petition for such election, addressed to said court and signed by qualified voters equal in number to twenty-five per cent of the number of electors who cast their votes at the last preceding regular municipal election for the election of councilmen, but in no case signed by less than four thousand qualified voters of the city. Said petition shall contain the proposed ordinance in full in the form in which it is proposed to submit the same to the electors. The said petition and all copies thereof shall be filed with the clerk of said court as one instrument. Within ten days after the filing thereof the said clerk shall ascertain and certify thereon whether the required number of qualified voters have signed the same. If it be found that the required number of qualified voters have signed the said petition, then the said petition, with the certificate of the said clerk thereon, shall be presented by said committee to the corporation court of said city, or to the judge thereof in vacation, and thereupon the said court, or the judge thereof in vacation, shall forthwith enter an order calling and fixing a date for holding an election for the purpose of submitting the proposed ordinance to the electors of the said city. Any such election shall be held not less than thirty nor more than sixty days after the date of the entering of said order. If any other election is to be held within the said period said court or the judge thereof shall direct that such proposed ordinance shall be submitted to a vote of the electors at such election. At least ten days before any such election the clerk of the said court shall cause such

proposed ordinance to be published once in one or more newspapers of general circulation published in said city. (1918, c. 34; 1956, c. 339)

§ 33. The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on, and the ballots and method of voting shall conform to the provisions of § 24-141 of the Code of Virginia.

If a majority of the electors voting on such proposed ordinance shall vote in favor thereof, it shall, upon the ascertainment and certification of the results of such election by the commissioners of election, become an ordinance of the city. (1918, c. 34; 1956, c. 339)

§ 34. Ordinances adopted by the electors; how amended or repealed.

No ordinance adopted by the vote of the electors, as herein provided, shall be repealed or amended, except by vote of the electors; but the corporation court of said city, or the judge thereof in vacation, may, on request of the council, by resolution, order an ordinance to repeal or amend any ordinance so adopted, to be submitted to the electors at any regular election, or at any special municipal election called for some other purpose, provided that the clerk of said court shall cause notice of the proposed submission of such ordinance repealing or amending an ordinance, to be published once in one or more newspapers of said city not more than sixty days nor less than thirty days prior to said election. If an amendment is so proposed such notice shall contain the proposed amendment in full, and such submission shall be in the same manner and the vote shall have the same effect as in the case of an ordinance submitted to election by popular petition. (1918, c. 34)

Referendum.

§ 35. Petition for referendum.

If at any time within a thirty-day period following the adoption of an ordinance a petition, signed by qualified voters equal in number to twenty-five per cent of the number of electors who cast their votes at the last preceding regular municipal election for the election of councilmen, but in no case signed by less than four thousand qualified voters of the city, be filed with the city clerk, requesting that any such ordinance be repealed, or amended, as stated in the petition, such ordinance shall not become operative until the steps indicated herein shall have been taken or the time allowed for taking such step shall have elapsed without action. Such petition shall state therein the names and addresses of at least five electors, who shall constitute a committee to represent the petitioners, who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter stated. Referendum petitions need not contain the text of the ordinance or ordinances, the amendment or repeal of which is sought, but shall contain the proposed amendment, if an amendment is demanded. (1918, c. 34; 1956, c. 339; 1972, c. 706)

§ 36. Proceedings thereunder.

The city clerk shall present the said petition to the council at its next regular meeting, and thereupon the council shall proceed to reconsider the ordinance. If, within thirty days after the filing of such petition, the ordinance be not repealed or amended as requested in such petition, the city clerk shall, if so requested by a writing signed by a majority of the said committee and presented to the said city clerk within twenty days after the expiration of said period of thirty days, present to the clerk of the corporation court of said city, the said petition and all copies thereof as one instrument together with a copy of the ordinance the repeal of which is sought. Within ten days after the filing of said petition, the clerk of said court shall ascertain and certify whether the required number of qualified voters have signed the same. If it be found that the required number of qualified voters have signed the said petition, then within five days after the expiration of said ten days the said petition, with the certificate of the clerk thereon, shall be presented by the said committee to the corporation court of said city, or to the judge thereof in vacation, and thereupon the said court or the judge thereof in vacation shall forthwith enter an order calling and fixing a date for holding an election for the purpose of submitting the said ordinance to the electors of said city. Thereupon the said ordinance shall ipso facto be further suspended from going into effect until such election shall have been held and shall then be deemed repealed unless approved by a majority of those voting thereon. Any such election shall be held not less than thirty nor more than sixty days after the date of the entering of such order. If any other election is to be held within the said period, said court or the judge thereof in vacation shall direct that the said ordinance shall be submitted to the vote of the electors at such election. At least ten days before any such election the clerk of said court shall cause the said ordinance to be published once in one or more newspapers of general circulation published in said city. (1918, c. 34)

§ 37. Ballots and method of voting.

The ballots used when voting upon such ordinance shall conform in all respects to the ballots required for an initiative election under § 33 hereof, and the method of voting in any such election shall be as prescribed in said section.

If in any such election the ordinance so referred or submitted be approved by a majority of the electors voting thereon, the said ordinance shall upon the ascertainment and certification of the results of such election by the commissioners of election, go into effect as an ordinance of the city. (1918, c. 34)

§ 38. Ordinances submitted by popular petition.

Ordinances submitted to the council by initiative petition and passed by the council without change, or passed in an amended form, and not required to be submitted to the vote of the electors by the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances. (1918, c. 34)

§ 39. Conflict of ordinances.

If two or more ordinances adopted or approved at the same election conflict in respect of any of their provisions, such ordinances shall go into effect in respect of such of their provisions as are not in

conflict, and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict. (1918, c. 34)

§ 40. Measures not subject to referendum.

Ordinances passed providing for any work, improvement or repairs certified by the city manager to be immediately necessary to protect public property or health from imminent danger, or to protect the city from imminent loss or liability shall not be subject to the referendum. The certificate of the city manager in any such case shall be conclusive. All other ordinances passed unless exempted by law, shall be subject to the referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an ordinance be not approved by a majority of the voters voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance of any expenses incurred previous to the ascertainment and certification by the commissioners of election of the result of the referendum vote thereon. (1918, c. 34; 1972, c. 706)

§ 41. Preliminary action.

In case a petition be filed requesting that a measure passed by the council providing for the expenditure of money, for a bond issue or a public improvement be submitted to a vote of the electors, all steps preliminary to such actual expenditure, actual issue of bonds or actual signing of a contract for such improvements may be taken prior to the election. (1918, c. 34)

General Provisions Relating to Elections and to the Initiative, Referendum and Recall.

§ 42. Elections.

All elections for the election of councilmen, and all initiative, referendum and recall elections, shall be conducted, and the result canvassed and certified by the regular election officials provided by the general election laws of the State, and, except as otherwise provided in this charter, all such elections shall be governed by the said general election laws. (1918, c. 34)

§ 42.1. Advisory referendum for election of mayor.

Notwithstanding any other provision of law, general or special, to the contrary, the council shall have the sole and exclusive power to authorize the holding of an advisory referendum on the question of whether the mayor shall be popularly elected. The council shall authorize by ordinance the holding of such advisory referendum at the general election to be held in November 2000, and shall determine the circumstances of said advisory referendum; however, no such referendum shall conflict with any election or voting laws of the United States or the Commonwealth of Virginia. (2000, cc. 950, 979)

§ 43. Petitions.

All petitions for the nomination of councilmen and all petitions in connection with the initiative, referendum or recall shall be signed in ink or indelible pencil by the elector in person and not by agent or attorney. Each person signing any such petition shall place opposite his name the date of his signature, and his place of residence by street and number. The signatures of any such petition need not all be appended to one paper, but to each such paper, (except in the case of copies of recall petitions, which may not be circulated) there shall be attached an affidavit by the circulator thereof stating that each signature appended thereto is the genuine signature of the person whose name it purports to be and that it was made in the presence of the affiant on the date indicated. All copies of any such petition shall be treated as originals. No such petition shall be deemed invalid by reason of the fact that it is signed by one or more persons who are not qualified voters, but the names of such persons shall not be counted. As used in this charter the terms "elector," "qualified elector" and "qualified voter" are synonymous. (1918, c. 34)

§ 44. Presumptions.

All signatures to any petition mentioned in the preceding section hereof shall be accepted and treated as prima facie genuine. For the purpose of certifying the number of qualified voters whose names are signed to any such petition the clerk of the corporation court of said city shall presume that any person whose name appears thereon is a qualified voter under the provisions and within the meaning of § 45 hereof, assuming him to be duly registered.

All such petitions substantially complying with the requirements of this charter and certified by said clerk to bear the required number of signatures of qualified voters shall be accepted and treated as prima facie sufficient. The burden of proving the insufficiency of any such petition in any respect shall be upon the person alleging the same. (1918, c. 34; 2021 Special Session I, c. 371)

§ 45. Qualification of persons signing certain petitions.

The question whether any person is a qualified voter for the purpose of signing any nominating petition or any petition in connection with the initiative, referendum or recall shall be determined as follows: If any petition be signed on or before the second Tuesday in June in any year the person signing the same shall be deemed a qualified voter for that purpose within the meaning hereof, if qualified to vote on said second Tuesday in June. If such petition be signed after the second Tuesday in June in any year, the person signing the same shall be deemed a qualified voter for that purpose within the meaning hereof, if qualified to vote on the first Tuesday after the first Monday in November of said year. (1918, c. 34)

§ 46. Duty of city attorney.

Before any ordinance or amendment proposed by popular petition shall be submitted to the council, it shall be first approved as to form, by the city attorney, whose duty it shall be to draft such proposed ordinance or amendment in proper legal language, and to render such other service to persons desir-

ing to propose such ordinances or amendments as shall be necessary to make the same proper for consideration by the council. (1918, c. 34)

§ 47. Offenses.

No person shall:

(a) Falsely impersonate another in the signing of any nominating petition or petition for the initiative, referendum or recall, or forge any name thereto; or deface, destroy, or remove from any of the places designated in this charter, any copy of a petition for recall with intent to interfere with or defeat such recall:

(b) Sign any nominating petition or petition for initiative, referendum or recall with knowledge that he is not a qualified voter of the city; or purposely write his name or residence falsely in the signing of any such petition; sign or intentionally permit to be signed any petition for recall at any other place than one of the places hereinbefore designated for the signing of such petitions; employ or pay another or accept employment on the basis of the number of signatures subscribed thereto, for circulating any petition permitted by this charter to be circulated.

Any person violating any of the provisions of paragraph (a) of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than thirty days nor more than six months.

Any person violating any of the provisions of paragraph (b) of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than two hundred dollars.

The foregoing provisions shall not be deemed or held to be exclusive of, but in addition to, all laws of the State prescribing penalties for the same offenses, or for other offenses relating to the same matter. (1918, c. 34)

§ 48. Compensation of clerk of the corporation court.

For his services in connection with any proceedings under the foregoing sections relating to the initiative, referendum and recall, the clerk of the corporation court of said city shall be paid by the city such reasonable fees as are now or may hereafter be provided by law for similar services in other cases. (1918, c. 34)

The City Manager.

§ 49. Appointment, qualification, etc.

The city manager shall be the administrative head of the municipal government. He shall be chosen by the council without regard to his political beliefs, and solely upon the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or State, unless

otherwise required by the Constitution of the State. The city manager shall receive such compensation as shall be provided by the council by ordinance. He shall be appointed in the manner and for the term prescribed in § 11 of this charter. During the absence or disability of the city manager the council shall designate some properly qualified person to perform his duties. (1918, c. 34; 1999, cc. 479, 525)

§ 50. Powers and duties of the city manager.

The city manager shall be responsible to the council for the efficient administration of all affairs of the city. He shall have power, and it shall be his duty:

(a) To see that all laws and ordinances are enforced.

(b) Except as otherwise provided in this charter, to appoint all heads or directors of departments, and all subordinate officers and employees of the city in both the classified and unclassified service with the power to discipline and remove any officer or employee so appointed; and in the classified service all appointments and removals to be subject to the civil service provisions of this charter.

(c) To exercise supervision and control over all departments and divisions created herein, or that may be hereafter created by the council.

(d) To attend all regular meetings of the council, with the right to take part in the discussion, but having no vote. He shall be entitled to notice of all special meetings.

(e) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(f) To see that all terms and conditions imposed in favor of the city, or its inhabitants, in any public utility franchise are faithfully kept and performed; upon knowledge of any violation thereof, to call the same to the attention of the city attorney whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same.

(g) To make and execute all contracts on behalf of the city except as may be otherwise provided in this charter or by ordinances passed in pursuance thereof.

(h) To act as budget commissioner, and as such to prepare and submit to the council the annual budget, after receiving estimates made by the heads or directors of the departments or of any board or commission not within a department.

(i) To keep the council at all times fully advised as to the financial condition and needs of the city.

(j) To perform all such other duties as may be prescribed by this charter, or be required of him by ordinance or resolution of the council. (1918, c. 34)

§ 51. Investigations.

The council, the city manager, and any officer, board or commission authorized by them, or either of them, shall have power to make investigations as to city affairs, and for that purpose to subpoena witnesses, administer oaths, and compel the production of books and papers. The civil service commission shall have power to make investigations relating to the civil service, with the like power to subpoena witnesses, administer oaths and compel the production of books and papers.

Any person refusing or failing to attend, or to testify, or to produce such books and papers, may by summons issued by such board or officer be summoned before the police justice of said city by the board or official making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be fined by the police justice not exceeding one hundred dollars or imprisoned not exceeding thirty days, such person to have the right to appeal to the corporation court of the city. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1918, c. 34)

Administrative Departments.

§ 52. Creation of departments.

The following administrative departments are hereby created:

(a) Department of Law;

(b) Department of Public Works;

(c) Department of Public Welfare;

(d) Department of Public Safety;

(e) Department of Finance.

The council may, by ordinance adopted by the affirmative vote of at least five of its members, create new departments or subdivisions thereof, combine or abolish existing departments, and distribute the functions thereof, or establish temporary departments for special work.

At the head of each department there shall be a director; provided, that until the council shall otherwise provide by ordinance adopted by the affirmative vote of at least five of its members, the city manager shall be the director of the department of public safety, and of the department of finance.

The director of each department shall be chosen on the basis of his general executive and administrative ability and experience, and of his education, training and experience in the class of work which he is to administer.

The director of each department, except the department of law, shall be appointed by the city manager, and may be removed by him at any time.

The directors of the several departments shall be immediately responsible to the city manager for the administration of their respective departments, and their advice, in writing, may be required by him on all matters affecting their departments. They shall prepare departmental estimates, which shall be open to public inspection, and they shall make all other reports and recommendations concerning their departments at stated intervals, or when required by the city manager, under such rules and regulations as he may prescribe. (1918, c. 34; 1950, c. 428)

Department of Law.

§ 53. The city attorney.

The city attorney shall be the head of the department of law. He shall at the time of his appointment have practiced law in the State of Virginia for at least five years and in the city of Norfolk for at least two years. He shall be the legal adviser of and attorney and counsel for the city and for all officers and departments thereof in matters relating to their official duties. He shall prosecute all suits, actions and proceedings for and on behalf of the city, and defend all suits, actions and proceedings against the same, and shall prepare all contracts, bonds and other instruments in writing, in which the city is interested or concerned, and shall endorse on each his approval of the form and correctness thereof, provided that in the case of bonds to be issued by the city, it shall be sufficient if he certify to the council his approval thereof as to form in a separate writing, to be filed and preserved with the records of the council. He shall be the prosecuting attorney for the prosecution of the violation of city ordinances.

He shall have such number of assistants as the council by ordinance may provide, such assistants to be nominated by him and confirmed by the council.

The council, the city manager, the director of any department or any officer, board or commission not included within a department may require the opinion of the city attorney upon any question of law involving their respective powers and duties.

The city attorney shall apply in the name of the city to a court of competent jurisdiction for such injunction or injunctions as may be necessary to restrain and prevent the misapplication of the funds of the city, or the invasion or abuse of its corporate powers, or the usurpation of authority by any city official, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

When an obligation or contract made on behalf of the city granting a right or easement or creating a public duty is being evaded or violated, the city attorney shall institute and prosecute such suit or suits as may be necessary to enforce the forfeiture thereof, or the specific performance thereof, as the nature of the case may require.

In case any officer, board or commission shall fail to perform any duty required by law, the city attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of

such duty. Whenever the city shall purchase or otherwise acquire real estate or any interest therein, unless other provision is made by the council, the city attorney shall examine and certify the title thereto before the purchase price thereof shall be paid. The said city attorney shall perform such other duties as may be required of him by ordinance or resolution of the council. (1918, c. 34)

Department of Public Works.

§ 54. General powers and duties.

The head of the department of public works shall be known as the director of public works. He shall be by profession an engineer who has had experience in municipal engineering. Subject to the supervision and control of the city manager in all matters, he shall manage and have charge of the construction, improvement, repair, maintenance and use of streets, sidewalks, alleys, lanes, bridges, viaducts and other public highways; of sewers, drains, ditches, culverts, canals and streams and water courses, of the municipal water supply, and all works, lands, water, lands under water, dams, pumping stations, ways, mains, pipes and other works connected therewith; of all public landings, public wharves and docks; of all public buildings, boulevards, squares and other public places and grounds belonging to the city or dedicated to public use, of the establishment, development and maintenance of parks, playgrounds and cemeteries, but not the management and supervision of such parks, playgrounds and cemeteries; and shall manage all sewage disposal and reduction plants and all other public utilities owned or operated by the city. He shall have charge of the enforcement of all the obligations of privately owned or privately operated public utilities enforceable by the city. He shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for any public work, and shall also have charge of the cleaning, sprinkling and lighting of the streets and public places, the collecting and disposal of waste, and the preservation of contracts, papers, plans, tools, appliances and equipment belonging to the city, and pertaining to said department.

The director of public works shall perform such other duties relating to his department as may be required of him by the city manager.

The council may by ordinance provide for the establishment and organization within the said department, and subject to the supervision of the director thereof, of a division of surveying and of such other divisions or bureaus as the council may see fit, and may distribute the functions and duties of said department among such divisions or bureaus as it may deem expedient. The head of the division of surveying shall be by education a civil engineer. All of his acts in the matter of surveys shall be as valid and effectual as are the acts of a county surveyor done within his county. The fees for such services as may be required of him in the capacity of surveyor shall be collected in advance by him and turned into the city treasury. He shall give bond in such penalty as the council may by ordinance provide. (1918, c. 34)

§ 55. (1918, c. 34; repealed 1976, c. 599)

§ 56. (1918, c. 34; repealed 1976, c. 599)

§ 57. Laying out of streets and rights therein.

Whenever any street, alley or lane shall have been opened to and used as such by the public for the period of five years the same shall thereby become a street, alley, or lane for all purposes, and the city shall have the same authority and jurisdiction over and right and interest therein as it has by law over the streets, alleys, and lanes laid out by it. And any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of the city by a plat or plan of record shall be deemed and held to be dedicated to the public use, and the council shall have authority, upon the petition of any person interested therein, to open such street or alley, or any portion of the same. No agreement between or release of interest by the person owning the lands immediately contiguous to any such alley or street, whether the same has been opened and used by the public or not, shall avail or operate to abolish said alley or street, so as to divest the interest of the public therein, or the authority of the council over the same. No property within the corporate limits of said city shall be laid out by the owner thereof with streets or alleys thereon except upon a plan to be approved by the director of public works. Notwithstanding anything in this section contained, the said city shall not be liable for any accident which may occur upon any street, alley, boulevard or way, whether heretofore or hereafter laid out, until the said street, boulevard, alley or way shall have been accepted by the council. (1918, c. 34)

Department of Public Welfare.

§ 58. General powers and duties.

The head of the Department of Public Welfare shall be known as the Director of Public Welfare.

Subject to the supervision and control of the City Manager in all matters, he shall administer the affairs of his department, which shall include the management and supervision of all charitable, correctional and reformatory institutions and agencies belonging to the City; the use of all recreative facilities of the City, including parks and playgrounds other than school playgrounds; the management and supervision of cemeteries; the maintenance and preservation of shade trees and shrubbery; the inspection and supervision of all public amusements and entertainments, and of the places where the same are held; the enforcement of all laws, ordinances and regulations relative to the preservation and promotion of the public health; the prevention and restriction of all disease, including the enforcement in time of threatened epidemic, of such quarantine and isolation regulations as are appropriate to the emergency; the prevention, abatement and suppression of nuisances; the sanitary inspection and supervision of the production, transportation, storage and sale of food and foodstuffs; the inspecting, testing, measuring and weighing of any commodity or article of consumption or use within the City, as well as the inspection of weights, measures and meters used for the purpose aforesaid. The said department shall keep a complete and accurate system of vital statistics.

The Council shall provide for the establishment and organization within the said department and subject to the supervision of the director thereof, of the following divisions and bureaus:

(a) Bureau of Public Health, which shall be charged with the conservation of the public health, with the supervision, management and control of all hospitals, municipal clinics and dispensaries, of all detention or isolation stations for contagious diseases; with the sanitary supervision of the City water supply and the sanitary policing and patrol of the territory constituting the watershed thereof; the sanitary inspection of all plumbing, buildings, grounds and premises, including public buildings and public school buildings; the physical inspection of the pupils of public schools, and the administration to such pupils of such medical and surgical supervision and attention as the Council may by ordinance provide; the sanitary inspection and supervision of the production, transportation, storage, and sale of all foods and foodstuffs and of all articles and things intended for human consumption; and the keeping of a complete record of vital statistics.

The Superintendent of the Bureau of Public Health shall be the Health Officer of the City.

He shall be a physician, a graduate of a medical college which is now, or was at the time of his graduation, recognized by the Virginia State Board of Medical Examiners, and shall have had training in the administration of public health duties.

The appointment of such officer shall not be limited to the inhabitants of the City or State, unless otherwise required by the Constitution of the State. He shall give his entire time to the duties of his position; and shall have such assistants as the Council may by ordinance provide; provided, however, that the provisions of paragraph (a) shall be suspended during any period when the City has established a District Health Department and has contracted with the State of Virginia, or any department, board or agency thereof, for the operation thereof; and during any such contract period, the City Manager may appoint the person operating the District Health Department for the State as the Director of Public Health, and Health Officer, of the City and when so appointed, such person is empowered and directed to enforce all local laws and ordinances of the City relating to public health and to carry out all duties and responsibilities imposed upon the Director of Public Health, and Health Officer, of the City by State statute or local ordinances.

(b) Bureau of Markets, which shall be charged with the supervision, management and control of all public markets; and with the collection of all market fees, and the proper accounting for the same.

(c) Bureau of Recreations and Charities, which shall be charged with the supervision and control of all charitable, correctional and reformative institutions belonging to the City, and of all recreational facilities of the City, including parks and playgrounds, other than school playgrounds; with the management and supervision of cemeteries and also with the inspection and supervision of all public amusements and entertainments and of the places where the same are held.

The Director of Public Welfare shall endeavor to correlate all private and public charities within said City, and so far as is practicable to avoid duplication of effort.

The Council shall make no appropriation of public funds towards the maintenance and support of any private charity except upon conditions that the City shall have representation upon the board of directors, board of managers or other governing body of such private charity, and that a detailed financial report, showing all receipts and disbursements by such private charity, shall be made to the Director of Public Welfare at least once in each year. But nothing herein shall be construed to prevent the City from contracting with any private hospital or similar institution for the care of indigent sick or injured persons, or for other services.

The Director of Public Welfare, or such other person within said department as he may designate, shall represent the City on the board of directors, board of managers or other governing body of any charity to which public funds shall have been contributed upon the conditions aforesaid.

(d) Bureau of Standards, which shall be charged with the inspection and testing of all weights, scales, meters, and measures for the weighing or measuring of any article or commodity of consumption or use within the City, including the inspection and testing of the quality and sufficiency of electric current and gas and meters used in measuring the same.

The Council may by ordinance add to the functions and duties of the said several divisions or bureaus; or rearrange and group the said functions as said Council may deem expedient. (1918, c. 34; 1944, c. 309; 1966, c. 52)

Department of Public Safety.

§ 59. General powers and duties.

The head of the department of public safety shall be known as the director of public safety.

Subject to the supervision and control of the city manager in all matters, he shall be the executive head of the divisions of police and fire. He shall also be the chief administrative authority in all matters pertaining to the erection, maintenance, repair, occupancy and inspection of buildings under such regulations as may be ordained by the council. (1918, c. 34)

§ 60. Division of Police.

The police force shall be composed of a chief of police, a deputy chief, and such officers, patrolmen and other employees as the city manager may determine. The chief of police shall have the immediate direction and control of the said force, subject, however, to the supervision of the director of public safety, and to such rules, regulations and orders as the said director may prescribe, and through the chief of police the director of public safety shall promulgate all orders, rules and regulations for the government of the whole force. In case of the disability of the chief of police to perform his duties by reason of sickness, absence from the city or other cause, the director of public safety shall designate

an officer of the police force to act as chief of police during such disability, and the officer so designated shall serve without additional compensation. The members of the police force other than the chief and deputy chief shall be selected from the list of eligibles prepared by the civil service commission, and in accordance with such rules as the said commission may prescribe, provided that in case of riot or emergency the director of public safety may appoint additional patrolmen and officers for temporary service, who need not be in the classified service. Each member of the police force, both rank and file, shall have issued to him a warrant of appointment signed by the director of public safety, in which the date of his appointment shall be stated, and such warrant shall be his commission. Each member of the said force shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully without fear or favor, perform the duties of his office, and such oath shall be filed and preserved with the records of said department. And in addition the several officers of the said force shall, if so required by the council, give bond in such penalty and with such security as the council may by ordinance prescribe.

No person except as otherwise provided by general law or by this charter shall act as special police, special detective or other special police officer for any purpose whatsoever except upon written authority from the director of public safety. Such authority, when conferred, shall be exercised only under the direction and control of the chief of police and for a specified time.

The officers and privates constituting the police force of said city shall be, and they are, hereby invested with all of the power and authority which pertains to the office of constable at common law in taking cognizance of and in enforcing the criminal laws of the State and the ordinances and regulations of said city, and it shall be the duty of each such officer and private to use his best endeavors to prevent the commission within the said city of offenses against the laws of said State, and against the ordinances and regulations of said city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of said city, and to secure the inhabitants thereof from violence, and the property therein from injury. Such policemen shall have no power or authority in civil matters, but shall execute any criminal warrant or warrant of arrest that may be placed in his hands by any justice of the city, and shall make due return thereof. Such policemen shall not receive any fee or other compensation for any services rendered in the performance of his duty, other than the salary paid him by the city, nor shall he receive a fee as a witness in any case arising under the criminal laws of the said State, or under the ordinances or regulations of the said city.

The director of public safety shall prescribe the uniforms and badges for the members of the police force, and direct the manner in which the members of said force shall be armed. Any person other than a member of said force who shall wear such uniform or badge as may be prescribed as aforesaid, may be subjected to such fine or imprisonment, or both, as may be prescribed by the council by ordinance. (1918, c. 34; 1950, c. 93; 2014, cc. 235, 683)

§ 61. (1918, c. 34; repealed Special Session I, c. 371)

§ 62. Division of fire.

The fire force shall be composed of a chief and of such other officers, firemen and employees as the city manager may determine. The fire chief shall have immediate direction and control of the said force, subject, however, to the supervision of the director of public safety, and to such rules and regulations and orders as the said director may prescribe, and through the fire chief the director of public safety shall promulgate all orders, rules and regulations for the government of the whole force.

The members of the fire force other than the chief shall be appointed from the list of eligibles prepared by the civil service commission and in accordance with such rules and regulations as may be prescribed by the said commission; provided, however, that in case of riot, conflagration or emergency, the director of public safety may appoint additional firemen and officers for temporary service who need not be in the classified service.

The chief of the fire department and his assistants are authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire. The fire chief and each of his assistants shall have issued to him a warrant of appointment signed by the director of public safety, in which the date of his appointment shall be stated, and such warrant shall be his commission. The director of public safety shall prescribe the uniform and badges for the members of the fire force.

Whenever any building in said city shall be on fire it shall be lawful for the chief of the fire department to order and direct such building or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down or destroyed; and no action shall be maintained against said chief or any person acting under his authority or against the city therefor. But any person interested in the property so destroyed may within one year thereafter apply in writing to the council to assess and pay the damages he has sustained. The council may thereupon pay to the claimant such sum as may be agreed upon between him and the council. If no agreement be effected, such claimant may give to the city attorney of said city ten days' written notice of his intention to apply to the corporation court of said city for the appointment of commissioners to ascertain and assess his said damage. Upon its appearing that such notice has been given, the corporation court of said city shall appoint five disinterested freeholders, residents of said city, any three or more of whom may act, for the purpose of ascertaining and assessing the amount of such damages. Thereupon the said commissioners shall proceed to ascertain and assess the amount of such damages in the same manner as is now or may hereafter be provided by law in the case of taking private property for public use, and the procedure upon the filing of the report of said commissioners shall conform as nearly as may be to the procedure under the statutes of Virginia relating to eminent domain. (1918, c. 34)

§ 63. Supervision in divisions of fire and police.

The chief of police and the fire chief, with the approval of the director of public safety, except as hereinafter provided, shall have the right and power to reprimand, or to suspend, for a given number of days or indefinitely, any of the sworn officers and sworn employees in their respective divisions who may be under their management and control, for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, or for any other just and reasonable cause. This section does not apply to the deputy chief of police, who, like the chief of police and the fire chief, is appointed by and serves at the will of the city manager. If any such officer or employee be suspended for more than ten days or be suspended indefinitely, the chief of the division concerned shall forthwith certify in writing the fact, together with the cause for such suspension, to the trial board hereinafter provided for, and a copy of such certificate of suspension, and the cause therefor, shall be promptly served on such officer or employee, which service may be by an officer of his division or in the manner prescribed by law for the service of civil process.

Any such officer or employee so suspended may, within ten days after he shall have been so served with such certificate of suspension and the cause therefor, file with said trial board a written request for a hearing upon the accusations so made against him, whereupon said trial board shall, after not less than five days' written notice to such officer or employee, and to the chief of the division by whom he has been suspended, hold and conduct a hearing, which shall be open to the public, upon such accusations, at a time and place to be specified in such notice, and may render judgment thereon. Such judgment, in the event said accusations or any of them are, in the opinion of said trial board, sustained, may be a reprimand, extra duty without extra compensation, suspension for a fixed time, reduction in rank, or dismissal, as to said trial board may seem proper, which judgment shall be final.

Whenever the judgment of the said trial board is that the accusations were not sustained, it may order the reinstatement of such officer or employee in the office or position from which he was suspended. Such order of reinstatement may, in the discretion of said trial board, be retroactive and provide that such officer or employee shall be entitled to compensation for all or part of the time he was so suspended.

In the event any such officer or employee who is suspended for more than ten days or suspended indefinitely shall not file with said trial board a written demand for a hearing as hereinabove provided, the suspension of such officer or employee shall become final, and if the suspension be for an indefinite period, such officer or employee may be discharged by the city manager without a hearing.

The trial board above referred to shall be known as the Norfolk Police-Fire Trial Board, and the members thereof shall be appointed by the council. It shall consist of not less than three nor more than five members, in the discretion of the council, who shall be qualified voters residing in the city, none of whom shall be in any way connected with any other city office. The first appointment of the members of the said trial board shall be for a term of one year commencing July 1, 1950, and all subsequent appointments shall be for consecutive terms of one year. Any member may be appointed for a

consecutive term or terms, and any vacancy shall be filled by appointment by the council for the remainder of the unexpired term. The judgment of a majority of the members appointed on said trial board shall control. The members shall receive such compensation as may be provided by council. Each member shall, before entering upon the duties of his office, take and subscribe the oaths provided by § 133 of this Charter for city officers.

The council shall designate one member of said trial board as chairman thereof. The chairman shall have the power to subpoena witnesses, administer oaths and compel the production of any books and papers in connection with any hearing held hereunder by said trial board. Any person refusing or failing to appear and testify or to produce such books and papers, or who shall testify falsely under oath at any hearing held by said trial board, may be proceeded against in the same manner and shall be subject to the same penalties as provided by § 51 of this Charter relating to investigations as to city affairs.

The council shall also designate one member of said trial board as vice-chairman thereof to act in the absence, disability or inability to act of the chairman, and when so acting, the said vice-chairman shall have all the powers herein conferred upon the chairman.

Any such officer or employee against whom accusations are so filed shall have the right to be represented by counsel at any hearing before said trial board. All notices required to be given the trial board may be given to the chairman thereof, or in his absence, to the vice-chairman. (1918, c. 34; 1936, c. 283; 1950, c. 430; 1970, c. 484; 1977, c. 42; 1978, c. 80; 2014, cc. 235, 683)

§ 64. Suspension and dismissal of the chief of police, deputy chief of police, and fire chief.

The city manager shall have the power to suspend or dismiss the chief of police, the deputy chief of police, and the fire chief at any time, and his action in every such case shall be final; provided that in the event the chief of police, the deputy chief of police, or the fire chief was appointed to such position from the membership of his respective division, he shall, at the time of any such suspension or dismissal, or at any time prior thereto, at his request, be restored to the rank he held in the classified service in such division at the time of his appointment as such chief or deputy chief, without being required to take any examination, subject, however, to the provisions of § 63 of this Charter. (1918, c. 34; 1952, c. 21; 2014, cc. 235, 683)

Department of Finance.

§ 65. General powers and duties.

The head of the department of finance shall be known as the director of finance. The director shall have direct supervision over the department of finance and over the administration of the financial affairs of the city, including the keeping of accounts and financial records, special assessments and

other revenues, and the custody and disbursements of city funds and monies, and shall perform such other duties as the council may by ordinance provide.

The director shall devise and promulgate accounting procedures that are adequate to record in detail all transactions affecting the acquisition, custody and disposition of values, including case receipts and disbursements. The director shall cause a monthly statement to be presented to the council at a regular meeting in each month showing the aggregate receipts and expenditures of each department of the city for the preceding month, and such statement shall be published by the council in such manner as to afford full publicity thereto.

At the end of each fiscal year, the director of finance shall cause to be printed an annual report giving a classified statement of all receipts and expenditures, assets and liabilities of the city, a detailed comparison of the revenues and expenditures for such year with those of the preceding year, a summary of the proceedings of the council, and a summary of the operations of the administrative departments for the preceding twelve months. The said report shall contain a certificate by the certified public accountant mentioned in § 99 of this charter, to the effect that the financial statement contained herein is a true and accurate statement of the financial condition of the city as shown by the books of account of the several departments thereof. A copy of this report shall be furnished to any citizen who may apply therefor at the office of the city clerk. (1918, c. 34; 2000, cc. 950, 979)

§ 66. The city auditor.

The city auditor shall be appointed in the manner and for the term prescribed in § 11, as amended, of this charter. The city auditor shall be experienced in municipal auditing. The city auditor shall perform such auditing and other duties as prescribed by this charter or as required by ordinance. (1918, c. 34; 2000, cc. 950, 979)

§ 66(a). Deputies of the city auditor.

The city auditor may, by and with the consent of the council, appoint one or more deputies and such number of assistants as may be provided by ordinance. Any of the official duties of the city auditor may be performed by any of his deputies. (1952, c. 239)

§ 67. The annual budget.

At least sixty days before the end of each fiscal year, the city manager shall prepare and submit to the council an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government according to a classification as nearly uniform as possible. The budget shall present the following information:

(a) An itemized statement of the appropriations recommended, with comparative statements in parallel columns showing estimates of the expenditures for the current year and the actual expenditures for the next preceding year.

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding year, and of the increases or decreases estimated or proposed.

(c) Such other information as may be required by the council.

(d) When putting a fiscal year from July first through June thirtieth into effect, the comparative statements required by the provisions of subsections (a) and (b) above shall not strictly apply for the fiscal years 1968-1969 and 1969-1970 but the city manager shall show in the budget such comparative figures as shall best carry out the intent of subsections (a) and (b) above.

Copies of such budget shall be printed and available for distribution after its submission to the council; and a public hearing shall be given thereon by the council before final action. (1918, c. 34; 1956, c. 115; 1968, c. 174)

§ 68. The annual appropriation.

At least thirty days before the end of each fiscal year the council shall pass an annual appropriation ordinance which shall be based on the budget submitted by the city manager; and shall levy such taxes for the ensuing fiscal year, if not theretofore levied, as may be necessary, together with other revenues of the city, including taxes theretofore levied, to meet the appropriations made and all sums required by law to be raised for account of the city debt, together with such addition, not exceeding five per cent of the total appropriations, as may be necessary to meet any abatements from and deficiencies in the actual collection and receipt of the estimated taxes and other revenues of the city. The total amount of appropriations shall not exceed the estimated revenues of the city.

In levying taxes the council may provide that any tax so levied shall continue from year to year unless otherwise changed by the council. (1918, c. 34; 1952, c. 18)

§ 69. Fiscal year.

From and after January 1, 1920, and until otherwise provided by the council by ordinance, the fiscal year for said city shall begin on the first day of January and end with the thirty-first day of December of each year. Not later than June first, 1919, a budget shall be prepared and an appropriation ordinance adopted, covering the period from July first, 1919, to January first, 1920. License for the privilege of doing business in the year, 1919, from and after May first of said year, shall cover the period from May first to and including December thirty-first of said year; and the taxes thereon shall be apportioned accordingly. Thereafter the budget shall be prepared annually as above provided. From and after January first, 1920, and until otherwise provided by the council by ordinance, city license taxes for doing business shall be payable during the month of January of each year, and city taxes on real estate shall be payable during the month of July of each year, and city taxes on personal property shall be payable during the month of November of each year. (1918, c. 34)

§ 69-a. Should the council of said city change the fiscal year thereof to begin on the first day of July and end on the thirtieth day of June of the succeeding year, for the purpose of putting such new fiscal year into effect, it is hereby authorized and empowered to provide for and adopt a budget, and appropriation ordinance to cover, for a six months' or for an eighteen months' period; and said council is further authorized and empowered to levy and impose taxes on real estate, tangible personal property and machinery and tools, on a calendar year basis, and in levying and imposing any such taxes on a calendar year basis the ordinance levying and imposing the same may be adopted at any time before the beginning of the calendar year for which the same are levied and imposed. The tax year for all other taxes shall be fixed by the council by ordinance. (1948, c. 353)

§ 70. Unencumbered balances.

At the close of each fiscal year, or upon the completion at any time within the year of any project for which a specific appropriation has been made, the unencumbered balance of each appropriation, with the exception of those projects funded by sources with spending requirements and limitations specified by the grantor, shall revert to the respective fund from which it was appropriated and shall be subject to further appropriation. No money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred except pursuant to the appropriations made by the council. (1918, c. 34; 1978, c. 80; 2000, cc. 950, 979)

§ 71. Payment of claims.

Payments by the City shall be made only upon vouchers certified in such manner as the council, by ordinance, may prescribe, and by means of warrants on the city treasurer, issued by the director of finance and countersigned by the city treasurer. During such time as the city manager shall act as director of finance such warrants shall be issued by the assistant director of finance or the city controller and countersigned by the city treasurer. The director of finance, or, if the city manager be acting as director of finance, then the assistant director of finance or city controller shall examine all payrolls, bills and other claims and demands against the city; and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and duly certified; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. The city manager, or the assistant director of finance or city controller, as appropriate pursuant to this section, may require any claimant to make oath to the validity of a claim; may investigate any claim, and for such purposes may examine any witnesses under oath; and if such claim be found fraudulent, erroneous or otherwise invalid, shall not issue a warrant therefor. (1918, c. 34; 1926, c. 289; 1958, c. 115; 2000, cc. 950, 979)

§ 72. Certification of funds.

No contract, agreement or other obligation involving the expenditure of money shall be entered into nor shall any ordinance, resolution or order for the expenditure of money be passed by the Council or

be authorized by any officer of the city, unless the director of finance shall first certify to the Council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the city treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and preserved. During such time as the city manager shall act as director of finance the aforesaid certification shall be made by the assistant director of finance or the city controller. The sum so certified shall not thereafter be considered unencumbered, until the city is discharged from the contract, agreement or obligation. (1918, c. 34; 1972, c. 706; 2000, cc. 950, 979)

§ 73. Money in fund.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation from taxes, assessments, license fees, or from sales of property or of services, products, or by-products of any city undertaking or federal or state grants, and moneys to be derived from lawfully authorized bonds, for the purpose of such certificate shall be deemed in the treasury to the credit of the appropriate fund and subject to such certification. (1918, c. 34; 1956, c. 115)

§ 74. City treasurer generally.

The city treasurer shall be elected at the time, in the manner and for the term provided in § 23 of this charter. He shall give bond in such sum not less than one hundred thousand dollars, as the council may prescribe, with surety to be approved by the council, conditioned for the faithful discharge of his official duties in relation to the revenue of the city, and of such other official duties as may be imposed upon him by this charter and the ordinances of the city. Subject to the supervision of the city manager, he shall collect and receive all city taxes, levies, assessments, license taxes, rents, water rents, fees and all other revenues or moneys accruing to the city, and for that purpose shall be vested with any and all powers which are now or may hereafter be vested in such city treasurer as collector of State taxes. He shall be the custodian of all public money of the city, and of all other money coming into his hands as city treasurer. The city treasurer shall keep and preserve such moneys in such banks or trust companies as may be determined by ordinance or by the provisions of any law applicable thereto. When city moneys have been deposited in such banks or trust companies as designated by ordinance, the city treasurer shall not be liable for any loss sustained as to funds of the city so deposited. It shall be the duty of said city treasurer to conduct all of the proceedings and render all services necessary to perfect the sale and transfer of real estate in said city where the same shall be sold or advertised for sale for the nonpayment of any taxes or assessments imposed by the council. He shall perform such other duties, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance. (1918, c. 34; 1950, c. 107; 1958, c. 115; 1974, c. 11; 1976, c. 599)

§ 74(a). Supplementing salary of city treasurer.

The city may supplement the salary of the city treasurer for additional services not required by state law, provided, however, that such supplementary salary shall be paid wholly by the city. (1956, c. 115)

§ 75. Commissioner of the revenue generally.

The commissioner of the revenue shall be elected at the time, in the manner and for the term provided in § 23 of this charter. He shall give bond in such sum not less than ten thousand dollars, as the council may by ordinance prescribe, with surety to be approved by the council, conditioned for the faithful performance of all of his duties under this charter, and under any ordinance of the city. He shall, subject to the supervision of the city manager, perform such duties not inconsistent with the laws of the State in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the city manager. The council may by ordinance require that all tax bills shall be made out by the commissioner of the revenue and delivered in such manner as said ordinance may prescribe. For all such services the said commissioner of the revenue shall receive such compensation as the council may from time to time prescribe by ordinance. (1918, c. 34; 1976, c. 599)

§ 75(a). Supplementing salary of commissioner of the revenue.

The city may supplement the salary of the commissioner of the revenue for additional services not required by state law, provided, however, that such supplementary salary shall be paid wholly by the city. (1956, c. 115)

§ 76. Vacancies in the office of city treasurer or commissioner of the revenue.

In case of a vacancy in the office of the city treasurer or commissioner of the revenue the council shall elect a qualified person to fill the office in which such vacancy occurs for the unexpired term; provided that if the term of office so filled does not expire for two years or more after the next regular municipal election for the election of councilmen following such vacancy, and such vacancy occurs in time to permit it, a city treasurer or commissioner of the revenue, as the case may be, shall then be elected and shall from and after the date of his qualification succeed such appointee and serve the unexpired term. (1918, c. 34)

§ 77. City purchasing agent.

The city purchasing agent shall, under the supervision of the director of finance, and until the council shall otherwise provide by ordinance, purchase all goods and services for the city, and sell all personal property of the city that may have been condemned as useless by the director of a department of the city, except the purchase of such goods and services and the sale of such personal property for which the council may make other provisions.

He may require from the director of each department, at such times as contracts for goods and services are to be let, a requisition for the quantity and kind of goods and services to be paid for from the appropriations of the department. Upon certification that funds are available in the proper appropriations, such goods and services shall be purchased and shall be paid for from funds in the proper department for that purpose. He shall not purchase any goods and services for any department unless there be to the credit of such department an available appropriation balance sufficient to pay for such goods and services. However, this procedure shall not prevent him from purchasing goods and services for cash on account of storehouse stock for future use by the various departments under such regulations as the director of finance may prescribe.

Before making any purchase or sale, he shall give opportunity for competition under such rules and regulations as may be established by the director of finance.

He shall perform such other duties in connection with the purchase of goods and services and the sale of personal property of the city as may be from time to time prescribed by the council. (1918, c. 34; 1956, c. 115; 2000, cc. 950, 979)

§ 78. Emergency purchases.

In cases of emergency, purchases may be made without competition, if a sufficient appropriation has theretofore been made against which such purchases may lawfully be charged. In such cases a copy of the order issued shall be filed with the city purchasing agent, together with a certificate by the head of the department, stating the facts constituting the emergency. (1918, c. 34; 2000, cc. 950, 979)

§ 79. Contingent fund.

Provision shall be made in the annual budget and in the annual appropriation ordinance for a reasonable contingent fund under the exclusive control of the city manager to be expended for use in the administration of the city's affairs in emergency situations as certified to by the city manager and under such rules of procedure therefor as the council shall prescribe. The city manager shall at least once in each quarter report to the council in writing all such emergency payments, together with a statement of the facts constituting the emergency in each case. (1918, c. 34; 1976, c. 599)

§ 80. Public improvements.

Any public work or improvement costing more than fifteen thousand dollars, except as provided in the next succeeding section, shall be executed by written contract. All contracts for more than fifteen thousand dollars shall be awarded to the lowest responsible bidder after public advertisement and competition, as may be prescribed by ordinance. No contract may be split or divided to avoid the requirement of competition. But the city manager shall have the power to reject any and all bids and all advertisements shall contain a reservation of this right. (1918, c. 34; 1958, c. 115; 1972, c. 706; 1978, c. 80)

§ 81. Improvements by direct labor; emergency work.

After bids shall have been advertised for and received for making any public improvement or doing any public work, or if no bids are received, the council may authorize the making of such improvement or doing of such work by the direct employment of the necessary labor and purchase of the necessary materials and supplies on the basis of detailed estimates submitted by the department authorized to execute such work or improvement; provided the probable cost of such work or improvements as shown by such estimate is less than the bid of the lowest responsible bidder for the same work or improvement; and provided further, that the city manager shall certify to the council that in his opinion the cost of making such improvement or doing such work will not exceed the said estimate. Separate accounts shall be kept of all work and improvements so done or made.

In an emergency requiring immediate action the city manager may cause any such improvement to be made or other public work to be done by direct employment of the necessary labor and purchase of the necessary material and supplies without previously advertising for or receiving bids therefor. Every such case shall be reported by him in writing to the council at its next regular meeting with a statement of the facts constituting such emergency. Separate accounts shall be kept of all such work; provided that nothing in this or the next preceding section shall prevent the said city from doing maintenance and repair work by direct labor and from maintaining a reasonable force of men for that purpose. (1918, c. 34; 1974, c. 11)

§ 82. Alteration or modification of contracts.

When it becomes necessary in the performance of any work under contract to make amendments or modifications to such contract, such amendments or modifications shall be made only upon the order of the city manager, unless otherwise provided by council by ordinance. No such order shall be effective until the price to be paid for the work and material, or both, and the credits, if any, to be allowed the city, under the amended or modified contract, shall have been agreed upon in writing and signed by the contractor and by the city manager, or by the person designated by the council by ordinance. (1918, c. 34; 1970, c. 484; 2000, cc. 950, 979)

§ 83. Contracts for public advertising.

All public advertising or publications necessary under this charter shall be in a daily newspaper of general circulation published in the city, and shall be done by contract; or in a journal published by the city as may be determined by ordinance; provided that the publication of notice of the sale of lands for delinquent taxes and assessments thereon under § 90 of this charter shall only be in a newspaper of general circulation published in said city. If such contract shall be with the publisher of a newspaper it shall be entered into only after opportunity has been given for competition under such rules and regulations as the council may provide and for a term not exceeding one year. (1918, c. 34)

§ 84. (1918, c. 34; repealed 1976, c. 599)

§ 85. (1918, c. 34; 1950, c. 436; 1972, c. 706; repealed 1983, c. 587)

§ 86. Bond issues generally.

(1) The council may in the name and for the use of the city contract debts and make and issue or cause to be made and issued as evidence thereof, bonds, notes or other obligations, upon the credit of the city or solely upon the credit of specific property owned by the city, or personal property including investments and other securities deposited in a separate account and held for, and pledged to, the payment of principal of and interest on such bonds, notes or other obligations, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the city, such bonds and notes or other obligations to be either coupon or registered bonds, or coupon bonds with the privilege to the holder of having same registered as to principal or as to both principal and interest. Such bonds may be made subject to redemption prior to maturity, with or without premium, and subject to such notice as may be provided in the ordinance authorizing such bonds or in a resolution adopted in connection with the sale of such bonds. But except as provided in clause (4) of this section no debt shall hereafter be contracted for a longer period than that of the probable life of the work or object for which the debt is to be contracted, to be determined by the director of public works and by him certified as hereinafter provided. In determining the probable life or probable average life of works or objects as hereinafter provided, the director of public works shall not deem the life of the following classes of work or objects to exceed the following periods, namely: roadways of streets having, at the time the debt is contracted, railroad or street railway tracks thereon, fifteen years; roadways of all other streets, twenty years; school houses, thirty years; other public buildings, forty years; iron bridges, thirty years; concrete bridges, forty years; parks or other real estate, fifty years; and all other works or objects not hereinabove specified, thirty years. In the event that a debt shall be authorized for purposes falling within two or more of the above-named classes, it shall be the duty of the director of public works to determine and certify as hereinafter provided the probable average life of the works or objects for which said debt is contracted, taking into consideration the nature of said works or objects and the portion of said debt applicable to said works or objects, respectively. The words "probable life," as herein used, shall be construed to mean the length of time that will probably elapse before any particular improvement (assuming it to be kept in reasonable current repair) will reasonably require replacement.

(2) No bond, note, or other obligation of the city shall hereafter be issued except as hereinafter provided in the case of temporary loans, unless and until there is filed with the city clerk a certificate from the director of public works in substantially the following form:

"I hereby certify that the probable life (or 'the probable average life') of the work or object (or 'the works or objects') for which the debt authorized by the ordinance entitled (naming it) is contracted is as great as the longest period fixed for the maturity of any obligation issued or to be issued under the same ordinance"; and the said certificate shall be conclusive.

(3) The maximum periods hereinabove fixed for the contracting of debts for the several purposes hereinabove set forth may be changed at any time by the General Assembly, or under its authority, as to

any bonds to be issued after said change is made, and such change shall not be deemed to constitute an impairment of the obligation of the contract of the city as to any bonds theretofore issued.

(4) Notwithstanding any other provisions of this section the city may issue, without the certification of the director of public works above-mentioned, bonds, notes or other obligations for the purpose of refunding any obligations of the city at any time, whether or not prior to the maturity or earliest redemption date of the obligations to be refunded and including interest on the obligations to be refunded; but no such refunding bonds, notes or obligations shall be issued for a period which exceeds twenty-five years.

(5) Bonds issued by the city may be either serial bonds or term bonds. Serial bonds shall be payable in annual installments, the first of which shall be payable at any time within two years of the date of the bonds, and the last of which shall be payable within the period of probable life of the work or object for which the debt evidenced by said bonds was created, ascertained and certified as hereinabove provided. Such installments may be in amounts determined by the council either in the ordinance authorizing such bonds or in a resolution adopted in connection with the sale of such bonds. Unless otherwise provided by ordinance for bonds issued for the purposes of refunding of outstanding bonds of the city, no installment shall be greater than double the amount of the smallest. If term bonds are issued which mature prior to the first principal repayment date of an issue of serial bonds, the first annual installment of such serial bonds may be more than two years after the date of such bonds. Term bonds must be payable within the period of the probable life of the work or object for which the debt evidenced by said bonds was created, ascertained and certified as hereinabove provided; and the council, either in the ordinance authorizing such bonds or in a resolution adopted in connection with the sale of the bonds, shall establish a sinking fund into which deposits shall be made for the payment of the principal of such bonds, in such amounts and in such times as may be determined by the council so that such bonds will be fully retired either by redemption or by payment at maturity by the maturity date thereof.

(6) [Repealed.]

(7) All bonds issued after April 1, 1916, shall be paid at their respective maturities, and, except in the case of obligations of said city issued after April 1, 1916, and prior to the enactment of this Charter, which mature not more than three years from the date thereof, no refunding bonds shall be issued for the payment thereof; provided, however, that if for any reason there shall not at the time of the maturity of any such bonds be sufficient funds of said city available for the payment thereof, it shall be lawful for the city to borrow money and issue negotiable notes to the amount required to pay such maturing bonds, which bonds shall be paid out of taxes to be levied and collected within the three years next succeeding the year in which such notes were issued. The payment out of the proceeds of the sale of any bonds of temporary loans made in anticipation of the sale of such bonds shall not be deemed a refunding of such temporary loans within the meaning of this clause. If the council shall fail to make

provision for the payment of any sinking fund installment required as to any bonds lawfully issued under this section, or of any installment of serial bonds lawfully issued under this section, and such default shall continue for sixty days, then, and in either of said events, the city treasurer shall, without further direction from the council, and notwithstanding any contrary direction from the council, pay such sinking fund or serial bond installments from moneys then in his hands, if sufficient; and, if not, then from the first moneys that shall come into his hands thereafter.

(8) Pending the issuance or sale of any bonds, notes or other obligations by this section authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, or of either of the two fiscal years immediately preceding the current fiscal year, it shall be lawful for the city to borrow money temporarily and issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the city taxes and revenues, as the case may be; provided that such temporary loans, including all renewals thereof, if made pending the issuance or sale of bonds, notes or other obligations, issued under clause (5) five hereof, shall not be made for a period greater than five (5) years, nor shall they exceed in the aggregate at any one time the amount of such bonds, notes or other obligations remaining unissued and unsold; and temporary loans made in anticipation of the receipt of taxes and revenues of any fiscal year including all renewals thereof, shall not be made for a period greater than the period ending two years after the expiration of such fiscal year and shall not exceed in the aggregate at any one time the uncollected portion of the taxes and revenues in anticipation of which such notes or other evidences of indebtedness are issued. All such temporary loans shall be evidenced by instruments upon the face of which there shall be plainly written "temporary loans." No such loan made pending the issuance or sale of bonds, notes, or other obligations under the provisions of clause (5) five hereof shall be valid unless the said bonds, notes or other obligations shall have been first legally authorized. The provisions of clauses (1) to (5) inclusive, of this section, shall not apply to said temporary loans.

(9) The credit of the city shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, association or corporation. The council shall not issue any bonds, notes or other obligations of the city, or increase the indebtedness thereof, to an amount greater than ten percent of the assessed valuation of the real estate in the city subject to taxation as shown by the last preceding assessment for taxation; provided, however, that in determining the limitation of the power of the city to incur indebtedness there shall not be included the classes of indebtedness mentioned in numbered subdivisions (1), (2), (3) and (4) of subsection (a) of § 10, Article VII of the Constitution of Virginia.

(10) Bonds of the city, the principal and interest on which are payable exclusively from the revenues and receipts of a water system or other specific undertaking or undertakings from which the city may derive a revenue, or secured solely or together with such revenues, by contributions of other units of

government, may be issued pursuant to the provisions of this Charter and any general law of the State of Virginia as the council may deem applicable with regard to the funds and revenues pledged, covenants by the city with regard to fees and charges and other matters required for the protection of bondholders, remedies of bondholders and appointment of a trustee as well as the right of such trustee to the appointment of a receiver. The provision of clause (5) of this section shall not apply to such bonds and the ordinance authorizing such bonds shall not be subject to a vote of the qualified voters. Such bonds shall not be a debt of the city and the city shall not be liable thereon except to the extent set forth in the ordinance pursuant to which the bonds are authorized and in no event shall such bonds be payable out of any funds other than those referred to in such ordinance. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction.

(10-a) Bonds pledging the full faith and credit of the city authorized by an ordinance enacted in accordance with Article VII of the Constitution of Virginia and approved by the affirmative vote of the qualified voters of the city voting upon the question of their issuance, for a supply of water or other specific undertaking from which the city may derive a revenue, may be issued without being included in determining the limitation on indebtedness set forth in clause (9) of this section and in Article VII, § 10 of the Constitution of Virginia, but from and after a period to be determined by the council not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for the cost of operation and administration (including interest on bonds issued therefor), the cost of insurance against loss by injury to persons or property, and an annual amount to be placed into a sinking fund sufficient to pay the bonds at or before maturity, all outstanding bonds issued on account of such undertaking shall be included in determining the limitation on indebtedness set forth in clause (9) of this section and in Article VII, § 10 of the Constitution of Virginia.

(11) Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the rate or maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold. All other matters relating to such bonds may be determined by resolution, within the limitations prescribed by such ordinance or by this act.

(12) All bonds shall be under the seal of the city and shall be signed by the city treasurer or one of his deputies and by such other officer or officers of the city as may be designated in the ordinance authorizing the bonds. If such ordinance shall so determine, the officer or officers signing the bonds, other than the city treasurer or his deputy, may sign the bonds by their facsimile signatures, in lieu of manual signatures; but the signature of the city treasurer or his deputy on such bonds shall be in his own proper handwriting, provided that the treasurer may cause the bonds to be executed by a facsimile of his signature if a fiscal agent, transfer agent or registered agent is appointed with authority to

manually authenticate each bond. Coupons attached to a bond shall be authenticated by the facsimile signature of the city treasurer. (1918, c. 34; 1932, c. 93; 1950, c. 436; 1964, c. 23; 1972, c. 706; 1983, c. 587; 1988, c. 519)

§ 86(a). Notwithstanding anything contained in this charter or in any other law, any serial bonds issued by said city prior to the first day of January, 1952, in accordance with subdivision 6 of § 86 of this charter, may, in the discretion of the council, be made payable in annual installments, the first of which shall be payable in the fiscal year 1953 and the last of which shall be payable within the period of the probable life, ascertained and certified as provided in said § 86, of the work or object for which the debt evidenced by said bonds is created. (1942, c. 99)

§ 86(b). Bond ordinances may specify one or more classes of objects or purposes.

Any ordinance authorizing the issuance of bonds adopted pursuant to § 86 may specify one or more single specific objects or purposes as the purposes for which the bonds are to be issued and the maximum principal amount of bonds to be issued for each such specific object or purpose or may specify one or more classes of objects or purposes, each to be described in brief and general terms sufficient for reasonable identification, and the maximum principal amount of bonds to be issued for each such class of objects or purposes. Bonds authorized for a single specific object or purpose shall not be issued until an ordinance authorizing the carrying out of such object or purpose has been adopted and taken effect. Bonds authorized for a class of objects or purposes may be issued either before or after ordinances authorizing the carrying out of such objects or purposes have been adopted and taken effect, but none of the moneys raised by the issuance of the bonds issued for such class of objects or purposes shall be applied to the financing of an object or purpose included in such class of objects or purposes until an ordinance authorizing the carrying out of such object or purpose has been adopted and taken effect, and the aggregate amount of the moneys so applied shall not exceed the amount appropriated to said object or purpose and directed to be expended from the moneys raised by the issuance of the bonds authorized for such class of objects or purposes, either by said ordinance or by a resolution adopted by the council. (1956, c. 124)

§ 86(c). Facsimile seal may be used on bonds.

Notwithstanding anything contained in this charter bonds issued pursuant thereto need not be under the seal of the city provided they bear a facsimile of such seal. (1956, c. 124)

§ 87. Special assessments.

All local or special assessments shall be made and collected by the director of finance under such regulations as the council may be ordinance prescribe.

Provision shall be made by ordinance for the method of levying and apportioning such special assessments, for the publication of plans, for serving notice upon the owners of property affected, and for giving to such owners an opportunity to be heard before final action on the assessment.

Any person affected by such special or local assessment may appeal from the decision of the director of finance as to any such assessment against him to the corporation court of said city. (1918, c. 34)

§ 87(a). (1950, c. 488; 1972, c. 706; repealed 1976, c. 599)

§ 88. Levy for taxes.

All goods and chattels of any person against whom taxes for the city are assessed may be distrained and sold for said taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for State taxes.

A tenant by whom payment is made or from whom payment is obtained, by distress or otherwise, of taxes or levies due the city, by a person under whom he holds, shall have credit for the same against such person out of the rents he may owe him, except when the tenant is bound to pay such taxes and levies by an express contract with such person. And where taxes or levies are paid to the city by any fiduciary on any estate in his hands or for which he may be liable, such taxes and levies shall be refunded out of the said estate. (1918, c. 34)

§ 88(a). Assessment and equalization of assessments of real estate.

The council of said city shall have the right and power, in lieu of any other method prescribed by law, to provide for the annual assessment and reassessment of real estate for taxation, and to that end may appoint in the manner and for the term prescribed in § 11 of this charter a single assessor to assess such real estate for taxation, may prescribe the duties and term of office of said assessor, may require that he shall give his entire time to the duties of his office, may remove him for cause, may fix his compensation, which shall be payable out of the local treasury, and may likewise provide for such technical and clerical assistance as may be necessary or advisable and for the payment of any other expenses that may be properly incident thereto. Such person so appointed shall be the city assessor and shall have such number of assistants as the council by ordinance may provide, such assistants to be nominated by him and confirmed by the council. Said annual assessments or reassessments shall be completed by said assessor by the thirty-first day of March of the year in which they are made.

All such real estate shall be assessed at its fair market value and the taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

Notwithstanding any of the provisions of §§ 58-895 and 58-899 to 58-901, inclusive, of the Code of Virginia, the circuit court of said city or the judge thereof in vacation shall, annually, appoint for the city a board of review of real estate assessments, to be composed of three members, who shall be freeholders of said city. The terms of such members shall commence on their appointment and shall expire on the thirtieth day of November of the year in which they are appointed unless such terms are extended. Such court or the judge thereof in vacation may extend the terms of the members of the said board of review and shall fill any vacancy therein for the unexpired term. The members of the said

board shall receive per diem compensation for the time actually engaged in the duties of the board, to be fixed by the council of said city, and to be paid out of the treasury of said city, provided, however, that the council of said city may limit the per diem compensation to such number of days as, in its judgment, is sufficient for the completion of the work of the board.

Such board of review shall have and may exercise the power to revise, correct and amend any assessments of real estate made by said assessor in the year in which they serve, and to that end shall have all the powers conferred upon boards of equalization by §§ 58-903 and 58-912, inclusive, of the Code of Virginia. Notwithstanding any provision of said sections, however, the board of review may adopt any regulations providing for the oral presentation, without formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceedings before the board.

Any person of said city aggrieved by any assessment made by said assessor or board of review may apply for relief in the manner provided by §§ 58-1145 to 58-1151, inclusive, of the Code of Virginia.

This section shall not apply to the assessment of any real estate assessable under the law by the State Corporation Commission. (1950, c. 488; 1983, c. 587; 1999, cc. 479, 525)

§ 88(b). Annual assessment, reassessment and equalization of real estate taxes.

Notwithstanding the August thirty-first date prescribed by § 88(a) of the charter, in the event the council, pursuant to State law, provides that the assessment of real property whenever made, except that of public service corporations which is assessed by the State Corporation Commission, shall become effective for city tax purposes on the first day of July of each year then the annual assessment or reassessment of such property shall be completed by the assessor by the last day of February of the fiscal year in which they are made. (1968, c. 219)

§ 89. Lien for taxes, etc.

There shall be a lien on all real estate and on each and every interest therein for the city taxes assessed thereon, from the commencement of the year for which they were assessed, and also for all local assessments which may be made thereon according to law. There shall also be a lien on any land or premises for the amount of expense incurred by said city in abating any nuisance thereon or cutting or removing weeds therefrom, after notice to the owner thereof by publication or otherwise as may be provided by ordinance; provided, however, that the lien for the amount of any such local assessment or for the expense of abating any nuisance or cutting or removing weeds from any premises shall not be good against a purchaser of such land or premises for value without notice except and until from the time that the same shall be docketed in a book or books kept for that purpose in the office of the city treasurer and indexed in the name of the person or persons owning such estate or land at the time the said lien accrued. The council may require such real estate in the city delinquent for the non-payment of taxes, or assessments on expenses incurred as above provided, to be

sold for said taxes or assessments or expenses, with interest thereon at the rate of six per centum per annum, and such percentage as may be prescribed for charges. (1918, c. 34)

§ 90. (1918, c. 34; 1968, c. 473; repealed 1976, c. 599)

§§ 91 through 97. (1918, c. 34; repealed 1976, c. 599)

§ 98. Sales for local assessments, etc.

The council may by ordinance provide the method of making sale of any lands, lots or premises for non-payment of the amount of any local or special assessments thereon, or for the non-payment of any expense incurred by the city in abating any nuisance thereon, or cutting or removing weeds therefrom as provided in § 89 hereof. (1918, c. 34)

§ 99. Audit of official accounts.

Upon the death, resignation, removal, or expiration of the term of any fiscal officer of the city, other than the director of finance, the director of finance shall make an audit and investigation of the accounts of such officer, and shall report the result thereof to the city manager and to the council. As soon as practicable after the close of each fiscal year an annual audit shall be made of all of the accounts of all city officers, and upon the death, resignation, removal or expiration of the term of the director of finance, an audit shall be made of his accounts. Such annual audits and the audit of the accounts of the director of finance shall be made by certified public accountants selected by the council, who have no personal interest, direct or indirect, in any of the officers or employees of said city, or in the financial affairs of said city; provided that no such certified public accountant who is otherwise qualified shall be disqualified to make such audits by reason of his being a resident of said city and tax-payer therein. The council may at any time provide for the examination or audit of the accounts of any officer or department of the city government. (1918, c. 34)

Public Property and Franchises.

§ 100. Sale of public property.

The rights of the city of Norfolk in and to its water-front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges and other public places and its gas, water, electric and other works shall not be sold except by an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to the council and under such other restrictions as may be imposed by law. (1918, c. 34; 2006, cc. 152, 727)

§ 101. (1918, c. 34; repealed 1976, c. 599)

§ 102. (1918, c. 34; repealed 1976, c. 599)

§ 103. (1918, c. 34; repealed 1976, c. 599)

§ 104. Transfer of franchise.

No public utility franchise shall be transferable except with the approval of the council expressed by ordinance, and copies of all transfers and mortgages or other documents affecting the title or use of any such public utility shall be filed with the city manager within ten days after the execution and delivery thereof. (1918, c. 34)

§ 105. Rights reserved to the city.

All grants, renewals, extensions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the city:

(1) To repeal the same by ordinance at any time for misuse or non-use or for failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.

(2) To require proper and adequate extensions of plant and services and the maintenance of the plant and fixtures at the highest practical standard of efficiency.

(3) To establish reasonable rates and standards of service and quality of products and prevent unjust discrimination in service or rates.

(4) To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility; and to require annual and other reports by each such public utility; provided that if forms of account shall have been prescribed by the State Corporation Commission of Virginia for public utilities throughout the State, the forms so prescribed shall be controlling so far as they go, but the council may prescribe more detailed forms for the utilities within its jurisdiction.

(5) To impose such other regulations as may be conducive to the safety, welfare and convenience of the public. (1918, c. 34)

§ 106. (1918, c. 34; repealed 1976, c. 599)

Public Schools.

§ 107. (1918, c. 34; repealed 1976, c. 599)

§ 108. (1918, c. 34; repealed 1976, c. 599)

§ 109. Powers and duties of the school board.

The school trustees of said city shall be a body corporate under the name and style of the school board of the city of Norfolk, and shall have all of the powers, perform all of the duties and be subject to all the limitations now provided or which may hereafter be provided by law in regard to school boards of cities, except that all real estate, with the buildings and improvements thereon purchased with money appropriated by the council or received from any other source for the purpose of public education, shall be the property of the said city of Norfolk, unless such money so received from any other source be received on other conditions. The said school board shall on the first days of the months of January and July in each year transmit to the council and to the director of finance a detailed

statement of all money received by said board or placed to its credit and all moneys disbursed by said board during the preceding six months, whether such moneys shall have been appropriated by the council or received from any other source for the purpose of public education. Separate accounts shall be kept by the said board of the moneys appropriated by the council, and moneys received from other sources, and every such statement shall show the balance of each class of funds on hand or under control of said board as of the date thereof.

The said school board shall on or before the first day of October of each year prepare and submit to the city manager for his information in making up the annual budget a detailed estimate of the amount of money required for the conduct of the public schools of the city for the ensuing fiscal year, with an estimate of the amount of all funds which will probably be received by said board for the purpose of public education from sources other than appropriations by the council. (1918, c. 34)

Civil Service Commission.

§ 110. Creation of civil service commission.

Prior to the first day of December, 1918, the council shall elect three qualified voters to constitute the civil service commission of said city, who shall be elected for terms of two, four and six years, respectively, from the first day of January, 1919, and until their respective successors shall have been elected and qualified; and prior to the first day of December of every second year thereafter, the council shall elect a qualified voter as a member of the said commission, who shall serve for a term of six years from the first day of January next following the date of his election, and until his successor shall have been elected and qualified.

The commission shall elect one of its members president; and two commissioners shall constitute a quorum for the transaction of business at any meeting thereof. It shall appoint as secretary to the commission a man who by education and experience is qualified to conduct the ordinary examinations required by § 113 hereof, and to act as secretary of the efficiency bureau hereafter provided for. Each commission, before entering upon the duties of his office, shall take the oaths prescribed by the Constitution of this State. Any vacancies in the commission shall be filled by election by the council for the remainder of the unexpired term. (1918, c. 34)

§ 111. Classification.

The civil service commission shall classify all the offices and places of employment in the city with reference to the examinations hereinafter provided for, except those offices and places mentioned in § 114 of this charter. The offices and places so classified by the commission shall constitute the classified civil service of the city, and no appointment to any such offices and places shall be made except according to the rules hereinafter mentioned. (1918, c. 34)

§ 112. Rules.

The civil service commission shall prescribe, amend and enforce rules for the classified service, which shall have the force and effect of law, shall keep minutes of its proceedings and records of its examinations, and shall make investigations concerning the enforcement and effect of said rules. It shall make an annual report to the council.

Rules shall provide:

(1) For the classification of all positions in the classified service.

(2) For open, competitive examinations to test the relative fitness of the applicants for such positions.

(3) For public advertisement of all examinations at least ten days in advance in at least one newspaper of general circulation, published in the city of Norfolk.

(4) For the creation of eligible lists, upon which shall be entered the names of successful candidates in the order of their standing in examination. Selections for positions to be filled in the classified service shall be made from the five standing highest on said list. Such lists shall remain in force not longer than two years.

(5) For the rejection of candidates or eligibles who fail to comply with the reasonable requirements of the commission in regard to age, residence, sex, physical condition, or who have been guilty of crimes or of infamous or disgraceful conduct, or who have attempted any deception or fraud in connection with an examination.

(6) For the furnishing of the eligible list to the city manager or other appointing power.

(7) For a period of probation not to exceed twelve months in the case of members of the divisions of fire and police, and not to exceed six months in the case of other officers and employees in the classified service, before appointment or promotion is made complete, during which periods a probationer may be discharged or reduced at the will of the city manager. After such period of probation, no officer or employee in the classified service shall be reduced in rank, removed or discharged except for cause and upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be investigated and disposed of by the city manager, whose decision shall be final.

(8) For noncompetitive examinations for menial positions in the city institutions, when competition is found to be impracticable.

(8a) For appointment to positions in the classified service, without competitive examination, of persons previously employed by the city manager pursuant to § 114.1 of this charter, upon such conditions and after such determinations of fitness and eligibility as the commission may prescribe, and after service of the period of probation provided for in (7) above.

(9) [Repealed.]

(10) For transfer from one position to a similar position in the same class and grade, and for reinstatement within one year of persons who, without fault or delinquency, are dismissed from the service or reduced.

(11) For promotion, based on competitive examination and records of efficiency, character, conduct and seniority. Lists shall be made and promotions made therefrom in the same manner as prescribed for original appointment. An advancement in rank or increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable, vacancies shall be filled by promotion.

(12) For the appointment of unskilled laborers and such skilled laborers as the commission may determine and after such tests of fitness as the commission may prescribe. (1918, c. 34; 1956, c. 115; 1976, c. 599)

§ 113. Examinations.

All applicants for offices or places in the classified service, except as otherwise provided in this charter, shall be subjected to examination, which shall be public, competitive and free to all persons eligible under the law, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and, when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, unless the same is to be conducted by the secretary, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and, if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examinations as the commission may direct, and to make return or report thereof to said commission, and the commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the members of the commission may themselves at any time act as examiners, and without appointing examiners. (1918, c. 34)

§ 114. Officers exempted from classified service.

Officers who are elected by the people or who are elected or confirmed by the council, pursuant to this charter, members of the school board, the teachers in the public schools and all other persons employed by said school board, heads of the administrative departments of the city, the deputy chief of police, assistant city managers, employees who report directly to and whose positions require the personal trust and confidence of the city manager, employees, regardless of their positions, hired and permanently assigned to work for and under the supervision of the constitutional officers of the city or of the circuit court judges of the city, assistant heads of administrative departments, and heads or chiefs of bureaus and divisions within said departments, but not including such positions within the

departments of fire and police other than that of the deputy chief of police, members of the law department and civil service examiners, shall not be included in such classified service; provided, however, that the council may by ordinance provide that the health officer of said city and such of his trained medical assistants as may be required to give full time to the duties of their positions shall be included in the classified service. (1918, c. 34; 1977, c. 42; 1982, c. 289; 2004, c. 52; 2008, c. 337; 2014, cc. 235, 683)

§ 114.1. Employees exempt from classified or unclassified service; power of the council to authorize employment of, and to make rules and regulations for certain employees.

Notwithstanding the provisions of §§ 110, 111, 112, 113, 114, 116, 117, 118 or § 119 of this charter, the council is hereby empowered to authorize or ratify by ordinance the employment of persons by the city manager for temporary service not to continue longer than six months, for substitute service not to continue longer than twelve months, for trainee service not to continue longer than twenty-four months, for service on specific projects or programs, and for part-time service, which persons shall not be members of the classified or unclassified service unless specifically so provided by council, and to adopt rules and regulations governing the employment, establishment and definition of positions, status, discipline, leave, transfer, limitations on length of employment, dismissal, compensation, and other rights and benefits of such persons. In no event shall successive employments for any of the foregoing categories of service, the employment of any person for a greater period than that specified for the type of service for which he is employed, the employment of any person in more than one of such categories of service, or the transfer of any person from one category to another for the purpose of continuing or lengthening his term of employment be allowed. (1976, c. 599; 1978, c. 80; 1988, c. 519)

§ 115. (1918, c. 34; repealed 1954, c. 72)

§ 116. Suspension of competition.

In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the civil service commission may, after public hearing and by the affirmative vote of all three commissioners, suspend competition, and recommend to the appointing power the appointment of the person so selected, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reason therefor, in the annual report of the commission. (1918, c. 34)

§ 117. Application to incumbents.

All persons in the city service who, at the time this charter takes effect, hold positions in the classified service as established pursuant to the provisions hereof shall be deemed to be on probation for six months from that date in accordance with paragraph (7) of § 112 hereof. If retained at the completion

of the period of probation, they shall hold their positions until discharged, reduced, promoted or transferred in accordance with the provisions of this charter. (1918, c. 34)

§ 118. List of classified employees.

The civil service commission shall maintain a list of all persons in the classified service, showing in connection with each name the position held, the date and character of every appointment and of every subsequent change in status. The head of each administrative department shall promptly transmit to the commission all information required for the establishment and maintenance of said list. (1918, c. 34)

§ 119. Salaries to be paid only after certification.

Neither the city treasurer nor any other disbursing officer shall pay any salary or compensation for service to any person holding or performing the duties of a position in the classified service unless the persons paid shall have been appointed or employed and are performing service in accordance with the provisions of this charter relating to civil service and of the rules established thereunder.

It shall be the duty of the civil service commission to furnish the treasurer and all other disbursing officers a list of all persons in the classified service, together with the changes from time to time.

Any tax-payer of the city may maintain an action in the name of the city in any civil court of record to recover in its behalf any sums paid contrary to the provisions of this section from the person or persons making such payment or to enjoin the payment of any sums of money in violation hereof. (1918, c. 34)

§ 120. Political or religious discrimination prohibited.

No person in the classified service, or seeking admission thereto, shall be appointed, promoted, reduced or removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations. (1918, c. 34)

§ 121. Soliciting political assessments, subscriptions or contributions prohibited.

No officer or employee of the city shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution for any political party or political purpose whatever, or for a testimonial for any official. No person shall, orally or by letter, solicit, or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose whatever from any person holding a position in the classified service. (1918, c. 34)

§ 122. Political activity prohibited.

No person holding a position in the classified service shall take any part in political management or in political campaigns other than to cast his vote and to express privately his opinion. (1918, c. 34)

§ 123. Penalties for violation of provisions of §§ 120, 121 and 122.

Any person wilfully violating any of the provisions of §§ 120, 121 and 122 hereof shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars, nor more than one hundred dollars. (1918, c. 34)

§ 124. Appropriations for expense of civil service commission.

The council shall appropriate each year a sum of money sufficient to defray the expenses of the civil service commission, and the city manager shall include the same in the annual budget. (1918, c. 34)

§ 125. Annual report to be made to the council.

Within thirty days after the first day of January, 1920, and within thirty days after the first day of January of each succeeding year, the civil service commission shall make a report to the council showing its own action, the rules in force, the practical effects thereof, and any suggestions it may have for the improvement of the classified service. The council may require a report from said commission at any other time. (1918, c. 34)

Other City Officials.

§ 126. The city clerk.

The city clerk shall be elected at the time, in the manner, and for the term provided by § 11 of this charter. He may by and with the consent of the council appoint one or more deputies and such number of assistants as may be provided for by ordinance. He shall be the clerk of the council; shall keep a record of its proceedings and either he or one of his deputies shall attend all meetings thereof. He shall keep all records which by the provisions of this charter or by direction of the council are required to be kept by or filed with him. He shall be the keeper of the city seal and shall affix and attest the same when so directed by the council. He shall transmit to the city auditor and the city treasurer copies of all ordinances or resolutions appropriating money or authorizing the payment of money or the issue of bonds or notes, and shall likewise transmit to the city manager copies of all ordinances and resolutions relating to the administrative departments of the city. He shall give information to persons presenting communications or petitions to the council of the final action of the council thereon. He shall, except as otherwise expressly provided in this charter, publish or cause to be published, all reports, ordinances, and other documents required by this charter to be published, and also such other reports as the council may by ordinance or resolution direct. He shall perform such other duties as are required by this charter, and in general shall perform such acts and duties as the council shall by ordinance or resolution require of him. Any of the duties of said city clerk may be performed by any of his deputies. The city clerk and his deputy or deputies shall receive such compensation and give such bond as the council may by ordinance provide. (1918, c. 34; 1950, c. 78; 1982, c. 289)

§ 127. (1918, c. 34; 1952, c. 258; repealed 1976, c. 599)

§ 128. (1918, c. 34; repealed 1976, c. 599)

§ 129. High constable.

The high constable for said city shall be elected at the time and in the manner provided in § 11, as amended, of this charter. He shall qualify in the circuit court of the City of Norfolk and shall give bond with surety to be approved by said court in the penalty of fifty thousand dollars, payable to the Commonwealth of Virginia, and conditioned for the faithful performance of his duties, said bond to be filed in the office of the clerk of said court. He shall execute all civil processes, warrants, summonses and notices as may lawfully be directed to him, including those issued outside the city, and shall have the same powers, duties and authority with respect to the execution of such civil processes, warrants, summonses and notices as are now or may hereafter be prescribed by law for the city sheriff. He shall further have such other powers, duties and authority as may otherwise be prescribed by law or by the council by ordinance. He shall charge and collect for services rendered by him and his deputies the fees and sums now or hereafter prescribed by law for the city sheriff for like services. The authority hereby conferred shall in no way limit or prevent the execution or service of any such civil process, warrant, notice or summons returnable before the general district court of the city by the sheriff, or by any other lawful means. Said high constable may, with the approval of the council, appoint one or more deputies to execute the duties of his office; but the surety on the bond of said high constable shall be equally liable for the acts of the said deputy or deputies as for those of the principal. The council shall have power to remove the high constable or any of his deputies for cause and appoint others in their places. He shall keep a full, accurate and detailed account of all such fees and sums and shall pay over to the city treasurer on the first day of each month all fees and sums collected and received during the preceding month, accompanied by an itemized statement of such fees and sums verified by his oath. For his services he shall receive such compensation as the council may by ordinance provide, and the council shall make provision by ordinance for the necessary and reasonable expense of conducting his office, including compensation to his deputy or deputies, which compensation shall be fixed by the council. (1918, c. 34; 1952, c. 239; 2000, cc. 950, 979)

Miscellaneous Provisions.

§ 130. Courts, fees, etc.

Wherever power is conferred upon said city by this charter to make rules and regulations, and impose and enforce penalties for the protection of any property owned by said city, but situated beyond the corporate limits thereof, the circuit court of the county or city in which such property is located shall have exclusive jursidiction of all offenses committed in such county or city against ordinances of said city prescribing such rules, and regulations, and imposing such penalties; and jurisdiction of injunction suits for the protection of any such property shall be as is now, or may hereafter be, provided by general law.

In all civil actions filed by said city in the general district courts, the said city shall be exempt from the payment of fees required by the general law. (1918, c. 34; 1992, c. 261)

§ 131. Jurisdiction of offenses.

The corporation court of said city shall have exclusive jurisdiction of offenses under §§ 6, 9, 47, 123. and 132 of this charter. Prosecutions under said sections may be begun by presentment, indictment or information. (1918, c. 34)

§ 132. Records.

All records used by any city officer in his office or pertaining to his duties shall be deemed the property of said city, and the chief officer in charge of such office shall be responsible therefor. Any such officer or person made by this section responsible for the keeping of such records shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, as the case may be, deliver to the city clerk all such records. Any such officer or person failing to deliver such records as required by this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding six months, or both, in the discretion of the jury. (1918, c. 34; 1982, c. 289)

§ 133. Qualification of members of the council and other officials.

The members of the council before entering upon the duties of their respective offices shall each take the oaths prescribed by the laws of this State for state officers. Such oaths may be administered by any judge of a court of record commissioned to hold such court within said city, or by any justice of the peace within said city, and the certificate thereof shall be filed with the city clerk and entered upon the record of the council. Every other person elected or appointed to any office under this charter or under any ordinance of the council, except clerks and laborers, shall before entering upon the duties of his office take and subscribe said oaths together with such other oaths as may be required by ordinance, before the city clerk, and the certificate of the same shall be kept on file in the office of said city clerk. The clerk of the corporation court of said city shall notify all persons elected by the people or appointed under this charter of their election or appointment, and the city clerk shall notify all persons elected by the council of their election. If any person elected or appointed to any office in the said city shall for ten days after receiving notice of election fail to take such oaths and give such bonds, with security, as may be required by law or ordinance, he shall be considered as having declined said office and the same shall be deemed vacant, and such vacancy shall be filled according to the provisions of this charter. (1918, c. 34; 1982, c. 289; 2021 Special Session I, c. 371)

§ 134. Bonds of officers.

Except in the case of officers whose bonds are specially provided for by this charter, the council in fixing the salary of any officer, clerk or employee of the city, shall determine whether such officer, clerk or employee shall give bond and the amount or penalty thereof. All officers required by this charter to give bond, and all officers, clerks and employees of whom bond is required by the council, shall, before entering upon their respective duties, give bond with surety to be approved by the council,

conditioned for the faithful performance of the duties of their respective offices, which bond, unless otherwise specially provided by this charter, shall be payable to the said city, and in such penalty as the council may by ordinance prescribe. The council shall accept as surety on any such official bond only a good, solvent surety or fidelity company authorized to do business in this State. The council may provide that the premium on any such bond shall be paid by the city. The sureties on the bond of any such officer shall be equally liable for the acts of any deputy or deputies of such officer as for those of such officer himself. Unless otherwise specially provided in this charter, all such bonds shall be filed with and preserved by the city clerk. The parties to bonds taken in pursuance of this section shall be subject to the same proceedings on said bonds for enforcing the conditions and terms thereof by motion or otherwise before the corporation court or circuit court of said city, as are now or may hereafter be provided by law in the case of collectors of the county levy and the sureties on their bonds for enforcing payment of the county levies. (1918, c. 34)

§ 135. (1918, c. 34; repealed 1976, c. 599)

§ 136. General laws to apply.

All general laws of the State applicable to municipal corporations now in existence or hereafter enacted and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted by the council pursuant to authority conferred by this charter shall be applicable to the said city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the council to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this charter. (1918, c. 34)

§ 136(a). Procedure upon exercise of right of eminent domain.

In addition to the other powers conferred by law the city may, in exercising the right of eminent domain, make use of the procedure prescribed by the general law or may elect to proceed as hereinafter provided. In the latter event the ordinance directing acquisition of any property shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for the property to be acquired or damaged. Upon the adoption of such ordinance the city may file a petition in the clerk's office of a court having jurisdiction, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted; or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest of estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners and tenants of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with the petition a notice thereof directed to the owners and tenants of the property, if known,

copies of which shall be served on such owners as well as on the tenants of such property, if known. If any such person be unknown or a nonresident of the State or cannot with reasonable diligence be found in the State, or if his residence be unknown, he may be proceeded against by order of publication published once a week for two successive weeks in a daily newspaper published in the City of Norfolk, and shall be posted at a main entrance to the courthouse.

Upon the filing of the petition and the funds provided by the council for the purpose having been duly deposited to the credit of court, if the court is of the opinion that the property or interest or estate therein to be acquired is for the uses and purposes of the city as provided by law, it shall order that the interest or estate of the owner of such property shall terminate and the title of such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceeding is instituted shall make and certify a copy of the order and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his deed book and index it in the name of the record title owner of such property and in the name of the city, for which he shall receive the fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in § 25-46.20 of the Code of Virginia, and shall in the order appointing such commissioners designate the day and hour for them to meet, and all proceedings thereafter shall be had as provided in §§ 25-46.20 through 25-46.34 of the Code of Virginia insofar as they are then applicable and not inconsistent with the provisions of this section, and the court shall order the deposit in bank to the credit of the court such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or

damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of the property by such improvements in making their award. Provided, however, that the provisions of § 25-233 of the Code of Virginia, as now or hereafter in effect, shall apply to any property belonging to any corporation possessing the power of eminent domain that may be taken hereunder.

Provided, however, that nothing herein contained shall give the said city the authority to acquire by condemnation property belonging to another city or county. (1948, c. 233; 1964, c. 62)

§ 137. Existing ordinances.

All ordinances and resolutions in force at the time of the taking effect of this charter not inconsistent with its provisions shall continue in force until amended or repealed. (1918, c. 34)

§ 138. Continuance of present officers.

Upon the taking effect of this charter on the first day of September, 1918, all members of the present council of said city, members of the board of control, and the mayor, shall go out of office and their respective offices shall be abolished. The judges of the several courts of said city, the clerks of such courts, the attorney for the Commonwealth, the commissioner of the revenue, the city treasurer and the city sergeant then in office shall continue in office to the end of the respective terms for which they were elected and until their respective successors shall have been elected and qualified. All other persons holding office in said city on the first day of September, 1918, shall continue in office and in the performance of their duties until provision shall have been made in accordance with the provisions of this charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such officer shall expire and the office shall be ipso facto abolished. In case of dispute, the council may by resolution declare when the functions and duties of any such office or position have been provided for, and the said office or position abolished, and its decision thereon shall be final. The powers which are conferred and the duties which are imposed upon any officer, board, commission or department of the city under the laws of the State shall, if such office, board, commission or department is abolished by this charter, be thereafter exercised and discharged by the officer, board, commission or department upon whom are imposed corresponding functions, duties and powers under the provisions of this charter. (1918, c. 34)

§ 139. Continuance of contracts.

All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public works begun prior to the taking effect of this charter shall be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws. (1918, c. 34)

§ 140. Hours of labor.

The council shall have power to provide by ordinance that on any public work carried on by the municipality, whether done by contract or otherwise, not to exceed eight hours a day shall constitute a day's work; but such ordinance shall not prevent persons who may be employed for one week or longer from making up lost time by working longer than eight hours in any one day; provided they are not required to work more than forty-eight hours in any one week, nor shall such ordinance apply in cases of emergency. (1918, c. 34)

§ 141. Power to appoint boards or commissions of citizens.

The council may, at the request of the city manager, appoint boards or commissions, to be composed of such number of citizens regardless of sex as the council may deem expedient to act in an advisory capacity in conjunction with any one or more of the departments created or authorized hereby. The members of all such commissions shall serve without compensation. (1918, c. 34)

§ 142. Removal of members of boards and commissions.

The members of all boards and commissions, whose members are by this charter elected or appointed by the council, may be removed by the council at any time for malfeasance or misfeasance or for failure or neglect to perform any of the duties of their respective offices or positions. (1918, c. 34)

§ 143. Working prisoners.

Subject to the general laws of the State regulating the working of those convicted of offenses against the State, the council shall have the power to provide by ordinance for the employment or the working, either within or without the city limits, or within or without any city prison or jail, of all persons sentenced to confinement in said prison or jail for the violation of the laws of the State of Virginia or the ordinances of the city of Norfolk. (1918, c. 34)

§ 143(a). Pension funds generally.

In addition to the other powers conferred by law, the council of said city shall have the right and power to establish and maintain, in such manner and to such extent and in such combination thereof as said council may deem desirable, a system or systems of pensions and retirement allowances for, and death benefits for the designated beneficiaries of, the officers and employees of said city, including policemen and firemen and such other officers and employees whose entire compensation is paid directly by said city, but not to include officials elected by the people or the General Assembly, except that the council of said city may, in its discretion, include therein members of the city council, the city treasurer and the employees in that office, the commissioner of the revenue and the employees in that office, the city sheriff and the employees in that office, the clerks of the courts of record of the city and the employees in their respective offices, the commonwealth's attorney of the city and the employees in that office, the employees in the welfare department of the city, and any person who becomes a State employee by virtue of an agreement between the city and the State, or any department, board or agency thereof, affiliating the city's department of public health with the State Health Department, provided such person was a city employee and a member of the employees' retirement system of the

city on the effective date of any such agreement and does not elect, in writing, and within sixty days after the effective date of any such agreement, to become a member of the State's retirement system, or any of them, and to that end, shall have authority to establish a fund or funds for the payment of such pensions, retirement allowances and death benefits by making appropriations out of the treasury of said city, by requiring contributions from time to time from those participating in any such system, or by any other mode not prohibited by law, or by any combination of said methods, to make rules and regulations for the management, investment and administration of such fund or funds, and the payment of such pensions, retirement allowances and death benefits, and to do all such other things that may be deemed necessary or advisable to carry into effect the provisions of any such system or systems.

The pensions accruing and to accrue to any such officer or employee or to the beneficiary thereof, under any such system, and the accumulated contributions, securities, moneys and assets of any such fund, are hereby exempted from State, county and municipal taxation to the extent permitted by other law, and shall not be subject to execution, attachment or garnishment, or any other process whatsoever, and shall be unassignable except as provided by a regulation of such system.

The council shall have the continuing right and power to amend at any time any ordinance adopted pursuant to the provisions hereof, which right and power is expressly reserved to them, but no such amendment shall be adopted which will reduce the then accrued benefits of such officers and employees and beneficiaries covered by any such system or systems below to the extent they may be then covered by accumulative reserves in any such fund or funds, which shall constitute a trust fund or funds for the payment of such benefits.

The inclusion in the system of pensions, retirement allowances and death benefits heretofore established by the city or any of the officers or employees embraced within the provisions of this section as above amended, but not embraced within the provisions thereof prior to the above amendment, by an ordinance effective January 1, 1954, are hereby authorized, ratified and confirmed, and said ordinance shall have the same force and effect as if this section had become effective on January 1, 1954.

In addition to the foregoing powers the council is hereby authorized to make the necessary appropriation for the supplemental payments to retired city employees or to other persons retired under a city pension system. Such payments are in addition to their regular retirement benefits. The amount, manner, and terms and conditions of payment shall be as the council may prescribe. In so doing, the council may create or designate classes of the foregoing persons and may distinguish with respect to the amount of payment or otherwise between such classes. No person or class of persons receiving such supplemental payment shall have any vested interest in the same beyond the fiscal year in which the appropriation for such payment is made. (1950, c. 488; 1954, c. 72; 1966, c. 160; 1970, c. 484; 2000, cc. 950, 979)

§ 144. (1918, c. 34; repealed 1976, c. 599)

Port Authority. (1948, c. 463)

§ 144(a). There is hereby created in the City of Norfolk a political subdivision of the Commonwealth, with such public and corporate powers as are hereinafter set forth, to be known as the "Norfolk Airport Authority." Such authority may sue and be sued, plead and be impleaded, and shall have the power and authority to contract and be contracted with and to exercise and discharge all the powers and duties imposed and conferred upon it, as hereinafter provided. (1948, c. 463; 1960, c. 408; 1988, c. 519; 2007, c. 193)

§ 144(b). How governed.

(1) Such authority shall be governed by a board of not less than seven nor more than nine commissioners, one-third of whom may be from areas outside of the City of Norfolk, who shall be known as commissioners, and who shall be appointed by the Council of the City of Norfolk, and who shall be residents of the City of Norfolk at the time of their appointment and during the term of their office except as herein provided. All of the powers and duties conferred upon such authority shall be exercised through said board of commissioners.

(2) All members shall be appointed for terms of four years. Any vacancy shall be filled by appointment by the Council for the unexpired term. Each commissioner shall continue, however, to hold office until his successor has been appointed and qualified. Each commissioner, before entering upon the duties of his office, shall take and subscribe the oath provided by the Norfolk Charter of 1918 for city officers, and a certificate of the same shall be filed with the city clerk.

(3) Immediately after their appointment such commissioners shall enter upon the performance of their duties. Said commissioners shall annually elect one of its members as chairman and another as vice-chairman, and shall also elect annually a secretary and a treasurer, each of whom may or may not be one of the said commissioners. The positions of secretary and treasurer may be held by the same person. A majority of the commissioners shall constitute a quorum for the transaction of business. The board of commissioners shall make rules and regulations for its own government and procedure and shall hold such special meetings as it may deem necessary.

(4) The commissioners shall receive no salaries but shall be entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties.

(5) Any of said commissioners may be removed from office by the Council of the City of Norfolk for malfeasance, misfeasance, incompetence or gross neglect of official duty, but a commissioner may be removed only after he shall have been given a copy of the charges against him at least ten days prior to the hearing thereon before the Council and had an opportunity to be heard in person and by counsel. In event of the removal of any commissioner a record of the proceedings, together with the

charges and findings thereon, shall be filed in the office of the city clerk. (1948, c. 463; 1980, cc. 36, 42; 1988, c. 519; 2007, c. 193)

§ 144(c). Powers and duties.

Such Authority shall have the following powers:

(1) To adopt and use a corporate seal, and to alter the same at its pleasure.

(2) To acquire, hold and dispose of such personal property as may be necessary for its purposes.

(3) To acquire by purchase, lease, gift, devise, condemnation or otherwise, property, real and personal, or such riparian and other rights, easements, or estate or interest therein as may be necessary for its purposes, and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any portion thereof or interest therein, whenever it shall become expedient to do so; provided, however, that the Authority shall have the power of condemnation only within the corporate limits of the City of Norfolk, unless agreed to by the governing body or bodies of the locality or localities so affected and provided further, that the Authority may exercise its power of condemnation only in furtherance of one or more of its public purposes and any property so acquired may be improved, sold, leased, mortgaged, pledged or otherwise disposed of only after a determination by the Authority that such improvement, sale, lease, mortgage, pledge or disposition will be consistent with and in furtherance of such public purposes or after a determination by the Authority that such property is no longer needed for such public purposes.

(4) To acquire, lease, construct or maintain and operate, landings, wharves, docks and piers, commodity elevators, and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise, to perform any and all services at said facilities in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, fumigating, refrigerating, icing, storing and handling of goods, wares and merchandise, to prescribe and collect charges from vessels coming into or using any landings, wharves, docks, piers, and commodity elevators operated and maintained by said Authority and from persons using any of the other facilities of the Authority, and to lease any and all of such facilities or any concessions properly incident thereto to any person, firm or corporation for the maintenance and operation of any and all of such facilities on such terms and conditions as it may deem proper.

(5) To acquire, purchase, construct, lease, operate, maintain and undertake any bus, railroad or airline terminal facility and to make charges for the use thereof.

Before the powers set forth in this paragraph are exercised by the Authority prior approval of the council shall be first obtained.

(6) For the purpose of encouraging and promoting industry and manufacturing; the development of trade by inducing manufacturing, industrial, governmental, educational, commercial and retail enterprises to locate in or remain in the City of Norfolk; the using of the natural resources and advantages of the City of Norfolk and the Commonwealth; the development and increase of the commerce of the City of Norfolk and the Commonwealth; the promotion of the safety, welfare, education, convenience and prosperity of the inhabitants of the City of Norfolk and the Commonwealth; and to carry out all other purposes of the Authority, the Authority shall have the power: 1) to acquire by purchase, exchange, gift, lease or otherwise (including condemnation subject to the limitations set forth in § 144(c)(3), as amended), and to improve, maintain, equip and furnish one or more facilities including all real and personal properties and any interest or estate therein which the Authority may deem necessary to accomplish said purposes and regardless of whether or not any of such facilities shall then be in existence; 2) to lease to others any or all of its facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of lessee to comply with any of the obligations thereof, and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of the Authority it may lease or convey any or all of its facilities to the lessee thereof, with or without consideration; 3) to sell, exchange, donate, and convey any or all of its properties whenever its Board of Commissioners shall find any such action to be in furtherance of the purposes for which the Authority was established; and, 4) as security for the payment of the principal of and interest on any bonds, notes, or other evidences of debt so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof.

The term "facility" or "facilities" used in this section and in other sections enumerating the powers of the Authority shall mean any or all industrial, manufacturing, commercial, retail, governmental, education or other facilities described herein and located within or without or partially within or without the City of Norfolk now existing or hereafter acquired or constructed by the Authority pursuant to its powers, together with any or all buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights, interests and estates in land including interest and estates in land acquired by mortgage, deed of trust or otherwise, water rights, franchises, machinery, equipment, furnishings, landscaping, utilities, approaches, roadways and other facilities necessary or desirable in connection therewith or incidental thereto, acquired or constructed by the Authority. This section shall be liberally construed.

(7) To establish, construct, acquire, purchase, lease, maintain and operate any airport and air navigational facilities now or hereafter owned by the Authority or the City of Norfolk with the same powers and authority thereover that said city may have or as provided by law, subject, however, to

the provisions of § 144(d), as amended, with respect to the operation and maintenance of any airport and air navigational facility now or hereafter owned by the City of Norfolk.

(8) To make capital improvements on any airport and air navigational facility, any port terminal facility described in § 144(c)(4), as amended, and on any other facility and public utility now or hereafter owned or leased by the City of Norfolk and transferred to said Authority to operate and maintain, or title to which is transferred to said Authority, with the same powers to issue its bonds therefor as it has for its other purposes, subject, however, to the approval of the council of the City of Norfolk.

(9) To foster and stimulate the commerce of the Port of Virginia and the shipment of freight through such port and to investigate and handle matters pertaining to all transportation rate structures affecting the commerce of the port.

(10) To establish, acquire, lease, maintain and operate, within the corporate limits of the city, a public transportation system, when and as authorized by the council of the City of Norfolk.

To extend the operation and maintenance of such transportation system in territory adjoining the city of Norfolk when and as authorized so to do by the governing body of the political subdivision in which extended and as otherwise provided by law.

(11) To establish, acquire, lease, maintain and operate such other public utilities and facilities as may be required of said Authority by the council of the City of Norfolk and as may be otherwise authorized by law.

(12) To establish, acquire, lease, maintain and operate places for the parking or storage of vehicles by the public; to operate and maintain such places; to authorize or permit others to use, operate or maintain such places upon such terms and conditions as it may prescribe; to charge or authorize the charging of compensation for the parking or storage of vehicles at or in such places; and to accept from others donations of money or other property, or the right to use such property, to aid, in whole or in part, in the acquisition, maintenance and operation of such places. Before the powers set forth in this paragraph are exercised by the Authority prior approval of the council shall be first obtained.

(13) To fix and charge tolls, fees and other charges for the use of, or for services rendered by, any of the facilities it is authorized to establish, construct, acquire, lease, maintain and operate.

(14) To appoint and employ such officers, agents and employees as may be necessary to carry out the purposes of said Authority, to fix their compensation and to prescribe their duties.

(i) To exercise full law-enforcement powers upon all property owned, operated, managed, leased or maintained by the Authority and to establish and maintain a police department; and to appoint and employ police officers to enforce the laws of the Commonwealth and the ordinances of the Cities of Norfolk and Virginia Beach, whichever may be applicable. The Authority, its police force

and its police officers shall have all the powers vested in localities, police forces, and its police officers under Chapter 17 of Title 15.2, Chapter 11 of Title 16.1, Title 18.2, Title 19.2 and Title 46.2 of the Code of Virginia as those titles may be amended from time to time. The police department and police officers shall have jurisdiction to enforce the applicable laws (aa) upon all property owned, operated, managed, leased or maintained by the Authority; (bb) upon the following areas in the City of Norfolk through concurrent jurisdiction with the police officers of the city:

1. All of Departures Boulevard.

2. All of Arrivals Boulevard.

3. All of Terminal Road.

4. All of Motel Lane.

5. All of Entrance Road.

6. All of Exit Road.

7. All of International Road.

8. Norview Avenue, from its intersection and Azalea Garden Road, east to Arrivals Boulevard, including the Norview Avenue bridge.

9. Robin Hood Road, from its intersection with Military Highway, east to International Road.

10. Miller Store Road, from its intersection with Robin Hood Road, west to Gurley Street.

11. All of Gurley Street, Purdy Court, Dorothy Court, and Emma Court.

12. Miller Store Road, from its intersection with Robin Hood Road, east to Burton Station Road.

13. All property between the streets listed above and the Airport perimeter; and (cc) upon the following areas in the City of Virginia Beach through concurrent jurisdiction with the police officers of the city: within one mile of the Airport.

A local governing body may petition the appropriate circuit court to reduce or eliminate the concurrent jurisdiction granted in this section.

Such police officers appointed by the Authority may issue summons to appear, or arrest on view or on information without warrant as permitted by law, within the jurisdiction of this Commonwealth, and conduct before the courts of competent jurisdiction of the Cities of Norfolk or Virginia Beach, any person violating, within or upon the airport or other property under the control of the Authority, any law of this Commonwealth or any ordinance of the City of Norfolk or the City of Virginia Beach.

For the purposes of enforcing such laws and ordinances the court or courts having jurisdiction for the trial of criminal offenses in the Cities of Norfolk or Virginia Beach wherein the offense was

committed shall have jurisdiction to try a person charged with violating any such law, whether statute or ordinance, and any fine imposed for violation of an ordinance shall be paid into the general fund of the City of Norfolk or the City of Virginia Beach, depending on which city shall have jurisdiction of the offense committed.

(ii) To make and enforce all rules, resolutions, and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law concerning all property owned, operated, leased, managed or maintained by the Norfolk Airport Authority, and to provide suitable penalties for the violation of such rules, resolutions, and regulations, or any of them, by fine not exceeding one thousand dollars or confinement in jail not exceeding twelve months, either or both.

(15) To do all other acts and things which may be reasonably necessary and convenient to carry out the purposes and powers given herein.

The powers conferred upon the Authority by this section except the powers conferred by clauses 7, 8, 9 and 10 of this section shall be exercised solely within the corporate limits of the City of Norfolk; provided further that rentals and charges for any and all facilities constructed and/or operated pursuant to clauses 5 and 6 shall, as near as possible, be at commercial rates for like facilities or services, and include a sum equivalent to real estate taxes at current rates on such property.

Whenever in this act approval of the council of the City of Norfolk is required to enable the Authority to exercise any power herein granted it, such approval shall be only by a formal ordinance. (1948, c. 463; 1954, c. 564; 1956, c. 391; 1958, c. 131; 1960, c. 408; 1964, c. 287; 1968, c. 196; 1970, c. 484; 1972, c. 760; 1976, c. 599; 1978, c. 186; 2000, cc. 950, 979; 2007, c. 193)

§ 144(d). Transfer of city's facilities.

The council of the city of Norfolk is hereby authorized and empowered to transfer to said Authority the operation and maintenance of such of the above or other facilities as are now or may be hereafter owned by the city of Norfolk, on such terms and conditions as said council may prescribe. Nothing herein contained shall be construed as authorizing such Authority to maintain and operate such facilities now or hereafter owned by the city of Norfolk unless and until the operation thereof has been transferred by said council.

The council of the city of Norfolk is also hereby authorized and empowered to transfer the operation and maintenance and all rights, title and interest of the city of Norfolk to the above facilities as are now or may be hereafter owned by the city of Norfolk to said Authority or to any other authority or body politic authorized by law to maintain, operate or own such facilities, on such terms and conditions as said council may prescribe, reserving to the City a reversionary interest in such facilities if the council so determines.

The council of the city of Norfolk is further authorized and empowered to acquire by gift, purchase, lease, condemnation or otherwise, from time to time, whether before or after it transfers all right, title and interest of such facility or facilities to said Authority or such other authority or body politic, additional lands or interest in lands necessary or desirable for the operation of said facility or facilities. If the council so determines, it may transfer all right, title and interest of such additional lands or interest in lands to said Authority or such other authority or body politic on such terms and conditions as said council may prescribe, reserving to the city a reversionary interest in such additional lands or interest in lands if the council so determines. The right of the city to acquire such additional lands or interest in lands shall be the same as it had prior to the transfer of the right, title and interest of such facility to said Authority or such other authority or body politic. (1948, c. 463; 1968, c. 196; 1970, c. 484; 2007, c. 193)

§ 144(e). Contributions by city.

The city of Norfolk is authorized and empowered to make such appropriations, to provide such funds, and to make such loans and charge interest thereon to said Authority for the operation of the said Authority and for said Authority to operate and maintain, including the making of capital improvements thereon, any public utility or facility it has the power to acquire, lease, maintain and operate either directly or by transfer by the city of Norfolk to the said Authority and for the general operation of said Authority in carrying out its functions and powers, as its council may deem proper. (1948, c. 463; 1968, c. 196; 2007, c. 193)

§ 144(f). Bonds; power to issue.

The Authority shall have the power to borrow money on either a short-term or a long-term basis and to issue from time to time its notes, bonds and other evidences of debt payable on such terms, conditions and provisions as in its discretion may be advisable, for any of its corporate purposes, including the payment or retirement of bonds, notes or other evidences of debt previously issued by it. The cost of carrying out its corporate purposes shall include discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, costs of financial, professional and other estimates, advice, administrative, operating and other expenses of the Authority prior to and during acquisition or construction including the payment of interest on bonds during the period of construction and for not exceeding one year thereafter and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of and interest on bonds during and after such acquisition or construction as the Commissioners of the Authority may determine, and also reimbursements to the city of Norfolk or to any other person or corporation on account of any moneys theretofore expended for the purpose of the Authority. The Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable, both as to principal and interest: (1) from its revenues generally; (2) exclusively from the income and revenues of a particular "facility"; which term shall mean a particular building or structure or particular

buildings or structures including all equipment, appurtenances and accessories necessary or appropriate for the operation of such facility; or (3) exclusively from the income and revenues of certain designated facilities whether or not they are financed in whole or in part from the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government, Commonwealth of Virginia, or city of Norfolk, or a pledge of any income or revenues of the Authority, or a mortgage, deed of trust, or other lien of any particular facility or facilities or other property of the Authority.

Except as to provisions of subsection (6) of § 144(c), the power to issue bonds shall not be exercised prior to July 1, 1950.

Whenever in this or other sections relating to the power of the Authority to issue its bond or bonds, the term "bond" or "bonds" is used, it shall be construed to mean and embrace its bonds, notes or other evidences of debt or any other obligations of said Authority. (1948, c. 463; 1968, c. 196; 1970, c. 484; 2007, c. 193)

§ 144(g). Bonds; liability.

Neither the commissioners of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the authority (and such bonds and obligations shall so state on their face) shall not be a debt of the Commonwealth or any political subdivision thereof and neither the Commonwealth nor any political subdivision thereof nor the city of Norfolk shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of the Authority. The bonds shall not constitute indebtedness within the meaning of any debt limitation or restriction. Bonds of the authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities. (1948, c. 463; 2007, c. 193)

§ 144(h). Bonds; provisions.

(1) Bonds of the Authority shall be authorized by resolutions adopted by the Board of Commissioners and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, may be sold at such price, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution or its trust indenture or mortgage may provide. The bonds may be sold at public or private sale.

(2) Issuance by the Authority of one or more series of bonds for one or more purposes shall not preclude issuing other bonds in connection with the same facility or any other facility, as may be authorized by the provisions of the bond resolution, trust indenture or mortgage. Any bonds of the Authority

at any time outstanding may from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the Board of Commissioners may deem necessary.

(3) If the proceeds derived from a particular bond issue due to error of estimates or otherwise, shall be less than the cost of the Authority facilities for which such bonds were issued, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the proceedings authorizing the issuance of the bonds of such issue or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds of the first issue. If the proceeds of the bonds of any issue shall exceed such costs, the surplus may be deposited to the credit of the sinking fund for such bonds or may be applied to the payment of the cost of any additions, improvements or enlargements of the Authority facilities for which such bonds shall have been issued.

(4) Prior to the preparation of definitive bonds, the Authority may, under like restriction, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. Bonds may be issued under the provisions of this section without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this section, provided, however, that nothing contained in this section shall be construed as affecting the powers or duties now conferred by law upon the State Corporation Commission.

(5) The bonds issued pursuant to this section shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians and for all public funds of the Commonwealth of Virginia or other political corporations or subdivisions of the Commonwealth. Such bonds shall be eligible to secure the deposit of any and all public funds of cities, towns, counties, school districts or other political corporations or subdivisions of the Commonwealth of Virginia, and such bonds shall be lawful and sufficient security for said deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto. (1948, c. 463; 1970, c. 484; 2007, c. 193)

§ 144(i). Bonds; validity.

In case any of the commissioners or officers of the Authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable within the meaning and for all the purposes of § 8.3A-303 of the Code of Virginia. (1948, c. 463; 2007, c. 193)

§ 144(j). In order to secure the payment of such bonds or other obligations the Authority shall have power by provision or provisions included in any resolution authorizing such bonds or in any indenture made to secure their payment:

(1) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(2) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(3) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any facility or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(4) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(5) To covenant as to the rents and fees to be charged in the operation of a facility or facilities, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant, as to the use and disposition of the moneys held in such funds.

(6) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(7) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(9) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenant securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said Authority, to take possession and use, operate and manage any facility or any part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with said trustee; or to appoint a receiver of any facility or part thereof to carry out such right, to provide for the powers and duties of a trustee or trustees or the holders of bonds or any proportion of them who may enforce any covenant or rights securing or relating to the bonds.

(10) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of said Authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein. (1948, c. 463; 1960, c. 408; 1970, c. 484; 1978, c. 186; 2007, c. 193)

§ 144(k). Rights of obligees.

An obligee of authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee;

(1) By mandamus, suit, action or proceeding at law or in equity to compel the authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the Authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of the Authority and the fulfilment of all duties imposed upon the authority by this chapter.

(2) By suit, action or proceedings in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the authority. (1948, c. 463; 2007, c. 193)

§ 144(l). Revenues.

The authority established under § 144(a) shall fix and revise from time to time the rents, fees and other charges to be paid by persons for the use of the various facilities of the Authority and for any other service furnished or provided by the Authority. Such rents, fees and charges shall be fixed so as to provide at least sufficient funds to pay the cost of maintaining, repairing and operating such facilities and the principal and interest of any bonds issued by the Authority or other debts contracted as the same shall become due and payable. A reserve may be accumulated and maintained out of the revenues of such Authority for extraordinary repairs and expenses and for such other purposes as may be provided in any resolution authorizing a bond issue or in any trust indenture securing such bonds. Subject to such provisions and restrictions as may be set forth in the resolution or in the trust indenture

authorizing or securing any of the bonds or other obligations issued hereunder, such Authority shall have exclusive control of the revenues derived from any facility or facilities operated and controlled by it and the right to use such revenues in the exercise of its powers and duties set forth in this section. No individual, firm, association or corporation shall receive any profit or dividend from the revenues, earnings or other funds or assets of such Authority other than for debts contracted, for services rendered, for materials and supplies furnished and for other value actually received by the Authority. (1948, c. 463; 2007, c. 193)

§ 144(m). Aid from federal government.

In addition to the other powers conferred by this act, such Authority shall have the power to borrow money and to accept contributions, grants, and other financial assistance from the federal government and other agencies and agency or instrumentality thereof for or in aid of the construction and equipment of its facilities or the retirement or refunding of its bonds. To these ends such authority shall have the power to comply with such conditions and to execute such mortgages, trust indentures and agreements as may be necessary, convenient or desirable and not in conflict with any provision of the Norfolk Charter of 1918. (1948, c. 463; 2007, c. 193)

§ 144(n). Nothing contained in any of the foregoing §§ 144(a) to 144(m), inclusive, shall be deemed to authorize the authority to occupy or use any land, streets, buildings, structures or other property of any kind, owned or used by the city of Norfolk, or any public improvement or facility maintained by the City for the use of its inhabitants, without first obtaining the consent of the council of the City. (1948, c. 463; 2007, c. 193)

§ 144(o). The powers granted and the duties imposed in any of the foregoing §§ 144(a) to 144(m), inclusive, shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of §§ 144(a) to 144(m), inclusive, shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confirmed in its operation to the specific provisions so held unconstitutional or invalid. (1948, c. 463; 2007, c. 193)

§ 144(p). The powers conferred by any of §§ 144(a) to 144(m), inclusive, shall be in addition to and not in substitution for any powers conferred on the city of Norfolk or its Council by any other laws. (1948, c. 463; 2007, c. 193)

§ 144(q). (1960 c. 408; repealed 2000, cc. 950, 979)

§ 145. Partial invalidity.

If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1918, c. 34)

§ 146. Citation of act.

This act may for all purposes be referred to or cited as the Norfolk charter of 1918. (1918, c. 34)

§ 147. When charter takes effect.

It being necessary to hold a municipal election in said city for the election of councilmen on the second Tuesday in June, 1918, an emergency is hereby declared to exist, and by reason thereof this charter shall, for the purpose of nominating and electing councilmen and authorizing the council to employ a city manager as provided herein, be in effect from and after the date of its passage. For all other purposes said charter shall take effect on the first day of September, 1918, from and after which date the existing charter of said city, approved March 14, 1906, and the several acts amendatory thereof approved respectively March 12, 1908, March 14, 1908, March 7, 1912, March 13, 1912, March 13, 1914, March 17, 1914, March 24, 1914, March 25, 1914, March 25, 1914, February 5, 1915, March 4, 1916, March 11, 1916, March 16, 1916, March 17, 1916, March 20, 1916, March 20, 1916, and March 20, 1916, and all other acts and parts of acts inconsistent with this charter so far as they relate to the city of Norfolk shall be repealed. (1918, c. 34)

Editor's note: Complete amendments listing for the City of Norfolk:

Current charter

Charter, 1918, c. 34.

Amendments to current charter

1919, c. 68 (§ 2)
1926, c. 289 (§§ 13, 71)
1928, c. 316 (§§ 19, 20, 21)
1932, c. 93 (§ 86)
1936, c. 283 (§ 63)
1940, c. 6 (§§ 3, 5, 6, 7, 14, 15, 19, 20, 21, 22, 27)
1942, c. 99 (§ 86(a) [added])
1944, c. 309 (§ 58)
1946, c. 98 (§ 2-a [added])
1948, c. 34 (§ 2-b [added])
1948, c. 233 (§ 136(a) [added])
1948, c. 353 (§ 69-a [added])
1948, c. 463 (§§ 144(a) through 144(p) [added])
1950, c. 78 (§ 126)
1950, c. 93 (§ 60)
1950, c. 107 (§ 74)
1950, c. 428 (§§ 5, 7, 14, 15, 27, 52)

1950, c. 430 (§ 63)
1950, c. 436 (§§ 2(c) [added], 85, 86)
1950, c. 488 (§§ 87(a) [added], 88(a) [added], 143(a) [added])
1952, c. 18 (§ 68)
1952, c. 21 (§ 64)
1952, c. 239 (§§ 12, 66(a) [added], 129)
1952, c. 258 (§§ 11(a) [added], 127)
1954, c. 72 (§§ 13, 115 [repealed], 143(a))
1954, c. 564 (§ 144(c))
1956, c. 100 (§ 8)
1956, c. 115 (§§ 2(e) and 2(f) [added], 7, 67, 73, 74(a) and 75(a) [added], 77, 112)
1956, c. 124 (86(b) and 86(c) [added])
1956, c. 295 (§ 2(d) [added])
1956, c. 339 (§§ 32, 33, 35)
1956, c. 391 (§ 144(c))
1958, c. 115 (§§ 14, 71, 74, 80)
1958, c. 131 (§ 144(c))
1960, c. 408 (§§ 144(a), 144(c), 144(j), 144(q) [added])
1962, c. 120 (§ 11(b) [added])
1962, c. 459 (§ 4(a) [added])
1964, c. 23 (§ 86)
1964, c. 24 (§ 12)
1964, c. 62 (§ 136(a))
1964, c. 287 (§ 144(c))
1966, c. 50 (§ 15)
1966, c. 51 (§ 14)
1966, c. 52 (§ 58)
1966, c. 74 (§ 16)
1966, c. 160 (§ 143(a))
1966, c. 188 (§ 12)
1968, c. 117 (§§ 19, 20 [repealed])
1968, c. 174 (§ 67)
1968, c. 196 (§§ 144(c) through 144(f))
1968, c. 219 (§ 88(b) [added])

1968, c. 473 (§ 90)
1970, c. 484 (§§ 8, 63, 82, 143(a), 144(c), 144(d), 144(f), 144(h), 144(j))
1972, c. 706 (§§ 5, 15, 35, 40, 72, 80, 85, 86, 87(a))
1972, c. 760 (§§ 144(c))
1974, c. 11 (§§ 74, 81)
1975, c. 127 (§§ 10, 12)
1976, c. 599 (§§ 10, 11, 11(a) [repealed], 55 and 56 [repealed], 74, 75, 79, 84 [repealed], 87(a) [repealed], 90 through 97 [repealed], 101 through 103 [repealed], 106 through 108 [repealed], 112, 114.1 [added], 127 and 128 [repealed], 135 [repealed], 144 [repealed], 144(c))
1977, c. 42 (§§ 63, 114)
1978, c. 80 (§§ 63, 70, 80, 114.1)
1978, c. 186 (§§ 144(c), 144(j))
1980, cc. 36, 42 (§ 144(b))
1982, c. 289 (§§ 2, 7, 10, 13, 14, 16, 114, 126, 132, 133)
1983, c. 587 (§§ 7, 85 [repealed], 86, 88(a))
1988, c. 519 (§§ 12, 86, 114.1, 144(a), 144(b))
1992, c. 261 (§§ 3 [repealed], 3.1 [added], 5, 6, 7, 18, 19, 22, 24 through 28, 130)
1995, c. 164 (§ 12)
1997, c. 535 (§ 12)
1999, cc. 479, 525 (§§ 11, 49, 88(a))
2000, cc. 950, 979 (§§ 2, 2(e), 42.1 [added], 65, 66, 70, 71, 72, 77, 78, 82, 129, 143(a), 144(c), 144(q) [repealed])
2003, c. 206 (§ 19)
2004, c. 52 (§§ 2, 12, 114)
2005, cc. 893, 897 (§§ 3.1 [repealed], 3.2 [added], 5 [repealed], 5.1 [added], 6 [repealed], 6.1 [added], 7 [repealed], 7.1 [added], 8, 10 [repealed], 10.1 [added], 12, 14 [repealed], 14.1 [added], 17 [repealed], 17.1 [added], 18, 19, 22, 24, 25)
2006, cc. 152, 727 (§§ 12, 100)
2007, c. 193 (§§ 144(a) through 144(p))
2008, c. 337 (§ 114)
2010, c. 118 (§ 2)
2013, c. 339 (§ 18)
2014, cc. 235, 683 (§§ 12, 60, 63, 64, 114)
2021 Special Session I, c. 371 (§§ 44, 61 [repealed], 133)
2022, c. 288 (§§ 12, 18, 19)

Norton, City of

History of incorporation

Incorporated as the Town of Norton by a 1936 Act of Assembly.
Incorporated as the City of Norton by Court Order on January 18, 1954.
Town incorporation and charter, 1894, c. 276; repealed 1937, c. 42.
Town charter, 1937, Extra Session, c. 42; repealed 1954, c. 565.
Incorporated as the City of Norton by court order on January 18, 1954.
City charter, 1954, c. 565; repealed 1988, c. 134 (except § 1.3).

Current charter

Charter, 1988, c. 134.

Amendments to current charter

1996, cc. 212, 814 (§ 5.2)
2001, cc. 283, 290 (§ 3.4)
2003, c. 863 (§ 3.4)
2023, cc. 62, 63 (§§ 1.2, 3.4, 3.7, 4.1, 4.9, 5.2)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory included within the present boundaries of the City of Norton shall continue to be a body politic and corporate under the name of the City of Norton, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (1988, c. 134)

§ 1.2. Boundaries.

The boundaries of the City of Norton shall be as described in § 1.3 of Chapter 565 of the Acts of Assembly of 1954 as modified by decrees of the Circuit Court of Wise County, Virginia, in the annexation proceedings styled City of Norton, Virginia versus Wise County, Virginia, Case No. 22042, by an order dated 10-10-62; in the annexation proceedings styled City of Norton versus Wise County, Case No. 20,000 by an order dated 12-28-74; in the annexation proceedings styled Boco, Ltd., et al. versus City of Norton, et al., Case No. C83-134 by an order dated 4-19-84; and in the boundary line adjustment by order entered in Case No. C04-07 of record as Wise County and City of Norton Land Instrument No. 200400372, as the same from time to time may be amended. (1988, c. 134; 2023, cc. 62, 63)

§ 1.3. Boundaries of the City of Norton.

The corporation limits shall remain the same as they now are until changed as provided by law, provided, however, that the territories described in this section which were annexed to the Town of

Norton by an order of the Circuit Court of Wise County, Virginia, on August 31, 1950, shall be subject to the terms, conditions and provisions of said Order.

The corporate limits of the City of Norton are described by metes and bounds as follows:

The territory, described in an Act of the General Assembly of Virginia, approved January 15, 1937:

Beginning at a chestnut oak and birch on the north side of Stone Mountain, which was the south-west corner of the old corporation line; thence north seventy degrees no minutes west ten hundred sixty-five feet to two black gums and birch on the second cliff of Stone Mountain; thence north two degrees thirty minutes east nine hundred seventy-five feet to a large boulder in the notch of the first cliff of Stone Mountain; thence north seven degrees five minutes east twelve hundred eighty feet crossing the Louisville and Nashville Railroad to a stake, or point at the base of a stone wall, northeastern corner to the W. T. Hopkins property, and on the southern side of the present State highway, just west of the concrete culvert over Benges branch; thence crossing the State highway, and Interstate Railroad north seven degrees fourteen minutes east six hundred five feet to a locust post on top of Back Bone Ridge, and corner of the Meador lands; thence along the center of the top of Back Bone Ridge; with its several meanders north fifty-eight degrees fifteen minutes east two hundred sixty-six and eight-tenths feet to a stake in Greasy Gap; thence north eighty-six degrees east three hundred one and three-tenths feet to a stake; thence north seventy-four degrees twenty-eight minutes east one hundred twenty-eight feet to a stake; thence north eighty degrees thirty five minutes east five hundred eleven feet to a stake; thence north seventeen degrees east four hundred thirty feet to a stake; thence north seventeen degrees thirty minutes east two hundred eighty-six and six-tenths feet to a stake; thence north forty-five degrees forty minutes east two hundred seventy-four and nine-tenths feet to a stake and corner of the two and one-hundredths acre tract now owned by the Norton Water Company; thence leaving the top of the ridge, and with the lines of the said water company south seventy-four degrees west ninety-four feet to a spruce stump at a ledge of rocks and corner of the Hagen-Snodgrass lands; thence north nineteen degrees east five hundred eighteen feet to a stake; thence north eighty-five degrees east one hundred ninety-five feet to a stake; (white oak stump) on top of said ridge; thence along the top of the same with its several meanders, north five degrees east seven hundred thirty feet to a chestnut oak; thence north forty-two degrees ten minutes east one hundred twenty-eight and two-tenths feet to a set stone on top of the ridge, and corner to the Princess Flat Tract (now lands of the Fleming Land Corporation); thence still along top of the ridge north forty-nine degrees fifty minutes east two hundred and nine feet to a water oak; thence north seventy-five degrees thirty minutes east three hundred fifty-three feet to a stake; thence north forty-three degrees thirty minutes east two hundred nineteen and four-tenths feet to a stake; thence north thirty-eight degrees east two hundred seventy-two feet to a stake; thence north sixty-seven degrees east two hundred sixty-eight feet to a stake; thence north seventy-four degrees no

minutes east one hundred fifty feet to a stake; thence north thirteen degrees no minutes east three hundred thirty-three feet to a stake; corner to the lands formerly known as the Green B. Jones lands, and still along the top of the ridge, north seventeen degrees no minutes east one hundred ninety feet to a stake; thence north thirty-nine degrees no minutes east one hundred sixty feet to a stake; thence north nine degrees no minutes east two hundred twenty feet to a black gum, another corner of the said Jones lands; thence north forty degrees no minutes west two hundred fifty feet to a stake; thence north three hundred six feet to a white oak corner; thence north fifty-five degrees no minutes east four hundred five feet to a stake; thence north eighty-five degrees ninety minutes east two hundred eight and seven-tenths feet to a stake; thence north fifteen degrees no minutes east one hundred fifty-three feet to a stake; thence still continuing with the top of Back Bone ridge north sixty degrees forty-five minutes east two hundred seventy-five and two-tenths feet to a stake; thence east one hundred thirty-six feet to a stake in Vernon's orchard; thence north forty-five degrees no minutes east one hundred seventy-five feet to a stake in the orchard; thence north fifty-six degrees no minutes east one hundred eighty-five feet to a stake in the orchard; thence north four degrees thirty minutes west one hundred thirty-six feet to a stake in the orchard; thence north fifty-three degrees thirty minutes east four hundred twenty-nine feet to a stake, near the road and top of said ridge; thence north eleven degrees thirty minutes east six hundred eighty feet to a stake at road; thence north sixty-six degrees fifteen minutes east eight hundred eight feet to a stake at a maple, black oak and two chestnuts on top of said ridge; thence north seventy-six degrees fifteen minutes east four hundred sixty-four feet to a double poplar in a field, and near the top of the ridge; thence north one degree thirty minutes east two hundred seven feet to a stake, at a light pole; thence leaving the top of the ridge, and in the southeastwardly direction and round the side of the spur, and along the W. T. Province line and Garner Hubbard line; thence south seventy-one degrees east four hundred sixty feet to a stake on said spur; thence north eighty-nine degrees east four hundred ten feet to a stake on the ridge; thence north sixty degrees east two hundred feet to a black gum, corner to the W. T. Province tract, south eighty-eight degrees east one hundred twenty-four feet to a small black gum, another corner to the W. T. Province tract; thence south thirty-two degrees thirty minutes east one hundred ninety-five feet to a stake on top of a low ridge; thence south six degrees east three hundred sixty-five feet to a stake on said low ridge; thence south thirty-eight degrees east four hundred sixty feet to a stake on the side of the low ridge back of the J. M. Short property; thence south forty-eight degrees east ten hundred seventy-five feet passing along the center of Riner alley crossing the Pike road and Guest River to a point in the center line of Interstate Railroad; thence leaving said railroad south no degrees thirty minutes west twenty-five hundred fifty feet to a stake on top of the ridge east of Guest river, five feet northward from an electric light pole, (large chestnut oak and small black oak marked as reference trees); thence crossing the pole line right of way south twelve degrees thirty minutes east twenty-two hundred sixty feet to a point in the

center of Guest river and corner of the old corporation; thence south twenty-four degrees east, crossing the Norfolk and Western Railroad five hundred eighty feet to a stake on the division line of the Virginia Coal and Iron Company, thence south sixty-seven degrees west fifteen hundred twenty-seven and six-tenths feet along the division line of the Virginia Coal and Iron Company to a point; thence south thirty-seven degrees fifteen minutes east, fifty hundred sixty-two and seven-tenths feet passing through the lands of the Virginia Coal and Iron Company and Mistress L. D. S. M. Frazier and the lands of the Norton Land and Improvement Company to the "lone rock"; thence south eighty-nine degrees forty minutes west thirty-nine hundred fifteen feet to a pitch pine near a cliff or rocks and corner to the lands of the Norton Land and Improvement Company and Patrick Hagen; thence north fifty-seven degrees seven minutes west five hundred forty-four and six-tenths fee to a chestnut oak and birch on the north side of Stone Mountain to the point of beginning.

Annexation of 1950:

The territory described in a certain order entered by the Circuit Court of Wise County, Virginia, on the 31st day of August, 1950, in the annexation proceedings of town of Norton against Board of Supervisors of Wise County, Virginia:

That tract located on the west side of the present corporate limits of the Town of Norton, beginning as a large boulder in the notch of the first clift of Stone Mountain a corner of the old corporation line; thence N 42º 17 W 461.08 feet to a two inch iron pipe on a spur chest oak reference; thence S 89º 05 W 566.71 feet to a two inch iron pipe on the side of a spur 180 feet west of hollow, poplar reference; thence N. 68º 32 W 380.04 feet to a two inch iron pipe on spur maple reference; thence S 59º 46 W 609.73 feet to a two inch iron pipe on the side of a spur 150 feet west of a hollow large poplar reference; thence S 56º 36 W 502.81 feet to a two inch pipe in a hollow on the west edge of a road below a reservoir; thence S 83º 20 W 417.92 feet to a two inch iron pipe on a spur; thence N 7º 16' W 755.13 feet to a two inch iron pipe on a spur south of the L & N R. R. Also near a cemetery; thence crossing the L & N Railroad N 1º 27' E 273.69 feet to a two inch iron pipe near the west end of Andy Johnson's stone wall in the southern line of highway; thence crossing highway and the Interstate Railroad N 23º 18' E 689.69 feet to a two inch iron pipe on the western end of the Backbone Ridge and 30 feet east of the Interstate Railroad to Dorchester; thence up the Backbone Ridge S 75º 56' E 578.15 feet to a two inch iron pipe; thence N 69º 15 E 1007.41 feet to a two inch iron pipe; thence N 55º 52' E 586.49 feet to a two inch pipe; thence S 79º 41 E 662.68 feet to a locust post on top of the Backbone Ridge and corner to the Meador land and the northwestern corner of the old corporation line; thence with the old corporation line crossing the Interstate Railroad and highway S 6º 37' W 729.50 feet to a point at the base of a stone wall in the southern line of highway also the northeastern corner of

the W. T. Hopkins property; thence crossing the L & N S 7º 05' W 1208.0 feet to the beginning containing 91.56 acres.

That tract or parcel of land located, lying and being on the eastern side of the present corporate boundary line, beginning at a two inch iron pipe on top of the ridge east of Guest River a corner to the old corporation and seven feet northward from a power pole; thence leaving the old corporation line and along the north side of the power line N 89º 26 E 152.97 feet to a two inch iron pipe; thence S 84º 25 E 2936.35 feet to a two inch pipe; thence leaving the power line N 71º 35 E 1038 feet to an iron pipe in a hollow north of the Hawthorne Road; thence S. 83 1070 ft. crossing the Interstate Railroad to a point in the center of Bear Creek 40 feet south of the center line of the said Interstate Railroad and in the southern line of the right of way of said Interstate Railroad; thence running parallel and 40.0 feet from the center line of Interstate Railroad 2722.15 feet to a two inch iron pipe 40.0 feet south of the center line of the Interstate Railroad located east of the underpass where the State Highway goes under said railroad; thence leaving the Interstate Railroad S 3º 42 W 322.85 feet to a two inch iron pipe in a bottom north of Guest River; thence S 51º 27 W 1009.37 feet crossing Guest River and the N & W Railroad to a two inch iron pipe on a bank south of the N & W Railroad, thence S 11º 42 E 1117.22 feet to a two inch iron pipe on the East bank of Clear Creek; thence crossing Clear Creek S 22º 45 E 887.19 feet to a two inch iron pipe in a hollow; thence S 41º 28 W 275.36 feet to a two inch iron pipe on a spur 14 inch chestnut oak reference; thence around the base of the Stone Mountain N 78º 06 W 1741.10 feet to a two inch iron pipe 15 inch hickory reference; thence S 86º 35 W 527.75 feet to a two inch iron pipe in a flat 10 inch lynn reference; thence leaving the base of the Stone Mountain N 14º 40 W 772.97 feet crossing the N & W Railroad to a point in the center of Guest River; thence up the center of Guest River S 58º 15 W 587.0 feet to a point; thence S 82º 15 W 600.0 feet to a point near the Hawthorne Coal Company store; thence leaving the center of Guest River and crossing the N & W Railroad S 19º 24 W 676.42 feet to a two inch iron pipe on a hillside 4 inch sourwood reference; thence around the side of Stone Mountain S 81º 51 W 1613.26 feet to a two inch iron pipe two hemlock references; thence S 81 47 W 1055.41 feet to a two inch iron pipe on the north side of Stone Mountain an 8 inch poplar reference, thence S 67 50 W 117.43 feet to a stake, a corner to the old corporation line, and with same N 24 W 580.0 feet to a stake in the center of Guest River, thence N 12 46 W 2451.08 feet to the beginning corner, containing 378.53 acres.

That tract or parcel of land located lying and being on the northeastern side of the present corporate boundary line, beginning at a point in the center of Guest River, said point bears N 48 W 50.0 feet from a point in the center line of the Interstate Railroad, the corner of the old corporation line that runs through the center of Riner Alley; thence with the old corporation line N 48º W 1018.0 feet crossing the highway and through the center of the Riner Alley to a point back of the S. M. Short property; thence N 21 W 535.0 feet to a point thence N 6 W 365.0 feet to a two inch

iron pin on the top of a spur; thence leaving the old corporation line and down the top of said spur S 69 30 E 106.0 feet to a two inch iron pipe; thence N 44 01 E 198.59 feet to a two inch iron pipe; thence N 54 37 E 146.25 feet to a two inch iron pipe; thence N 12 06 E 759.12 feet to a two inch iron pipe; thence leaving the top of said spur N 30 37 E 423.16 feet to a two inch iron pipe in western line of highway two feet south of the southern corner of the Lawson stone wall; thence N 73 43 E 185.75 feet to a point in the center of Guest River; thence with the center of Guest River 4800.0 feet to the beginning, containing 79.26 acres. (1954, c. 565)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia (1950) as now exist and as hereafter amended, and all other powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth are hereby conferred upon the City of Norton. (1988, c. 134)

§ 2.2. Eminent domain.

The powers of eminent domain set forth in Title 33.1, Chapter 1, Title 15.1 and Title 25, Chapter 1.1 of the Code of Virginia (1950), as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the City of Norton.

A. Certificates issued pursuant to §§ 33.1-1 through 33.1-132 of the Code of Virginia (1950), as amended, and acts amendatory thereof and supplemental thereto may be issued by the city council, signed by the mayor and countersigned by the city treasurer or director of finance. Such certificates shall have the same effect as certificates issued by the Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the city.

B. In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the city, at any time after the filing thereof, provided that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the city or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the city. (1988, c. 134)

§ 2.3. Financial powers.

In addition to the powers granted elsewhere in this charter, the city shall have the power to raise by taxes and assessments, as permitted by general law, in the city, such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city. In the event the fees, rents or charges payable for the use and services of any public utility or public service supplied by the City of Norton for or in connection with any real property shall not be paid when due, interest may be charged on such unpaid balance at the legal rate of interest. Such fees, rents or charges and the interest due thereon shall constitute a lien against such property, and shall also be recoverable by the city in an action at law or a suit in equity. In addition to, but not as a limitation upon, this general grant of power the city shall have the power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the city, which taxes may be added to and collected with the price of such admission or other change; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege license taxes, including tippling tax, decal tax and utility tax, as provided by law; to require licenses, coal tippling license, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect to all businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles or trailers of all kinds for the privilege of using the streets, and other public places of the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such licenses, and to have the power to require as a condition precedent to the issuance of motor vehicles licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all personal property taxes then due and payable to the city of the license applicant. (1988, c. 134)

Chapter 3. Administration and Government.

§ 3.1. City council.

The administration and government of the City of Norton shall be vested in a city council and such administrative offices as may herein be provided. (1988, c. 134)

§ 3.2. Composition of council.

The city council of the City of Norton shall consist of five members elected at large. The members of the city council shall each have one vote. (1988, c. 134)

§ 3.3. Who may become candidates for city council.

Any citizen who is a qualified voter and a bona fide resident of the City of Norton may become a candidate for the city council. (1988, c. 134)

§ 3.4. Elections.

The members of council in office at the time of the adoption of this charter shall continue in office until the expiration of the term for which they were elected, or until their successors are elected and qualified. An election for two council members shall be held on the first Tuesday following the first Monday in November 2024, and every four years thereafter, and for three council members on the first Tuesday following the first Monday in November 2026, and every four years thereafter. Elections shall be held on the first Tuesday following the first Monday in November every two years thereafter. The council members shall serve for a term of four years, or until their successors are elected and qualified. The term of each person elected under this section shall begin on the first day of January next following their election. No candidate for election to city council shall be identified on the ballot by political affiliation. (1988, c. 134; 2001, cc. 283, 290; 2003, c. 863; 2023, cc. 62, 63)

§ 3.5. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the city by a majority vote of the remaining members of council. (1988, c. 134)

§ 3.6. A continuing body.

The council shall be a continuing body, and no measure pending before each body or any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council member. (1988, c. 134)

§ 3.7. Mayor and vice-mayor.

At its first meeting in January 2025, and biennially thereafter following the regular municipal election, the council shall elect on a majority vote one of its members as mayor and another as vice-mayor. Vacancies hereunder shall be filled for the unexpired term by council from its membership. The mayor shall preside over the meetings of the council, have the right to speak therein as other members and shall have a vote, but no veto. In the absence of the mayor the vice-mayor shall carry out the duties of the mayor. (1988, c. 134; 2023, cc. 62, 63)

§ 3.8. Constitutional officers.

At the general election to be held on the first Tuesday following the first Monday in November in the year 1989, and on the said date every four years thereafter, there shall be elected by the qualified voters of the city, a commissioner of the revenue, a treasurer, and a sheriff. In case of a vacancy in these offices, the council, by a majority vote, shall select a qualified person, who must be an elector of the city, to fill the office in which such vacancy occurs for the unexpired term. The said officers shall have such power and perform such duties and receive such compensation as provided by general laws for cities. (1988, c. 134)

Chapter 4. Powers of Council.

§ 4.1. Generally.

All powers of the city and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this charter, the council shall:

1. Exercise all powers granted to the city by general law and this charter.

2. Appoint the city manager who shall be the chief administrative officer of the city to supervise the administration of the affairs of the city and to perform such duties as prescribed by council.

3. Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs through the city manager.

4. [Repealed]

5. Provide for the performance of all the governmental functions of the city, and to that end provide for and set up all departments and agencies of government that shall be necessary.

6. Pass all ordinances relating to its municipal affairs, subject to the Constitution and general laws of the Commonwealth and of this charter and may from time to time amend, reamend, or repeal any or all of its ordinances for the proper regulation, management, and government of the city and impose fines and penalties for the violation or nonobservance thereof.

7. Compel the attendance of its members and suspend or expel its members for improper behavior by vote of two-thirds majority of the whole council.

8. Fix salaries and wages of all officers and employees of the city, unless otherwise provided by this charter or by the general laws of the Commonwealth. (1988, c. 134; 2023, cc. 62, 63)

§ 4.2. Compensation of council members.

The salaries of the mayor and councilmen shall be as established by ordinance from time to time in accordance with general law. (1988, c. 134)

§ 4.3. Rules of procedure.

The council is empowered, subject to the provisions of this charter, to adopt its own rules of procedure under the guidelines of the current Roberts Rules of Order. Such rules shall provide for the time and place of holding regular meetings of the council which shall not be less frequently than once each month. They shall also provide for the calling of special meetings by the mayor, or any two members of council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of council present. A majority of the council shall constitute a quorum for the transaction of business. (1988, c. 134)

§ 4.4. Ordinances and regulations; how council to act, title and subject.

Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or other obligations and appropriating money to be raised thereby shall be confined to those subjects respectively. (1988, c. 134)

§ 4.5. Same-enacting clause, reading and amendment of ordinances, taking, etc., ayes and nays, vote required for passage.

The enacting clause of all ordinances passed by the council shall be "Be it ordained and enacted by the Council of the City of Norton." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings or one regular and one special meeting, or two special meetings, not less than seven days apart in any case, unless the requirement of such reading has been dispensed with by the affirmative vote of three of the members of council. No ordinance or section thereof shall be revised or amended by its title or section number only, but a new ordinance shall contain the entire ordinance, or section as reused or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council, and every ordinance or resolution shall require, on final passage, the affirmative vote of at least a majority of members present. (1988, c. 134)

§ 4.6. Same-effective date; emergency measures.

All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by affirmative vote of three-fifths of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be passed as an emergency measure. (1988, c. 134)

§ 4.7. Same-recordation and authentication.

Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the city clerk. (1988, c. 134)

§ 4.8. Duty of members to vote.

Every member, when present, when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. (1988, c. 134)

§ 4.9. When certain officers appointed; provisions particularly applicable to city manager.

At the first meeting in January following each councilmanic election, or as soon thereafter as practicable, the council shall appoint the officers provided for in this charter and general laws. (1988, c. 134; 2023, cc. 62, 63)

Chapter 5. Schools.

§ 5.1. Creation of separate division.

The territory embraced within the corporate limits of the City of Norton as hereinabove described or as may be extended or contracted in the future, shall constitute a separate division for school purposes and government. Such division shall be known as the Norton City School, City of Norton, Virginia, and shall be a separate and distinct unit within itself, insofar as the Constitution of Virginia permits. (1988, c. 134)

§ 5.2. Election of school board members; terms.

The school division shall have a board of five members elected at large by the qualified voters of the city for staggered terms of four years. The election and terms of school board members shall coincide with those of council members such that two school board members shall be elected at the general election in November 2024, and every four years thereafter, and three school board members shall be elected at the general election in November 2026, and every four years thereafter.

All candidates shall be nominated only by petition as provided by general law. No employee of the school board shall be eligible to serve as a school board member. (1988, c. 134; 1996, cc. 212, 814; 2023, cc. 62, 63)

§ 5.3. Persons disqualified to serve.

No school board member can be a member of the city council. (1988, c. 134)

Chapter 6. General Provisions.

§ 6.1. Officers to hold over until successors appointed and qualified.

Whenever under the provisions of this charter any officer of the city or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer or member shall continue to hold office until his successor is appointed and qualified. (1988, c. 134)

§ 6.2. Continuation in effect of city ordinances, etc.

All ordinances of the City of Norton, and all rules, regulations and orders legally made by any duly constituted authority empowered to pass such ordinances, and make such rules and regulations, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1988, c. 134)

§ 6.3. Application of general law to city and city officers.

The City of Norton and all the officers thereof elected or appointed in accordance with the provisions of this charter shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this charter. (1988, c. 134)

§ 6.4. Citation of charter.
This charter may for all purposes be referred to or cited as the City of Norton Charter of 1988. (1988, c. 134)

§ 6.5. Severability clause.
If any clause, sentence, paragraph, section or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered. (1988, c. 134)

Occoquan, Town of

County of Prince William

History of incorporation
Established, 1804, c. 55 (Hening's Statutes at Large, Vol. III, p. 48).
Incorporation and charter, 1874, c. 344.
Charter, 1930, c. 226; repealed 2022, cc. 536, 537.

Current charter
Charter, 2022, cc. 536, 537.

Amendments to current charter
1993, c. 680 (§ 2; however the amendment relates to the 1930 charter rather than the 2022 charter)
Editor's note: The following § 2 is retained from the Charter of 1930 as amended in 1993:

§ 2. The following are hereby declared to be the bounds of the town: Beginning at a prominent stone, marked X on the south bank of Occoquan River, one hundred and fifty feet above the northwest corner of the old cotton factory building, and running thence, in a direct line through Janney's land, in a south-west direction, to a forked white oak and stone marked X, on Janney's land and on the north side of a small branch; running thence in a direct line, southeasterly, to the corner of Janney and Selecman, on the west side of the Deep Hole Road; thence running with Janney and Selecman's lines to Occoquan River; and thence with Occoquan River to the place of beginning. The corporation shall embrace all of Occoquan River opposite to the bounds above named. (1930, c. 226; 1993, c. 680, amending the 1930 charter, not the 2022 charter)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Occoquan in Prince William County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Occoquan, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal that it may amend at its pleasure. (2022, cc. 536, 537)

§ 1.2. Boundaries.

The boundaries of the town, until altered, shall be as shown in Chapter 680 of the Acts of the General Assembly of 1993 as modified by a boundary line adjustment entered into between the Town of Occoquan and Prince William County, approved by Circuit Court order recorded in the Prince William County land records as Instrument number 201311060109504. (2022, cc. 536, 537)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Occoquan shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (2022, cc. 536, 537)

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia (1950), as amended. (2022, cc. 536, 537)

§ 2.3. Shows and fairs.

In addition to any powers granted by general law to license and regulate businesses, the town council shall also have the right to license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and similar shows or fairs and to prohibit the holding of the same, or any of them, within the town. (2022, cc. 536, 537)

Chapter 3. Mayor and Town Council.

§ 3.1. Election, qualification, and term of office for mayor and council.

The Town of Occoquan shall be governed by a town council composed of five councilmembers and a mayor, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmembers and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for five councilmembers and mayor shall be held on the first Tuesday following the first Monday in November, two-thousand and twenty-two. Elections shall be held on the first Tuesday following the first Monday in November every four years thereafter. The councilmembers and mayor so elected shall take office on the first day of the following January. The councilmembers and mayor shall serve for a term of four years, or until their successors are elected and qualified. (2022, cc. 536, 537)

§ 3.2. Council a countinuing body.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any councilmember. (2022, cc. 536, 537)

§ 3.3. Powers and duties of the council.

The government of the Town of Occoquan shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the Town of Occoquan and for ensuring the implementation thereof by the town administration. All actions requiring a majority of all members of council shall require three affirmative votes of councilmembers. (2022, cc. 536, 537)

§ 3.4. Mayor.

The mayor shall see that the duties of the various appointed officers are faithfully performed and shall execute such documents or instruments as the council, this charter, or the laws of the Commonwealth of Virginia shall require. The mayor shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with the office as may be imposed by the town council. The mayor shall preside over the meetings of the council but shall not vote except in the case of a tie vote. (2022, cc. 536, 537)

§ 3.5. Vice mayor.

The town council shall, by a majority of all of its members, elect a vice mayor from its membership at its first meeting to serve for a term of four years in the absence of or during the disability of the mayor, and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. (2022, cc. 536, 537)

§ 3.6. Meeting of council.

The council shall fix the time of its regular meetings, which shall be at least six times per year, and, except as herein provided, the council shall establish its own rules of procedure and such rules as are

necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia.

Three members of the council in the absence of the mayor, or three members of the council in addition to the mayor, as applicable, shall constitute a quorum for the transaction of business at any meeting.

If any member of the council shall be voluntarily absent from three regular meetings of the council consecutively, his or her seat may be deemed vacant by resolution approved by a majority vote (three) of all members elected to the council, and thereupon his or her unexpired term shall be filled according to the provisions of this charter. (2022, cc. 536, 537)

§ 3.7. Salaries.

The salaries of the mayor, councilmembers, members of boards and commissions, and all appointed officers of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and members of the council shall not be effective until the first day of January following the next local election after the council approves such increase. (2022, cc. 536, 537)

Chapter 4. Appointed Officers.

§ 4.1. Town manager.

The council shall appoint a town manager, who shall be the chief administrative officer of the town and have the powers and perform the duties set forth in this charter, general law, and town ordinances and shall be responsible to the council for the proper administration of all affairs of the town.

The town manager shall be chosen by the council solely on the basis of executive and administrative qualifications in the profession of public management. The town manager need not be a resident of the town or the Commonwealth of Virginia.

The town manager shall appoint and when necessary suspend, demote, and remove the town clerk, the chief of police, and any of the other officers and employees of the town except as otherwise provided in this charter or town ordinances. The town manager may authorize the head of a town office, department, or board to appoint subordinates in such office, department, or board. With regard to any of the officers subject to the town manager's appointment power, the town manager may appoint an acting officer in the case of the absence, incapacity, death, or resignation of the permanent officer.

The action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council. (2022, cc. 536, 537)

§ 4.2. Acting town manager.

The town manager may designate an individual who shall serve as the acting town manager in the event of the absence, incapacity, death, or resignation of the town manager until the town manager's return to duty or the appointment by the council of a successor. (2022, cc. 536, 537)

§ 4.3. Town attorney.
The council shall appoint a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia. The town attorney may designate an individual who shall serve as the acting town attorney in the event of the absence, incapacity, death, or resignation of the town attorney until the town attorney's return to duty or the appointment by the council of a successor. (2022, cc. 536, 537)

§ 4.4. Term of office.
The council's appointed officers shall serve for an indefinite term at the pleasure of the council. (2022, cc. 536, 537)

§ 4.5. Bonds.
Appointees may be required to execute such bonds as the council may deem necessary. (2022, cc. 536, 537)

Chapter 5. Miscellaneous.

§ 5.1. Ordinances countinued.
All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended, or repealed by the council. (2022, cc. 536, 537)

§ 5.2. Severability.
If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter. (2022, cc. 536, 537)

Onancock, Town of

County of Accomack

History of incorporation
Incorporated by an 1882 Act of Assembly.
Charter, 1882, c. 127; repealed 1962, c. 53.
Charter, 1962, c. 53; repealed 1976, c. 480.

Current charter
Charter, 1976, c. 480.

Amendments to current charter
1998, c. 136 (§§ 4, 5)

§ 1. The inhabitants of the territory embraced within the present limits of the town of Onancock, in Accomack County, Virginia, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Onancock, and as such shall have and may exercise all powers which are now, or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein. No enumeration of particular powers by this charter shall be held to be exclusive.

The town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1976, c. 480)

§ 2. The boundaries of the town of Onancock, Virginia, shall be and remain as now established, but the boundaries thereof are incorporated herein by reference to an act of the General Assembly entitled "An act to provide a charter for the town of Onancock, Accomack County, Virginia", approved February 15, 1882, and by reference to the recordation in the Clerk's Office of Accomack County, Virginia, in the court where deeds are admitted to record, of the final decree or order of the court establishing such boundaries which final decree or order was entered May 29, 1957, in said Clerk's Office in Common Law Order Book 1954-1958, Page 367. (1976, c. 480)

§ 3. The powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia as now exist, and as hereafter amended, are hereby conferred on and vested in the town of Onancock. (1976, c. 480)

§ 4. One elector of the town of Onancock shall be elected as mayor of the town on the first Tuesday in May, 1976, for a term of two years and at two-year intervals thereafter to succeed the elector elected as mayor in the year 1974, and his compensation shall be fixed by the council. The term of office of the mayor shall begin on the first day of July next following his election. (1976, c. 480; 1998, c. 136)

§ 5. Three electors of the town of Onancock shall be elected as councilmen of the town on the first Tuesday in May, 1976, for a term of four years and at four-year intervals thereafter to succeed the three electors elected as councilmen in the year 1972. Three electors of the town of Onancock shall be elected as councilmen of the town on the first Tuesday in May, 1978, for a four-year term and at four-year intervals thereafter to succeed the three electors elected as councilmen in the year 1974. Terms of office shall begin on the first day of July next following their election.

Each councilman elected as hereinabove provided shall serve for the term stated or until his successor shall have been elected and qualified. Vacancies in the council shall be filled within sixty days after such vacancy occurs for the unexpired term by a majority vote of the remaining members;

provided, that if the term of office to be filled does not expire for two years or more after the next regular election for councilman following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidate receiving the next highest number of votes shall be entitled to the unexpired term caused by such vacancy. (1976, c. 480; 1998, c. 136)

§ 6. All town officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation by law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the town as set forth in § 15.1-845 of Chapter 18 of Title 15.1 of the Code of Virginia as now exist, and as hereafter amended. (1976, c. 480)

§ 7. All ordinances and resolutions heretofore made and adopted by the town, not in conflict with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the town. (1976, c. 480)

Onley, Town of

County of Accomack

History of incorporation
Charter, 1950, c. 414; repealed 2005, cc.654,693.

Current charter
Charter, 2005, cc.654,693.

Amendments to current charter
2017, c.582 (§ 3.1)
2019, c.798 (§ 3.4, 4.1, 4.1:1 [added])

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Onley in Accomack County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Onley, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded,

contract and be contracted with, and may have a corporate seal which it may amend at its pleasure. (2005, cc.654,693)

§ 1.2. Boundaries.

The boundaries of the town, until altered, shall be as established by § 1 of Chapter 414 of the Acts of Assembly of 1950, and as further established by an Order of the Accomack County Circuit Court entered on June 19, 1967, and recorded in the Clerk's Office of the Accomack County Circuit Court in Common Law Order Book 1966-70, page 90, and as further established by an Order of the Accomack County Circuit Court entered on March 6, 1986, and recorded in the Clerk's Office of the Accomack County Circuit Court in Common Law Order Book 5, page 312, which are incorporated by reference and made a part hereof. (2005, cc.654,693)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Onley shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this chapter shall be held to be exclusive, and the towns shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (2005, cc.654,693)

§ 2.2. Adoption of powers granted by Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §15.2-1100 through §15.2-1132, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (2005, cc.654,693)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for mayor and council.

The Town of Onley shall be governed by a town council composed of six council members and a mayor, all of whom shall be qualified voters of the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The council members and mayor in office on July 1, 2017, shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for all council members and the mayor shall be held on the Tuesday following the first Monday in November 2018 and on the Tuesday following the first Monday in November of every even-numbered year thereafter. The council members and mayor so elected shall take office on the first day of the following January and shall serve until their successors are elected and have qualified. (2005, cc.654,693; 2017, c.582)

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council. (2005, cc.654,693)

§ 3.3. Council a continuing body.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (2005, cc.654,693)

§ 3.4. Mayor.

The mayor shall be the chief executive and administrative officer of the town in the event that there is no appointed town manager. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak therein as members of the council but shall not vote except in the case of a tie vote. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall authenticate his signature on such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (2005, cc.654,693; 2019, c.798)

§ 3.5. Vice mayor.

The town council shall, by a majority of all of its members, elect a vice mayor at its first meeting to serve for a term of two years in the absence of or during the disability of the mayor, and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. (2005, cc.654,693)

§ 3.6. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be opened to the public in accordance with Chapter 37 of Title 2.2 of the Code of Virginia. Three members of the council in addition to the mayor, vice mayor, or acting mayor shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council, provided that the members of the council are given reasonable notice of such meetings, and no business shall be transacted at a special meeting except that for which it shall be called. If the mayor and all members of the council are present, this provision may be waived by a majority vote of the council. (2005, cc.654,693)

§ 3.7. Ordinances and resolutions.

On final vote on any ordinance or resolution, the name of each member voting and how he voted shall be recorded, and, in addition, no ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed except by affirmative vote of a majority of all members of the council. (2005, cc.654,693)

§ 3.8. Salaries.

The salaries of the mayor, council members, members of boards or commissions, and all appointed officers and employees of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of the council shall not be increased during the term for which they were elected. (2005, cc.654,693)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

At the first meeting in January following each election or as soon thereafter as practicable, the council shall appoint or reappoint the following officers whose duties shall be as prescribed by the council not inconsistent or in conflict with general law: a town manager, a town treasurer, a town clerk, and a town attorney who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth of Virginia and who shall be actively practicing in Accomack County. The town manager may also be appointed to serve as the town treasurer. (2005, cc.654,693; 2019, c.798)

§ 4.1:1. Duties of the town manager.

The town manager shall be the executive officer of the town and shall be responsible to the town council for the proper administration of the town government. It shall be the duty of the town manager to:

1. Attend all meetings of the town council, with the right to speak but not to vote;

2. Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration and make such recommendations as may seem to him desirable;

3. Prepare and submit the annual budget of the town council and be responsible for its administration after its adoption;

4. Prepare in suitable form for publication and submit to the town council at the next regular meeting following the end of each fiscal year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year;

5. Present adequate financial and activity reports as required by the town council;

6. Arrange for an annual audit by a certified public accountant, the selection of whom shall be subject to the approval of the town council; and

7. Perform such other duties as may be prescribed by this charter, required of him in accordance therewith by the town council, or required of the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the town, except those appointed by the town council, pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. The town council shall designate by ordinance a person to act as town manager in the case of the absence, incapacity, death, or resignation of the town manager, until his return to duty or the appointment of his successor. Until such time as the town council appoints any such town manager, the duties and powers outlined herein shall be given to the mayor, or such other persons as may be designated by the town council. All employees and officers of the town, including those appointed by the town council, shall be under the management, control, and supervision of the town manager. (2019; c. 798)

§ 4.2. Chief of Police and Assistant Chief of Police.

The council may appoint a Chief of Police as it deems necessary; the appointment of Chief of Police shall be made by council and not by election of the town's voters. The Chief of Police will have the authority to preside over police matters as directed by the town council and within the provisions of the laws of the Commonwealth of Virginia. The Chief of Police may select an assistant; the choice of assistant will be presented to the town council and approved or rejected. The Assistant Chief of Police will have authority to preside over police matters at the direction of the Chief of Police or as may be directed by the town council in the absence of the Chief of Police. (2005, cc.654,693)

§ 4.3. Sergeant.

The Chief of Police may recommend and the council may appoint a Sergeant as it deems necessary; the appointment shall be made by council and not by election of the town's voters. The Sergeant shall be chosen from the town's police officers. The Sergeant shall perform all duties of deputy with additional duties as prescribed by the Chief of Police. (2005, cc.654,693)

§ 4.4. Committee chairpersons and assistants.

The council may appoint such committee chairpersons and assistants to appointive offices as it may deem necessary. (2005, cc.654,693)

§ 4.5. Term of office.

Appointees under this chapter shall serve at the pleasure of the council. (2005, cc.654,693)

§ 4.6. Bonds.

Appointees may be required to execute such bonds as the council may deem necessary. (2005, cc.654,693)

§ 4.7. Appointment of one person to more than one office.

The council may appoint the same person to more than one appointive office. (2005, cc.654,693)

§ 4.8. Boards, commissions, and committees.

The council may, in its discretion, appoint such boards, commissions, and committees as it deems necessary or as may be authorized by the laws of the Commonwealth of Virginia. (2005, cc.654,693)

Chapter 5. Miscellaneous.

§ 5.1. Fiscal year.

The fiscal year which began on September 1, 2004, shall end on June 30, 2005. Thereafter, the fiscal year of the town shall begin on July 1 in each year and end on June 30 of the following year. (2005, cc.654,693)

§ 5.2. Elections.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (2005, cc.654,693)

§ 5.3. Applicability of laws outside of the town.

All ordinances of the town, so far as they are applicable, shall apply on, in, or to all land, buildings, and structures owned by or leased or rented to the town and located outside the town. (2005, cc.654,693)

§ 5.4. Ordinances continued.

All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended, or repealed by the council. (2005, cc.654,693)

§ 5.5. Severability.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter. (2005, cc.654,693)

§ 5.6. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one general subject. (2005, cc.654,693)

Orange, Town of

County of Orange

History of incorporation

Incorporated by an 1833-34 Act of Assembly.
Charter, 1833-34, c. 240.
Charter, 1855-56, c. 256; repealed 1950, c. 94.

Current charter

Charter, 1950, c. 94.

Amendments to current charter

1986, c. 79 (§§ 1.1 [added], 3 [repealed], 3.1 [added], 3.2 [added])
1995, c. 287 (§ 2)
2000, c. 160 (§ 2)
2002, c. 10 (§ 2)
2003, c. 178 (§ 2)

§ 1. Corporate status.

The inhabitants of the territory comprised within the present limits of the Town of Orange, or as such limits may be hereafter altered by law, shall constitute and continue a body, politic and corporate, known as the Town of Orange and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and general laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein. The Town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now pertaining to and incumbent on it as a municipal corporation; and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure by proper ordinance. (1950, c. 94)

§ 1.1. The powers set forth in §§ 15.1-837 to 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia, 1950, as amended, are hereby conferred on and vested in the Town of Orange. (1986, c. 79)

§ 2. Corporate limits.

The present corporate limits of the Town are hereby re-established in accordance with a survey and plat made by O. R. Randolph, Engineer, the courses and distances of which are set forth in an Order in re: Annexation Proceeding, Town of Orange vs: County of Orange, dated December 30, 1948, and recorded in Law Order Book No. 7 on file in the office of the Clerk of the Circuit Court of Orange County, and as expanded by the metes and bounds as set forth in an Order in re: Voluntary Settlement Proceeding, Petition of the Town of Orange and the County of Orange, dated June 30, 1992, in Law Order Book 25, beginning at page 47 and in the survey on file in Plat Cabinet 4, Item 26, all of which are on file in the office of the Clerk of the Circuit Court of Orange County, and as set forth in an Order in re: Petition of the County of Orange, Virginia, and the Town of Orange, Virginia, To Relocate the Boundary Line Between Them, dated February 26, 1999, in Deed Book 640, page 295, which is

on file in the office of the Clerk of the Circuit Court of Orange County, and as expanded by the boundary as set forth in an Order in re: Petition of the County of Orange, Virginia, and the Town of Orange, Virginia, to Relocate the Boundary Line Between Them, dated February 16, 2001, in Law Order Book 36, beginning at page 180 and in the survey on file in Plat Cabinet I, Slot 129-A, and as expanded by the boundary as set forth in an Order in re: Petition of the County of Orange, Virginia, and the Town of Orange, Virginia, to Relocate the Boundary Line Between Them, dated September 27, 2002, Chancery Instrument No. 02000144 and Land Record Instrument No. 020008652, all of which are on file in the office of the Clerk of the Circuit Court of Orange County. (1950, c. 94; 1995, c. 287; 2000, c. 160; 2002, c. 10; 2003, c. 178)

§ 3. 1950, c. 94; repealed 1986, c. 79.

§ 3.1. The town shall be governed under the town manager plan with a council of five members as set forth in Title 15.1 of the Code of Virginia, 1950, as amended. The present members of the Town Council shall continue in office until July 1, 1986, or until their successors are legally elected and qualified.

Subject to the general election to be held in May of 1986, the Town Council which takes office on July 1, 1986, shall hold office as follows:

The three candidates receiving the highest number of votes at the May 1986 election shall serve four-year terms.

The two candidates receiving the next highest numbers of votes shall serve two-year terms.

Except for the terms of councilmen as hereinabove specified, the term of each member of council shall be four years. The date for the election of councilmen and the date such officers shall enter upon the duties of their offices shall be in accordance with general law. (1986, c. 79)

§ 3.2. The members of the Town Council shall receive such salaries for their services as shall be fixed in accordance with the state law. (1986, c. 79)

§ 4. Taxation.

The Town is empowered to levy and collect taxes on all subjects of taxation except as restrained by the Constitution or by general law heretofore or hereafter adopted, provided that the Town shall impose no tax on bonds of the Town, and provided further that the levy of ad valorum taxes without limitation of rate or amount for payment of general obligation bonds of the Town is authorized upon all taxable property within said Town as now and hereafter constituted. (1950, c. 94)

§ 5. Repeal of previous charter.

Chapter 256 of the Acts of Assembly of 1855-'6, Chapter 123 of the Acts of Assembly of 1883-'4, Chapter 97, Acts of Assembly of 1895-'6 and Chapter 14 Acts of Assembly of Special Session 1919, are repealed. (1950, c. 94)

§ 6. Reference.

This Act may be referred to or cited as the Orange Charter of 1950. (1950. c. 94)

Painter, Town of

County of Accomack

History of incorporation

Incorporated by Circuit Court of Accomack County July 17, 1950.

Current charter

Charter, 1987, c. 24.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Painter, Accomack County, as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Painter, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure. (1987, c. 24)

§ 1.2. Boundaries.

The boundaries of the town are those established in the petition for incorporation issued by the Circuit Court of Accomack County and recorded in Common Law Register Book 1946-50, Page 485, recorded July 19, 1950, in the Accomack County Circuit Court Clerk's Office. (1987, c. 24)

Chapter 2. Powers.

§ 2.1. Powers.

The town shall have all powers conferred upon towns under the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 18 (§§ 15.1-837 through 15.1-907) of Title 15.1 of the Code of Virginia, are hereby specifically conferred upon the Town of Painter. (1987, c. 24)

Chapter 3. Governing Body.

§ 3.1. Council.

A. The town shall be governed by a council composed of six members elected at large.

B. The members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they are elected, or until their successors are duly elected and qualified.

C. In 1986 and every two years thereafter, on the dates specified by general law for municipal elections, six members of the council shall be elected for terms of two years each. The persons so elected shall qualify and take office on July 1 following their election, and they shall continue to serve until their successors are duly elected, qualified and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman.

E. Vacancies on the council shall be filled for the unexpired term by a majority vote of the remaining members of the council. All vacancies shall be filled within sixty days. Any person qualified for the office of councilman may be chosen to fill a council vacancy. (1987, c. 24)

§ 3.2. Mayor.

A. Concurrent with the election for members of council, on the date specified by general law for municipal elections, a mayor of the town shall be elected for a term of two years. Persons so elected shall so qualify and take office on July 1 following their election. Mayors shall continue to serve until their successors are duly elected, qualify and assume office.

B. Any person qualified to vote in town elections shall be eligible for the office of the mayor.

C. Vacancies in the office of mayor shall be filled for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the town. Vacancies shall be filled within sixty days.

D. The mayor shall be president of the council, but he shall have no vote except in case of a tie. He shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall perform such other duties as may be assigned to him by council not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth or the provisions of this charter.

E. The town council at its first regular meeting in July following a general election shall elect one of its members as vice-mayor of the town, whose term shall run concurrently with that of the mayor, and who shall exercise all the powers and duties of the mayor in the event of the absence of the mayor.

The member of the council who shall be chosen vice-mayor, shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town. (1987, c. 24)

Chapter 4. Miscellaneous.

§ 4.1. Ordinances continuing.

All ordinances now in force in the town not inconsistent with this charter shall remain in force until altered, amended, or repealed by the council. (1987, c. 24)

§ 4.2. Legislative procedure, etc.

A. Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, each ordinance or resolution shall be confined to one general subject. Four members of council shall constitute a quorum.

B. The council shall, by ordinance, fix the time for their stated meetings, provided the council shall meet at least once each month. Special meetings shall be called by the clerk of the council upon the request of the mayor, or any four members of the council; no business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public, except when the public welfare shall require executive sessions.

If any member of the council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired term shall be filled according to the provisions of this charter. (1987, c. 24)

§ 4.3. Town officers.

A. At its organizational meeting held following the qualifications of the mayor and members of council, the council may, in its discretion, appoint a town manager who shall serve as the chief administrative officer of the town.

B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. The council shall further provide the terms of each officer, or, if there be no terms, shall indicate that the officers serve at the pleasure of the appointing authority.

C. Each officer shall have such duties and shall receive such compensation as specified by the appointing authority not inconsistent with the Constitution and general laws of the Commonwealth and this charter.

D. The same person may be appointed to more than one office. (1987, c. 24)

Pamplin City, Town of

Counties of Appomattox and Prince Edward

History of incorporation

Incorporated by an 1874 Act of Assembly.
Charter, 1874, c. 127; repealed 1979, c. 174.

Current charter

Charter, 1979, c. 174.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Pamplin City, in the counties of Appomattox and Prince Edward, as such limitations are now, or may hereafter be altered and established by law, shall constitute and be a body politic and corporate, to be known and designated as the town of Pamplin City, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1979, c. 174)

§ 1.2. Boundaries.

The territory embraced within the town of Pamplin City is that territory shown on that certain plat recorded in the office of the Clerk of the Circuit Court of Appomattox County in Deed Book 139 page 582 and in the office of the Clerk of the Circuit Court of Prince Edward County in Deed Book 209 page 683. (1979, c. 174)

Chapter 2. Powers.

§ 2.1. The town of Pamplin City shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as amended. (1979, c. 174)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office.

A. The town of Pamplin City shall be governed by a town council composed of six members and a mayor, elected at large, all of whom shall be qualified voters of the town.

B. The council and mayor in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

At the regular municipal election to be held on the first Tuesday in May, 1980, and every two years thereafter, six members of council and a mayor shall be elected for a term of two years each. Persons so elected shall qualify and take their office on July one following their election. They shall continue to serve until their successors are duly elected, qualify and assume office.

C. The Mayor shall preside at the meetings of the council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall have the same powers and duties as members of the council with a vote but no veto powers. He shall perform such other duties as may be given him by council not inconsistent with the Constitution, general laws of the Commonwealth or this charter. (1979, c. 174)

§ 3.2. Vacancies.

Vacancies on the council and in the office of Mayor shall be filled for the unexpired term by a majority vote of the remaining members of council from the electors of the town. (1979, c. 174)

§ 3.3. Qualifications of members.

Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. (1979, c. 174)

§ 3.4. Powers of council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of Virginia and shall have the power in their discretion to appoint a vice-mayor, town manager, clerk, treasurer, town attorney, and a chief of police. Such officers shall serve at the pleasure of the council and shall have such duties not inconsistent with the Constitution, general laws of the Commonwealth or this charter, and shall be paid such compensation as the council may determine. Except for the vice-mayor, one person may be appointed to more than one office. (1979, c. 174)

Chapter 4. Miscellaneous.

§ 4.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the following year. (1979, c. 174)

§ 4.2. Ordinances continuing.

All ordinances now in force in the town of Pamplin City, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council. (1979, c. 174)

§ 4.3. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1979, c. 174)

§ 4.4. Office of town sergeant not to be created.

In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1979, c. 174)

§ 4.5. Town elections.

The electoral board of the county of Appomattox (in which county the greater part of the town is situated) shall conduct the town's elections. (1979, c. 174)

§ 4.6. Jail.

The town shall have the use of the jail of the county of Appomattox to aid the constituted authorities of Pamplin City in maintaining peace and good order. (1979, c. 174)

County of Accomack

History of incorporation
Incorporated by a 1904 Act of Assembly.
Charter, 1904, c. 133; repealed 1916, c. 362.
Charter, 1916, c. 362; repealed 1950, c. 201.
Charter, 1950, c. 201; repealed 1979, c. 163 (except § 2 of Chapter I).

Current charter
Charter, 1979, c. 163.

Amendments to current charter
1983, c. 49 (§ 3.1)
2001, c. 12 (§ 5.7)
2020, c. 594 (§§ 3.1, 4.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Parksley in Accomack County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Parksley, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with and may have a corporate seal which it may amend at its pleasure. (1979, c. 163)

§ 1.2. Boundaries.

The boundaries of the town, until altered, shall be as established by § 2 of Chapter I of Chapter 201 of the Acts of Assembly of 1950, which are incorporated herein by reference and made a part hereof. (1979, c. 163)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Parksley shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this chapter shall be held to be exclusive, and the towns shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1979, c. 163)

§ 2.2. Adoption of powers granted by Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1979, c. 163)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for mayor and council.

The Town of Parksley shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmen and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualify. An election for three councilmen shall be held on the first Tuesday in May, 1986, and on the first Tuesday in May of every even-numbered year thereafter. A mayor shall be elected at the election held on the first Tuesday in May, 1984, and every four years thereafter. The councilmen and mayor so elected shall take office on the first day of the following July, and shall each serve until their successors are elected and have qualified.

In the May 1984 general election six members of council shall be elected and shall take office July one following their election and hold office as follows: the three councilmen receiving the highest number of votes shall serve terms of four years; the three remaining councilmen shall serve terms of two years. Thereafter, all terms shall be for four years.

Beginning in 2020, the mayor and six members of council shall be elected at the November general election and shall take office January 1 following their election. The mayor and town council members who were elected in a May general election and whose terms are to expire on June 30, 2020, shall continue in office until their successors have been elected at the following November general election and have been qualified to serve. (1979, c. 163; 1983, c. 49; 2020, c. 594)

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council. (1979, c. 163)

§ 3.3. Council a continuing body.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1979, c. 163)

§ 3.4. Mayor.

The mayor shall be the chief executive and administrative officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak therein as members of the council but shall not vote except in the case of a tie vote. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1979, c. 163)

§ 3.5. Vice-mayor.

The town council shall, by a majority of all of its members, elect a vice-mayor at its first meeting to serve for a term of two years in the absence of or during the disability of the mayor, and the vice-mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. (1979, c. 163)

§ 3.6. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be opened to the public in accordance with Chapter 21 of Title 2.1 of the Code of Virginia. Three members of the council in addition to the mayor, vice-mayor or acting mayor shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council, provided that the members of the council are given reasonable notice of such meetings, and no business shall be transacted at a special meeting except that for which it shall be called. If the mayor and all members of the council are present, this provision may be waived by a majority vote of the council. (1979, c. 163)

§ 3.7. Ordinances and resolutions.

On final vote on any ordinance or resolution the name of each member voting and how he voted shall be recorded, and, in addition, no ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes or authorizing the borrowing of money shall be passed except by affirmative vote of a majority of all members of the council. (1979, c. 163)

§ 3.8. Salaries.

The salaries of the mayor, councilmen, members of boards or commissions and all appointed officers and employees of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of the council shall not be increased during the term for which they were elected. (1979, c. 163)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

At the first meeting in January following each election or as soon thereafter as practicable, the council shall appoint or reappoint the following officers whose duties shall be as prescribed by the council not inconsistent or in conflict with general law: a town treasurer, a town clerk who may also be the town treasurer, a town attorney who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth of Virginia and who shall be actively practicing in Accomack County. (1979, c. 163; 2020, c. 594)

§ 4.2. Deputies and assistants.

The council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1979, c. 163)

§ 4.3. Term of office.

Appointees under this chapter shall serve at the pleasure of the council. (1979, c. 163)

§ 4.4. Bonds.

Appointees may be required to execute such bonds as the council may deem necessary. (1979, c. 163)

§ 4.5. Appointment of one person to more than one office.

The council may appoint the same person to more than one appointive office. (1979, c. 163)

§ 4.6. Boards and commissions.

The council may, in its discretion, appoint such boards and commissions as it deems necessary or as may be authorized by the laws of the Commonwealth of Virginia. (1979, c. 163)

Chapter 5. Miscellaneous.

§ 5.1. Fiscal year.

The fiscal year of the town shall begin on July one in each year and end on June thirty of the following year. (1979, c. 163)

§ 5.2. Elections.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1979, c. 163)

§ 5.3. Applicability of laws outside of the town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1979, c. 163)

§ 5.4. Ordinances continued.

All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council. (1979, c. 163)

§ 5.5. Severability.
If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the charter. (1979, c. 163)

§ 5.6. Legislative procedure.
Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one general subject. (1979, c. 163)

§ 5.7. Office of chief of police.
The office of chief of police for the town shall be established in the discretion of the council and if established shall be filled by appointment by the council and not by election by the town's voters. (1979, c. 163; 2001, c. 12)

Pearisburg, Town of

County of Giles

History of incorporation
Established, 1808, c. 51.
Incorporation and charter, 1835, c. 180; repealed 1837, c. 316; revived 1850, c. 279; repealed 1872, c. 337.
Charter, 1850, c. 279; repealed 1872, c. 337.
Charter, 1872, c. 337; repealed 1898, c. 482.
Charter, 1898, c. 482; repealed 1914, c. 192.
Charter, 1914, c. 192; amended 1932, c. 63.
Charter, 1932, c. 63; repealed 1946, c. 328.

Current charter
Charter, 1946, c. 328.

Amendments to current charter
1950, c. 73 (§ 3)
1956, c. 94 (§ 2)
1973, c. 91 (§§ 2, 3, 8)
2009, c. 234 (§§ 15, 21 [repealed])

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Pearisburg, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Pearisburg,

and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though all such powers were specifically enumerated herein. The territory embraced within the present limits of the Town of Pearisburg is described by metes and bounds as follows:

Beginning at an iron pipe stake in the center of a water oak stump, the same being the northern corner of "King Heights" subdivision and in a line of the land of D. W. Mason, then with Mason's lines, south seventeen degrees and twenty minutes east one thousand, five hundred, seventy-eight and twenty-five one-hundredths feet to a white oak; thence south six degrees and fifty-eight minutes east seven hundred, thirty-eight and one-tenth feet to an iron pipe stake in the northern right-of-way line of State Highway number eight; thence crossing the highway and continuing the same direction, south six degrees and fifty-eight minutes east one thousand, two hundred sixty-three and two-tenths feet to a hub in line of the Mistress Daisy Claypool land; thence with said line, south thirty-five degrees and forty-six minutes east one thousand, three hundred, twenty-nine and six-tenths feet to an iron pipe stake six and three-tenths feet northeast of a red oak and one and five-tenths feet southwest of a dead red oak, a corner of the said Mistress Daisy Claypool land and the land of Frank Pack; thence with Pack, south thirty-nine degrees east seven hundred, seventy-four and three-tenths feet to a post; thence south seventy-nine degrees and forty-four minutes east three hundred, seventy-nine and four-tenths feet to the head of a spring; thence south forty-eight degrees and ten minutes east one hundred, thirty-seven and twenty-five one-hundredths feet to a nail and cap in road; thence south fifty-six degrees and ten minutes east three hundred and thirty feet to a nail and cap in said road; thence south eleven degrees and ten minutes east one hundred, ninety and nine-tenths feet to an iron pipe stake in old road bed, a corner of the lands of Frank Pack and Arch Pack; thence with the latter, south forty-four degrees and twenty-seven minutes west one thousand, three hundred, sixty-four feet to a post at draw bars in fence; thence south eighty-nine degrees and sixteen minutes west five hundred, fifty and five-tenths feet to an iron pipe stake in fence, six feet northward from a marked chestnut in a line of the land of Martha Santolla Williams; thence with her lines, north twelve degrees and five minutes east three hundred, fifty-four and two-tenths feet to an iron pipe stake in an old chestnut stump; thence north eighty degrees and fifty minutes west one thousand, thirty-two and two-tenths feet to an iron pipe stake three feet southward from a locust; thence north seventeen degrees and five minutes west seven hundred, forty-six and four-tenths feet to a post thirty-four feet eastward from a large white oak; thence south seventy-six degrees and ten minutes west two thousand, nine hundred, eighty-eight and eight-tenths feet to an iron pipe stake by the south sided of a post, a corner of the land of Robert A. Johnston and Nannie Buchanan Ballad; thence with the latter, north twenty-nine degrees west three hundred, seventy-one and six-tenths feet to an iron pipe stake one and five-tenths feet west of an old black oak;

thence with Ballard north sixty degrees and fourteen minutes east one thousand, one hundred, seventy-eight and nine-tenths feet to a post near a large white oak; thence north seventeen degrees and forty-two minutes west one thousand, two hundred, thirteen and nine-tenths feet to a locust post, corner to the J. W. Scott and Sam Thompson lands; thence approximately north eighty-four degrees west approximately four thousand, eight hundred feet to an iron pipe stake; thence north twenty degrees east four thousand, three hundred, fifty feet, crossing State Highway number eight and on to a hub in a line between the Negro cemetery and the lands of Doctor H. G. Johnston; thence through the H. G. Johnston land and the James D. Johnston estate land, north seventy-two degrees and twenty minutes east two thousand, three hundred, fifty-four feet to a locust hub in the Old Mill Road; thence north sixty-seven degrees and twenty minutes east four hundred, fifty-six feet to a chestnut; thence north twelve degrees and thirty-five minutes east four hundred, ninety-five feet to a hub; thence north fifty-seven degrees and fifty minutes east four hundred, forty-five feet to a hub on a line of the land of F. W. Carper; thence with his line in part and in part with a line of Stafford land, south thirty-two degrees and eight minutes east one thousand, seven hundred, sixteen and five-tenths feet to a fence post; thence through the Stafford land and the A. E. Shumate land south seventy-six degrees and fourteen minutes east three thousand, two hundred, forty-two feet to the beginning. (1946, c. 328)

§ 2. The administration and government of the town shall be vested in a council which shall consist of seven members, six of whom shall be denominated the councilmen and one to be denominated the mayor, all of whom shall be residents and qualified voters of the town. Each councilman may receive a salary for his services as such, the amount thereof to be fixed by the council, but in no event to be in excess of six hundred dollars per year. (1946, c. 328; 1956, c. 94; 1973, c. 91)

§ 3. The councilmen and the mayor shall be elected by the qualified voters of the town on the first Tuesday in May and the mayor shall be elected every four years beginning in 1974. Members of the council shall be elected for terms of four years, but upon the first assembling of the council elected in June 1905, the members thereof shall be divided into two equal classes to be determined by lot and the terms of the members of the first class shall be two years and that of the members of the second class four years. Thereafter the terms of all the members of each class shall be four years. The present mayor and councilmen shall continue in office until the expiration of the terms for which they were respectively elected. (1946, c. 328; 1950, c. 73; 1973, c. 91)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' written notice shall be given to the other members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such

special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. (1946, c. 328)

Editor's note: Chapter 328 of the Acts of Assembly of 1946 did not create a § 5.

§ 6. The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1946, c. 328)

§ 7. The council shall appoint a sergeant who shall qualify as provided by law, and give bond in such amount as the council requires. The sergeant shall be a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to a distance of one mile beyond the same, as were formerly had and performed by constables. He shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1946, c. 328)

§ 8. The mayor shall be a conservator of the peace, and shall, unless and until a police justice is appointed as hereinafter provided, have power to issue warrants and summon witnesses, and exclusive original jurisdiction to try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other form of debts owing to the town, and shall have like powers in the matter of collecting fines and costs imposed by him, as are vested by law in trial justices. The fees and costs in connection with such cases shall be the same as are authorized by law to be charged, taxed and collected by trial justices for similar services, and such fees, and all fines collected by the mayor shall be promptly paid by him into the town treasury, unless the council by ordinance directs some other disposition thereof; provided that the council may, at any time it deems the same expedient, appoint a police justice for the town, who shall give such bond as the council requires, shall serve during the pleasure of the council, and shall receive such compensation as the council prescribes.

In the event of the appointment of such police justice, he shall have during such time as he serves, and to the exclusion of the mayor, the same powers and jurisdiction as are hereinabove conferred upon and vested in the mayor, and shall exercise the same in like manner as they are above authorized and directed to be exercised by the mayor. (1946, c. 328; 1973, c. 91)

§ 9. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the Town of Pearisburg and its council shall have the powers set forth in the following sections of this charter. (1946, c. 328)

§ 10. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the council prescribes, provided that the rates charged consumers without the corporate limits shall not be less than, nor more than double, the rates charged consumers within the town for similar services, any or all of which rates the council may alter at any time without notice.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1946, c. 328)

§ 11. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the towns, which fronts or abuts on any such sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer service, of the reasonableness of which, the council shall be the sole judge; and sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues.

The town is empowered to acquire by condemnation or otherwise, such properties or interests or estate therein, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining or operating any such sewer line or lines. (1946, c. 328)

§ 12. The town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, golf courses and recreational facilities, and to make reasonable charges for the use of such facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights-of-way from the town to any property acquired by it under any of the provisions of this charter, which lies without its corporate limits, and to construct and maintain upon such rights-of-way, such roads or bridges as may be reasonably necessary for the full enjoyment thereof; and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so. (1946, c. 328)

§ 13. Insofar as not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation upon its streets and alleys, of motor vehicles carrying passengers or freight for hire, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate

the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town, for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as meets with the approval of the council; and (c) to prescribe rules and regulations with respect to motor traffic of all kinds, within the town, and the parking of motor vehicles on its streets and alleys. (1946, c. 328)

§ 14. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to impose and collect a license tax for the privilege of doing within the town, anything upon which the State imposes a license tax; provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such thing, than that imposed by the State on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council. (1946, c. 328)

§ 15. The town is empowered to provide a building code for the town; to provide for the orderly and safe construction of houses and other buildings; to prescribe setback lines on designated streets; and to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections. (1946, c. 328; 2009, c. 234)

§ 16. The town is empowered (a) to prohibit, and to punish for mischievous or wanton damage to school property or any other property, either public or private, within the town; (b) to prohibit minors from frequenting or loitering in public pool rooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same; (c) to compel persons sentenced to confinement in jail for violations of town ordinances, to work on the streets or other public places of the town. (1946, c. 328)

§ 17. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town by any fence, building, porch, or other projection, and to require the removal of any such encroachment heretofore or hereafter made, unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town, no statute of limitation shall run. (1946, c. 328)

§ 18. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current,

whether heretofore or hereafter installed, to be placed in suitable conduits, underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1946, c. 328)

§ 19. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and bylaws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances, bylaws and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, bylaws or resolution, upon which the same shall become effective. (1946, c. 328)

§ 20. Town manager.

(a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering. He need not, when appointed, be a resident of the town, or of the State of Virginia, but shall during his term of office, reside within the corporate limits of the town, and shall be appointed for such term as he and the council agree upon, not to exceed two years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no order of suspension or removal shall be made until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council, suspending or removing the town manager, shall be final. The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1946, c. 328)

§ 21. (1946, c. 328; repealed 2009, c. 234)

§ 22. All ordinances now in force in the Town of Pearisburg, not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this act. (1946, c. 328)

Pembroke, Town of

County of Giles

History of incorporation

Incorporation and charter, Circuit Court of Giles County, 31 December 1947; replaced 1948, c. 422.

Current charter

Charter, 1948, c. 422.

Amendments to current charter

1954, c. 36 (§ 3)
1964, c. 67 (§ 2)
1972, c. 183 (§§ 2, 3, 7)

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Pembroke, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Pembroke, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though all such powers were specifically enumerated herein. The territory embraced within the present limits of the Town of Pembroke is described by metes and bounds as follows:

Beginning at a stake, said stake being the northwest corner of the Lilly Heights Addition, a line bears South 86 degrees 30 minutes East, 334.45 feet to a stake between a gum tree and a rock, thence North 60 degrees 57 minutes East, 1399.98 feet to a large white oak, these two lines marking the north line of the Lilly Heights Addition, thence with the east side of said Addition South 46 degrees 02 minutes East, 369.8 feet to a stake, thence South 14 degrees 23 minutes East, 1214.9 feet to a white oak; thence South 55 degrees 10 minutes East, 564.9 feet to a fence post, this post being the southeast corner of the Lilly Heights Addition; thence leaving Lilly Heights Addition North 75 degrees 40 minutes East, 288.0 feet through the lands of the H. W. Snidow Estate to a stake on West bank of Little Stony Creek; thence crossing stream to East bank North 53 degrees 41 minutes 20 seconds East, 102.0 feet to a stake; thence with creek North 6 degrees 10 minutes East, 1398.0 feet; crossing the Raymond Falls land to a stake on the bank of the creek, thence with creek North 11 degrees 30 minutes East, 1491.0 feet, crossing the G. G. Snidow lands to a stake on bank of creek; thence North 30 degrees 15 minutes East, 630.6 feet to the center line of a creek bridge,

passing the edge of colored town; thence with creek North 49 degrees 31 minutes East, 854.0 feet to a stake; thence N 41 degrees 12 minutes East, 640.5 feet to the center line of a bridge; thence with fence line along road, crossing State Route 623 at 284.0 feet and up the hill South 81 degrees 30 minutes East, 504 feet to a stake by large cherry tree in the yard of Watson Cahill; thence through the lands of N. S. Stevers to top of ridge South 14 degrees 10 minutes West, 1474.0 feet to a stake; thence down the hill through the H. T. Tucker lands and east of Betty Martin home South 5 degrees 05 minutes West, 1177.0 feet to a stake at a fence intersection thirty feet above a gate leading to W. J. Fisher land, thence through the W. J. Fisher lands South 13 degrees West, 1085.0 feet to a stake in a pile of rocks on west edge of oak grove; thence up the hill along south side of oak grove South 64 degrees 30 minutes East, 579.0 feet to a stake by a large oak tree in old fence corner; thence across Mays Hollow north of the Roy Poff home and across Smith Hollow just north of Joe Smith home, and through large stump in fence corner on ridge, and across Collins Hollow north of "Doe" Collins home, South 58 degrees East, 3484.0 feet to a stake in a pile of rock in P. M. Johnson field; thence across State Route 460 South 16 degrees 05 minutes West, 1541 feet to a stake near top of ridge; thence North 62 degrees 30 minutes West, 1186 feet, crossing Croft Road, south of Miller Collins home to iron pin in rock pile in fence corner on top of ridge, thence through Williams Estate South 80 degrees 30 minutes West, 2380 feet to a stake by fence line above M. D. Williams home; thence South 56 degrees 14 minutes 50 seconds West, 1802.0 feet, crossing the J. F. Williams Estate to a stake in the land of Homer Snidow on a knoll near several stack poles and a fence corner; thence South 87 degrees 48 minutes 40 seconds West, 1145.1 feet through the Snidow lands and crossing the Virginian Railway center line at 1080 feet to a stake near the bank of New River and on the land of the Albert Snidow Estate land; thence with the river North 04 degrees 48 minutes 10 seconds West, 486.0 feet to a stake; thence North 24 degrees 48 minutes 10 seconds West, 1058.0 feet, crossing Doe Creek bridge approach, and Little Stony Creek to a stake on the land of H. F. Snidow; thence with river and through Snidow land North 71 degrees 11 minutes 50 seconds West, 759.0 feet to a stake in the center line of the Virginian Railway; thence leaving railway and river up a steep bluff North 52 degrees 05 minutes 50 seconds West, 391.6 feet to a stake near a pig sty and orchard; thence North 50 degrees 39 minutes 30 seconds West, 537.0 feet to a stake on the G. B. Price lot, crossing State Route No. 460 center line at 254 feet; thence North 04 degrees 14 minutes 00 seconds West, 824.0 feet through the Price and other lots to a stake in the edge of a corn field; thence North 8 degrees 15 minutes West, 488 feet to a double chestnut stump in West side of Lilly Heights Addition, thence with said Addition North 0 degrees 50 minutes East, 950.0 feet to beginning, and comprising 703.47 acres, more or less. (1948, c. 422)

§ 2. The administration and government of the town shall be vested in a council which shall consist of six members, five of whom shall be denominated the councilmen and one to be denominated the mayor, all of whom shall be residents and qualified voters of the town. Each councilman and the

mayor may receive a salary for his services as such, the amount thereof to be fixed by the council, but in no event to be in excess of three hundred dollars per year. (1948, c. 422; 1964, c. 67; 1972, c. 183)

§ 3. Two councilmen and the mayor shall be elected by the qualified voters of the town on the first Tuesday in May, 1972 for a period of two years, their terms ending in 1974 and beginning on the first Tuesday in May, 1974 they shall be elected for a period of four years, their terms ending in 1978.

Three council members whose terms of office end in 1973, shall be elected on the first Tuesday in May, 1973 for a period of one year, their terms ending in 1974. They shall be elected every four years thereafter beginning the first Tuesday in May, 1974. Mayor and councilmen shall take office on July first next following the election. (1948, c. 422; 1954, c. 36; 1972, c. 183)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the Clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' written notice shall be given to the other members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. (1948, c. 422)

§ 5. The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1948, c. 422)

§ 6. The council shall appoint a sergeant who shall qualify as provided by law, and give bond in such amount as the council requires. The sergeant shall be a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to a distance of one mile beyond the same, as were formerly had and performed by constables, He shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1948, c. 422)

§ 7. The mayor shall be a conservator of the peace, and shall, unless and until a police justice is appointed as hereinafter provided, have power to issue warrants and summon witnesses, and exclusive original jurisdiction to try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other form of debts owing to the town, and shall have like powers in the matter of collecting fines and costs imposed by him, as are vested by law in trial justices. The fees and costs in connection with such cases shall be the same as are authorized by law to be charged, taxed and collected by the mayor for similar services, and such fees, and all fines collected by the mayor

shall be promptly paid by him into the town treasury, unless the council by ordinance directs some other disposition; provided that the council may, at any time it deems the same expedient, appoint a police justice for the town, who shall be a resident and qualified voter of Giles County, shall give such bond as the council requires, shall serve during the pleasure of the council, and shall receive such compensation as the council prescribes.

In the event of the appointment of such police justice, he shall have, during such time as he serves, and to the exclusion of the mayor, the same powers and jurisdiction as are hereinabove conferred upon and vested in the mayor, and shall exercise the same in like manner as they are above authorized and directed to be exercised by the mayor. (1948, c. 422; 1972, c. 183)

§ 8. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the Town of Pembroke and its council shall have the powers set forth in the following sections of this charter. (1948, c. 422)

§ 9. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the council prescribes, provided that the rates charged consumers without the corporate limits shall not be less than, nor more than double, the rates charged consumers within the town for similar services, any or all of which rates the council may alter at any time without notice.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1948, c. 422)

§ 10. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate fronting or abutting on any sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer service, of the reasonableness of which the council shall be the sole judge; and sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues.

The town is empowered to acquire by condemnation or otherwise, such properties or interests or estate therein, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining or operating any such sewer line or lines. (1948, c. 422)

§ 11. The town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes,

including that of providing playgrounds, parks, golf courses and other recreational facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights of way from the town to any property acquired by it under any of the provisions of this charter, which lies without its corporate limits, and to construct and maintain upon such rights of way, such roads or bridges as may be reasonably necessary for the full enjoyment thereof, and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so. (1948, c. 422)

§ 12. Insofar as not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation upon its streets and alleys of motor vehicles carrying passengers or freight for hire, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as meets with the approval of the council; and (c) to prescribe rules and regulations with respect to motor traffic of all kinds within the town, and the parking of motor vehicles on its streets and alleys. (1948, c. 422)

§ 13. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to impose and collect a license tax for the privilege of doing within the town, anything upon which the State imposes a license tax; provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such thing than that imposed by the State on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council. (1948, c. 422)

§ 14. The town is empowered (a) to provide a building code for the town; to provide for the orderly and safe construction of houses and other buildings; to prescribe setback lines on designated streets; to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections; and (b) to adopt a comprehensive plan concerning the subdivision of lands within the corporate limits of the town or within two miles thereof; to require that plats of all such subdivisions shall, after having been approved by the council as hereinafter provided, be recorded in the Clerk's Office of Giles County; and the term "sub-division," when and as used in this charter, means the division of a tract of land into two or more lots, with appropriate streets and alleys, and with the intention on the part of the owner of the land, of developing the same, or making it available for development by others, for residential and business purposes. (1948, c. 422)

§ 15. The town is empowered (a) to prohibit, and to punish for mischievous or wanton damage to school property or any other property, either public or private, within the town; (b) to prohibit minors from frequenting or loitering in public pool rooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same; (c) to compel persons sentenced to confinement in jail for violations of town ordinances, to work on the streets or other public places of the town. (1948, c. 422)

§ 16. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town, by any fence, building, porch, or other projection, and to require the removal of any such encroachment heretofore or hereafter made, unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town no statute of limitation shall run. (1948, c. 422)

§ 17. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kind of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed, to be placed in suitable conduits, underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1948, c. 422)

§ 18. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and by-laws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances, by-laws, and resolutions made and adopted by the Council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, by-laws and resolution, upon which the same shall become effective. (1948, c. 422)

§ 19. Town manager.

(a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering. He need not, when appointed, be a resident of the town, or of the State of Virginia, but shall during his term of office, reside within the corporate limits of the town, and shall be appointed for such term as he and the council agree upon, not to exceed two years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no order of suspension or removal shall be made until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council, suspending or removing the town manager, shall be final. The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1948, c. 422)

§ 20. Subdivisions.

No plat of any subdivision within the corporate limits of the town or within two miles thereof shall he recorded in the Clerk's Office of Giles County unless and until it shall have been approved by the council, and the council shall not approve any plat of any such subdivision unless the streets, alleys or other roadways provided for therein are of such widths and grades and are so located as to, in the opinion of the council, meet the probable traffic needs in the reasonably near future. Before approving any such plat, the council may in its discretion, require the owner of the land so subdivided to enter into an agreement in writing, and to give satisfactory security for the performance thereof, to the effect that he will, when and as the same becomes necessary, grade and surface the streets, alleys or roadways shown thereon, in such manner as to meet with the approval of the council.

The approval of any such plat by the council shall not be construed or held to impose any obligation upon the town to grade or surface such streets, alleys, or roadways unless and until the same is, in the opinion of the council, for the best interest and general welfare of the town and its inhabitants. (1948, c. 422)

§ 21. All ordinances now in force in the Town of Pembroke, not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the Council of the town, after the effective date of this act. (1948, c. 422)

§ 22. The charter herein is in lieu of and a complete substitute for the charter of the Town of Pembroke granted by the Circuit Court of the county of Giles on December 31, 1947. (1948, c. 422)

Pennington Gap, Town of

County of Lee

History of incorporation

Incorporated by an 1891-92 Act of Assembly.
Incorporated, 1891-92, c. 212; repealed 1901-02, c. 327.
Incorporated, 1901-2, c. 327; repealed 1985, c. 168.

Current charter

Charter, 1985, c. 168.

Chapter 1. Incorporation and Boundaries.

§ 1.1 Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Pennington Gap as such limitations are now, or may hereafter be altered and established by law, shall constitute and be a body politic and corporate, to be known and designated as the Town of Pennington Gap, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by ordinance. (1985, c. 168)

§ 1.2. Boundaries.

The territory embraced within the Town of Pennington Gap is that territory in the County of Lee, Virginia, as set forth in that certain Order, dated June 25, 1960, of record in the Clerk's Office of the Circuit Court of Lee County, Virginia, in Order Book 22, page 243 and following. (1985, c. 168)

Chapter 2. Powers.

§ 2.1. Powers.

The Town of Pennington Gap shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as amended. (1985, c. 168)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualifications and term of office.

A. The Town of Pennington Gap shall be governed by a town council of six members, composed of the mayor and five councilmen, all of whom shall be qualified voters of the town.

B. The mayor and councilmen in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected or appointed, or until their successors are duly elected and qualified. At the regular municipal election to be held on the first Tuesday in May, 1986, and every four years thereafter, the mayor and five members of the council shall be elected for a term of four years each.

C. The mayor shall preside at the meetings of the council and be a member of council, he shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall have the same powers and duties as other members of the council, except as provided otherwise herein, with a vote but no veto powers. (1985, c. 168)

§ 3.2. Vacancies.

Vacancies on the council and in the office of mayor shall be filled for the unexpired term by a majority vote of the remaining members of council. (1985, c. 168)

§ 3.3. Qualifications of members.

Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. (1985, c. 168)

§ 3.4. Powers of council.

The council shall make such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of Virginia and shall have the power in its discretion to appoint a town manager, clerk, treasurer, town attorney, and a chief of police or sergeant, who shall have such duties and shall be paid such compensation as the council may determine. If appointed, they shall serve as the pleasure of the council. The council by majority vote of its membership may appoint one of its members as vice mayor. (1985, c. 168)

Chapter 4. Miscellaneous.

§ 4.1. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town. (1985, c. 168)

§ 4.2. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1985, c. 168)

§ 4.3. Ordinances continuing.

All ordinances now in force in the town, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council. (1985, c. 168)

§ 4.4. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1985, c. 168)

Petersburg, City of

History of incorporation
Incorporated by an 1874-75 Act of Assembly.
Charter, 1874-75, c. 163; repealed 1962, c. 259.

Current charter
Charter, 1962, c. 259.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. General Provisions.

§ 1-1. Definitions.

In the construction of this charter, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature or the context clearly requires otherwise:

City. The word "city" shall be construed as if the words "of Petersburg" followed it, except where some other city is specifically designated.

Computation of time. Whenever a notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Number. A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Person. The word "person" may extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

State. The word "state" shall be construed as if the words "of Virginia" followed it. (1962, c. 259)

§ 1-2. Territorial limits; corporate status.

The territory contained within the limits of the corporation of Petersburg, prescribed by the acts of the General Assembly of Virginia, hereinafter enumerated and by the final decrees or orders of the court establishing such boundaries, hereinafter enumerated, shall be deemed and taken as the City of Petersburg, and the inhabitants of the city for all purposes for which towns and cities are incorporated in this Commonwealth, shall continue to be one body politic, in fact and in name.

The acts of the General Assembly and court orders or decrees hereinbefore mentioned are as follows:

(a) Acts of the General Assembly.

1. Volume 2, Henings Statutes, 1784, page 382.

2. Acts, 1815-1816, Chapter 82.

3. Acts, 1848-1849. Chapter 297.

(b) Court orders or decrees.

1. Order entered on November 23, 1921, in the circuit court of Prince George County, recorded in the office of the hustings court of the City of Petersburg in Deed Book 100, beginning on page 160.

2. Order entered on December 16, 1932, in the circuit court of Dinwiddie County, recorded in the office of the clerk of the hustings court of the City of Petersburg in Deed Book 124, beginning on page 422.

3. Order entered on July 7, 1944, in the circuit court of Prince George County, recorded in the office of the clerk of the hustings court of the City of Petersburg in Deed Book 151, beginning on page 169.

4. Order entered on November 11, 1955, in the circuit court of Prince George County, recorded in the office of the clerk of the hustings court of the City of Petersburg in Deed Book 201, beginning on page 480. (1962, c. 259)

§ 1-3. Government vested in city council, etc.

The administration and government of the city shall be vested in the city council and in such other boards and officers as are hereinafter provided for. (1962, c. 259)

§ 1-4. Penalties for violation of ordinances.

Where, by the provisions of this charter or any amendment thereof, the city council has authority to pass ordinances or regulations on any subject, they may prescribe a penalty not exceeding twelve months imprisonment or fine not exceeding $2,500 (except where penalty is otherwise provided for in this charter or any amendment) for a violation thereof; provided, however, that should there be a statute of the Commonwealth upon the same subject, then the city council may provide the same penalty for violation of state statute. The city council may also provide that any police officer may detect and

arrest any person violating any of such ordinances or regulations and bring him to trial at the next sitting of the general district court or as soon thereafter as may be. (1962, c. 259; 1975, c. 349; 2017, cc. 222, 733)

§ 1-5. Publication of ordinances; ordinances as evidence.

All ordinances and all resolutions appropriating funds in excess of $100,000 shall be adopted by the council on two readings. No such ordinance or resolution shall be adopted on second reading on the same day as its introduction unless five members elected to council have voted to suspend the rules and to place the matter on second reading. The clerk of council shall post all ordinances and applicable resolutions on the public bulletin board of the city, on the first page of the city's website, and on all social media sites used by the city for the public and shall email such notices to all persons who submit an email address for such purpose. (1962, c. 259; 2017, cc. 222, 733)

§ 1-6. Adoption of ordinances or codes by reference.

The city council may adopt, by reference, any standard or recommended ordinance or code relating to any matter subject to regulation by the council. It shall not be required that an ordinance or code so adopted to be set forth in full in the adopting ordinance, but reference to the same in the adopting ordinance by name, style or title, in which the purpose thereof is clearly stated, shall be sufficient; provided, that it be stated in such adopting ordinance that copies of the ordinances or code so adopted may be obtained at the office of the clerk of the city council or at any other specified place. Publication of the adopting ordinance shall be sufficient compliance with § 1-5 of this charter and recordation by the clerk of the city council of the adopting ordinance in the book kept by him for the recordation of ordinances shall be sufficient recordation of the ordinance or code adopted by reference; provided, that copies of such ordinance or code shall be kept on file in the office of the clerk of the council. Revisions made by the council in any such standard or recommended ordinance or code shall not affect the validity of the same if adopted in accordance with the provisions of this section. The provisions of this section shall be deemed to be applicable to any standard or recommended ordinance or code heretofore adopted by the council, and the same shall be deemed to be valid if the procedure herein provided shall have been substantially followed. (1962, c. 259)

§ 1-7. (1962, c. 259; 1970, c. 318; repealed 1974, c. 2)

§ 1-7.1. Borrowing money and issuing evidence of indebtedness.

The city council may, in the name of and for the use of the city, borrow money and issue evidence of indebtedness therefor, subject to such limitations as may be imposed by general law, and provided that no ordinance or resolution for such purpose shall be adopted unless presented at two regular meetings no less than fourteen days apart. (1974, c. 2)

Chapter 2. City Council.

§ 2-1. (1962, c. 259; 1972, c. 25; repealed 1974, c. 2)

§ 2-1.1. Division of city into wards.

The city shall be divided into as many wards as city council may establish. The wards shall be composed of contiguous and compact territory and be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the ward. Whenever it becomes necessary, because the corporate limits of the city have been extended or contracted, city council shall redistrict the city into wards, change the boundaries of existing wards, or increase or diminish the number of wards. But in no case shall city council redistrict the city into wards or change the boundaries of existing wards except insofar as it may be necessary to maintain wards which meet the test of equitable population distribution, or to change such boundaries for the purpose of attaching newly annexed territory of such existing ward or wards as may be contiguous thereto, oftener than once every five years, except upon a recorded vote of three-fourths of the members elected to council; and in every such case the reason therefor shall be set forth in the ordinance providing for such redistricting. (1974, c. 2; 1979, c. 350; 1981, c. 68)

§ 2-2. (1962, c. 259; repealed 1974, c. 2)

§ 2-2.1. Creation and composition; election of councilmen generally; application of general laws of the state; council as continuing body.

There shall be a council of the city which shall be composed of seven members, one from each ward, who shall have been a resident of the ward he seeks to represent thirty days prior to filing his notice of candidacy. The candidates shall be qualified voters of the city. They shall be elected by the qualified voters of such wards and each shall remain a resident of the ward from which elected during his term of office. The candidate receiving the greatest number of votes in his ward shall be declared elected and shall serve for a term of four years or until his successor has been elected and qualified except as hereafter provided.

Beginning in the year 2008, the election of council members in wards two, four, and six shall be held at the same time as the November general election. Candidates receiving the greatest number of votes from each ward at that time shall each serve a four-year term commencing January 1, 2009, and until their successors have been elected and qualified. Thereafter, elections shall be held in such wards every fourth year on the November general election date. On the November general election date in 2010, there shall be an election in wards one, three, five, and seven. Candidates receiving the greatest number of votes from each ward at that time shall each serve a four-year term commencing January 1, 2011, and until their successors have been elected and qualified. Thereafter, elections shall be held in such wards every fourth year on the November general election date.

The general laws of the Commonwealth relating to the conduct of elections, as far as pertinent, shall apply to the conduct of the general city elections. The council shall be a continuing body and no measures pending before such body shall abate or be discontinued by reason of the expiration of the term

of office or removal of the members of said body, or any of them. (1974, c. 2; 2009, cc. 659, 724; 2017, cc. 222, 733)

§ 2-3. (1962, c. 259; 1972, c. 25; repealed 1974, c. 2)

§ 2-3.1. Nominations of candidates for council.

Candidates for the office of councilman may be nominated by petition or by general law. There shall be printed on the ballots used in the election of a councilman from the designated ward, the names in alphabetical order of all candidates who have been so nominated in that ward.

The requirements to nominate a councilman candidate by petition shall be:

(a) Any qualified voter of the city may be nominated by filing with the clerk of the circuit court having jurisdiction, a petition signed by not less than 125 qualified voters of the ward from which the candidate seeks election; each signature to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto, together with the notice of candidacy required by the general laws of the Commonwealth relating to elections;

(b) The petition shall state the name and address of the residence of the person whose name is presented thereby as a candidate; and

(c) The petition shall be filed according to the following schedule:

1. For a November general election date, the filing deadline shall be 7:00 p.m. on the second Tuesday in June.

2. For a special election held at the same time as a November general election, the filing deadline shall be either (i) at least 74 days before the election, or (ii) if the special election is being held at the second November election after the vacancy occurred, 7:00 p.m. on the second Tuesday in June before that November election.

3. For a special election held at a time other than a general election, the filing deadline shall be (i) at least 30 days before the election, or (ii) within five days of any writ of election or order calling a special election to be held less than 35 days after the issuance of the writ or order. (1974, c. 2; 2009, cc. 659, 724)

§ 2-3.2. Mayor generally.

At the organizational meeting thereof, the city council shall proceed to choose, by majority vote of all the members thereof, one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members and shall have no veto power. He shall be recognized as the head of the city government for all ceremonial purposes and for the purposes of military law and the service of civil process. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, and if a vacancy shall occur in the office of mayor shall become mayor for the

unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor, the council shall by majority vote of those present choose one of their number to perform the duties of mayor. (2017, cc. 222, 733)

§ 2-4. Oath of office.

The members of the city council, before entering upon the discharge of their duties shall be respectively sworn in accordance with the Constitution and laws of this Commonwealth. Such oaths shall be administered by the clerk of the circuit court of the city and a certificate of such oaths being taken, together with the oath subscribed, shall be filed with the clerk of the city council, and shall be preserved by him. (1962, c. 259)

§ 2-5. Power to adopt rules and appoint officers and clerks; discipline of members; journal; open and secret meeting; power to compel attendance of witnesses.

The city council shall have authority to adopt such rules and to appoint such officers and clerks as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to expel a member for malfeasance, misfeasance or nonfeasance in office. The city council shall keep a journal of its proceedings, and its meeting shall be open, except when by a recorded vote of a majority of those members present, it shall declare a closed session in accordance with the Virginia Freedom of Information Act. The city council or any of its committees, when authorized by the city council may each, in any investigation before them, respectively, within their respective powers and duties, order the attendance of any person as a witness and the production by any person of all proper books and papers. Any person refusing or failing to attend or to testify, or to produce such books and papers, may be summoned by such investigating body before the municipal judge and upon failure to give a satisfactory excuse, may be fined by him not exceeding twenty dollars, or imprisoned not exceeding thirty days, such person to have the right of appeal, as in case of misdemeanor, to the circuit court of the city. Such witness may be sworn by the officer presiding at such investigation, and shall be liable to prosecution for perjury for any false testimony given at such investigation.

No member of the council shall be eligible, during the term for which he was elected, or for one year thereafter, for any office, position or employment to be filled by the city council or the city manager or by any other city official or employee, except this restriction shall not apply to the appointment of mayor or vice-mayor. (1962, c. 259; 1974, c. 2; 2017, cc. 222, 733)

§ 2-6. Quorum; origination and passage of ordinances; reconsideration or rescission of vote at special meeting; appropriation ordinances and resolutions.

A majority of the members of the city council shall constitute a quorum for the transaction of business. No ordinance or resolution having the effect of an ordinance shall become effective unless passed by a majority of the members of the city council present and voting. No vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present at large a number of

members as were present when such vote was taken. No ordinance or resolution appropriating money exceeding the sum of $100, imposing taxes, or authorizing the borrowing of money, shall be passed, except by a recorded affirmative vote of a majority of all the members elected to the city council. The vote on any such ordinance or resolution shall be taken in the city council by yeas and nays, and shall be entered on the journal, and the affirmative vote of a majority of the members elected to the city council shall be necessary to its passage. (1962, c. 259)

§ 2-7. Councilmen's salaries.

Notwithstanding the provisions of §§ 15-448 to 15-454, both inclusive, of the Code of Virginia, the salaries of all councilmen in the city, including the salary of the mayor, shall be fixed, as provided herein, by a commission of five resident taxpayers, who shall also be qualified citizens of the city, and who shall be appointed by the hustings court of the city, or the judge thereof in vacation, having jurisdiction in the city, and who shall serve without compensation. Such commissioners shall be so appointed upon application of the mayor to the court or the judge thereof, as soon as practical after any general election for members of the council, and the salaries so fixed shall become effective as of the date on which members elected at such general election shall take office, but the salaries so fixed shall be applicable with respect to all members of the council, including the mayor, irrespective of the date of their taking office, it being intended that the salaries of all members of the council (with the exception of that of the mayor in the event his salary shall be fixed at a greater amount than that of other members of the council) shall at all times be equal and uniform. The compensation so fixed shall be effective until the expiration of the terms of members of the council next expiring. If such salaries shall not have been fixed on or prior to the date as of which the same shall become effective, as herein provided, all past-due salaries shall be paid to members of the council at the rate fixed as herein provided.

The commissioners appointed pursuant to this section, shall be notified by the clerk of such court of their appointment, and, upon being so notified, shall, as soon as practicable, meet, and fix such salaries, and make due written report of their action to the clerk of the court. The report so made shall be in the office of the clerk for thirty days, during which time any citizen or taxpayer of the city may file written exceptions to the same. If no exceptions to the report are made, then at the expiration of such thirty days the clerk shall transmit the report to the city council, which report shall be entered in full on the records of the council and shall have the force and effect of an ordinance duly adopted in the mode prescribed by law.

If any citizen or taxpayer files exceptions to the report within the thirty-day period above provided for, the matter shall be immediately docketed by the clerk for hearing as a privileged case as soon as the court may be able to hear the same, after the lapse of such thirty days from the making of the report. The judge of such court shall have entire control of the matter, and may either reject, modify or confirm the report. Any citizen or taxpayer of the city may make himself a party to the hearing before the court,

and may present such evidence as may be pertinent. If the report be rejected by the court, new commissioners shall be appointed immediately, and the same procedure followed as set forth in the first instance.

Upon the final determination of the matter such order as the court may enter shall be certified to the city council, spread upon its records, and have the force and effect of an ordinance duly adopted as prescribed by law. (1962, c. 259)

§ 2-8. (1962, c. 259; repealed 1974, c. 2)

§ 2-8.1. Vacancies in office of councilmen.

Vacancies in the office of councilmen shall be filled in accordance with the provisions of § 2-2.1 aforesaid by majority vote of the remaining members of council within 45 days of the seat becoming vacant. The appointee must be a qualified voter in the ward in which the vacancy occurred. If the council cannot agree, the vacancy shall be filled by appointment by the judges of the circuit court of the city. If a majority of the seats on council are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227 of the Code of Virginia.

The council shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy, pursuant to § 24.2-226 of the Code of Virginia.

Any council member so elected shall hold the office for the unexpired term of his regularly elected predecessor in office. (1974, c. 2; 2017, cc. 222, 733)

Chapter 2.1. School Board.

§ 2.1-1. School board and school districts.

The supervision of schools in the City of Petersburg shall be vested in a school board consisting of seven members elected in accordance with the provisions of § 2.1-2 of this charter. (2000, c. 4; 2009, cc. 659, 724)

§ 2.1-2. Transition from the nine member appointed school board to a seven member elected school board.

At the general election held in May of 2000, the qualified voters of wards two, four, and six shall elect one school board member from each of their respective wards. At the general election held in May of 2002, the qualified voters of wards one, three, five, and seven shall elect one school board member from each of their respective wards.

Beginning in the year 2008, the election of one school board member in wards two, four, and six shall be held at the same time as the November general election. The candidate receiving the greatest number of votes from each ward at that time shall commence his term on January 1, 2009. Beginning in the year 2010, the election of one school board member in wards one, three, five, and seven shall be

held at the same time as the November general election. The candidate receiving the greatest number of votes from each ward at that time shall commence his term on January 1, 2011.

Board members elected at those elections and thereafter shall be elected in the same manner, according to the same schedule, and for the same term that members of council are elected. Council shall make no additional appointments except that council may appoint members to the board to fill vacancies as provided by the general laws of the Commonwealth. (2000, c. 4; 2009, cc. 659, 724)

Chapter 3. City Officers Generally.

§ 3-1. Oath of city officers generally.

Every officer of the city required by law or by ordinance of the city council, shall, before he enters upon the duties of his office, take and subscribe the oath prescribed by § 49-1 of the Code of Virginia and such other oaths as may be required by the city council. Such oaths, unless otherwise provided, shall be taken before the clerk of the city council. The clerk of the city council shall qualify and take the oath provided by this section before the mayor. A certificate of the oaths provided for in this section, together with the oaths subscribed, shall be filed with the clerk of the city council, who shall preserve the same. This section shall not apply to officers subject to § 2-4. (1962, c. 259; 2017, cc. 222, 733)

§ 3-2. Filling vacancies; how elections to be held.

In the event of the death, resignation or removal of any officer, whose election or appointment is provided for by this charter, the vacancy in such office shall be filled under and by virtue of the terms of this charter. (1962, c. 259; 2017, cc. 222, 733)

§ 3-3. Delivery of property, books and papers to successor in office.

If any person, having been an officer of the city, shall not, within ten days after he shall have vacated or been removed from office, and upon notification and request of the clerk of the city council, or of the authority by whom he was appointed, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of $500, to be sued for and recovered with costs. And all books, records and documents used in any such office by virtue of any provisions of this charter, or of any ordinance or order of the city council, or any superior officer of the city, shall be deemed the property of the city and appertain to such office, and the chief officer thereof shall be responsible therefor. (1962, c. 259)

§ 3-4. (1962, c. 259; repealed 2017, cc. 222, 733)

§ 3-5. City manager.

The city council shall employ a person, who may or may not be a resident or qualified voter of the city or of the Commonwealth, to be known as the city manager. The city manager, under the control of the city council, shall have general charge and management of the administrative affairs and work of the

city and shall perform such duties as may be required of him by the city council. He shall receive such salary or compensation as shall be allowed him by the city council and shall serve at the pleasure of the city council. (1962, c. 259; 2017, cc. 222, 733)

§ 3-6. City attorney.

The city council shall appoint a suitable and proper person, who shall be the attorney for the city. The city attorney shall receive such salary as shall be allowed him by the city council and shall serve at the pleasure of the city council. (1962, c. 259; 2009, cc. 659, 724)

§ 3-7. (1962, c. 259; 1970, c. 137; repealed 1987, c. 51)

§ 3-8. (1962, c. 259; repealed 1987, c. 51)

§ 3-9. (1962, c. 259; repealed 1975, c. 349)

§ 3-10. (1962, c. 259; 1975, c. 349; repealed 2017, cc. 222, 733)

§ 3-11. Duties of commissioner of the revenue.

The commissioner of the revenue shall keep his office in such place as may be designated and prescribed by the council, and shall keep therein such books, schedules and records, and in such manner as the council may direct and prescribe, which books, records and other papers shall be subject to the inspection and examination of the mayor, members of the council, or of any committee of the city council. (1962, c. 259)

§ 3-12. (1962, c. 259; repealed 2017, cc. 222, 733)

§ 3-13. Powers and duties of treasurer.

The city treasurer shall be the custodian of all moneys belonging to the city, shall deposit the same in such bank or banks as the council shall prescribe, shall keep his office in some place designated by the city council, shall keep his books and accounts in such manner as the city council may require, which books and accounts shall always be open to the inspection of the mayor, and any member or committee of the city council, city manager, and finance director or equivalent officer. He shall report to the city council at the end of each fiscal year, and more often, if required, a full and detailed account of all receipts and expenditures during that year and the state of the treasury. He shall keep as a separate fund any special assessment, and the same shall only be used for the purpose for which it was raised. He shall keep all city moneys separate and distinct from his own moneys, and he is prohibited from using either directly or indirectly the corporation money in his custody and keeping, for his own use and benefit or that of any other person or persons whomsoever and any violation of this provision shall subject him to immediate removal from office. (1962, c. 259; 2017, cc. 222, 733)

§ 3-14. Collector of city taxes generally.

There may be appointed by the city council, in its discretion, a collector of city taxes who shall serve at the pleasure of the city council. He shall perform such duties and have such powers as are prescribed by the city council or by state law. If city council does not appoint a collector of city taxes, duties and

powers prescribed to the collector of city taxes shall be administered by the treasurer and as provided for by state law. (1962, c. 259; 1976, c. 482)

§ 3-15. Deputies of collector of taxes.

The collector of city taxes may appoint one or more deputies, as may be provided by the city council, but the sureties in the bond of such officer shall be equally liable for the acts of the deputies as for those of the principal. (1962, c. 259)

§ 3-16. Powers and duties of collector of city taxes and collector of delinquent taxes.

The collector of city taxes shall collect all taxes and assessments which may be levied by the city, and perform such other duties as may be herein prescribed or ordained by the council. The collector of city taxes shall keep his office at such place as shall be designated by the city council, and shall keep in such office such books, vouchers and accounts as the city council may direct and prescribe, all of which shall be subject to the inspection and examination of the mayor, members of the council, and of any committee of the council. He shall make report in writing, under oath, to the city treasurer weekly, or oftener, if required, as to the amount of all moneys collected by him, and shall pay the same into the city treasury weekly. At the end of each fiscal year he shall submit to the council a statement of all moneys collected by him during the year, and the particular assessment or account upon which collected, also a statement showing the amount uncollected. (1962, c. 259)

§ 3-17. Failure of collectors to pay over money; commingling or misuse of funds.

The collector of taxes is prohibited from keeping the moneys of the city in his hands beyond the time prescribed for the payment of the same into the city treasury; he shall keep all city moneys separate and distinct from his own moneys, and he is prohibited from using either directly, or indirectly, the city's moneys in his custody and keeping for his own use and benefit, or for the use and benefit of any other person or persons whomsoever; and violation of this provision shall subject him to immediate removal from office. (1962, c. 259)

§ 3-18. (1962, c. 259; repealed 1975, c. 349)

§ 3-19. (1962, c. 259; 1975, c. 349; repealed 2017, cc. 222, 733)

Chapter 4. Powers Generally.

§ 4-1. Adoption of state law provisions.

The powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, as amended, are hereby conferred upon the city. (1962, c. 259; 1975, c. 349; 2017, cc. 222, 733)

§ 4-2. Regulation of railroads.

The city council shall have power to determine and designate the route and grade of any railroad to be laid in the city; to regulate the running of steam, diesel or other locomotive engines within the limits of the city; provided, no contract or legislative authority be thereby impaired or violated. (1962, c. 259)

§ 4-3. Authority to supply city water outside corporate limits.

Notwithstanding any other provisions of this charter, the council shall have power, under such terms and conditions as it may prescribe, to furnish and supply city water to natural persons and corporations for use on property situated not only within the corporate limits of the city but within an area ten miles outside of the corporate limits of the city; provided, that the rates for water used and supplied outside the corporate limits shall not be less than those charged water users within the corporate limits of the city. (1962, c. 259)

§ 4-4. (1962, c. 259; repealed 2017, cc. 222, 733)

§ 4-5. (1962, c. 259; repealed 2017, cc. 222, 733)

§ 4-6. Authority relative to wharves, docks, etc.

The city shall have the power to establish, construct and keep in order, alter or remove landings, wharves and docks on land belonging to or which may hereafter belong to the city, and to lay and collect a reasonable duty on vessels coming to and using the same; to prevent and remove all obstructions in and upon such landings, wharves and docks; to preserve peace and good order upon the same and upon all other wharves and landings in the city. They may also appoint port wardens for the port of the city, prescribe their duties, and fix their fees or compensation; provided, that no salary or compensation shall be paid such port wardens out of the city treasury. (1962, c. 259)

§ 4-7. Power of city to acquire land or interests therein for exchange with public utility company.

Whenever any public utility company owns any land or any easement, right of way or other interest in land which the city deems necessary and intends to acquire for any public purpose, which land, easement, right of way or other interest in land owned by the public utility company is devoted to a public use, the city may acquire by gift, purchase or by the exercise of the power of eminent domain additional or a like easement, right of way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the city and may then convey the same to the public utility company for use by it in lieu of the land, easement, right of way or other interest in land theretofore owned by it but needed by the city. The condemnation of such land, easement, rights of way or other interest in land to be conveyed to any public utility company shall be governed by the same procedure prescribed by this charter and may be carried out at the same time if against the same property owner and if against the same landowner or in the same proceedings in which land is condemned for the city. The city may, with respect to highways, streets and the extension and construction of sewer and water systems, under the same procedure and conditions prescribed by this chapter, with prospective property needed by the city, enter upon and take possession of such property to be conveyed to any public utility company prior to the acquisition of title thereto in condemnation proceedings and proceed with the relocation of the installations of the public utility company in order that the purposes of the city necessitating such action may be carried out without delay. Nothing in this section shall be construed to authorize the city to exercise the power of eminent domain, except subject to the

provisions of § 25.1-102 of the Code of Virginia, when the interest sought is held by another corporation having the power of eminent domain. (1962, c. 259; 2017, cc. 222, 733)

§ 4-8. Power of city to operate on-street and off-street parking facilities.

The city shall have the power to acquire, construct, finance, own, maintain and operate automobile parking facilities, including parking lots, buildings, ramps, curbline parking, meters and all facilities deemed necessary or incidental to the regulation, control and parking of motor vehicles. The city shall have the power to operate such facilities separately or as a combined undertaking, to use the revenues from any of such facilities to finance any other of such facilities and to make such rules and regulations and to enter into such covenants and agreements as it may deem necessary or desirable in connection with acquiring, constructing, financing, owning, maintaining and operating such facilities; provided that no such rule, regulation, covenant or agreement shall surrender the city's rights of control of its streets and the regulation of traffic thereon. (1973, c. 102)

§ 4-9. Power of city to establish a commission on community relations affairs.

The city shall have the power to establish a commission on community relations affairs consisting of twelve citizens to be appointed by the council. Of the twelve members of this commission, four shall be appointed to serve for a term of one year, four for a term of two years, and four for a term of three years. Thereafter appointments shall be for terms of three years, such members shall be eligible for reappointment for one additional term. The commission shall elect a chairman and vice-chairman and may elect an executive committee and such other officers as may be required for performing its duties and responsibilities. The commission on community relations affairs shall promote mutual understanding and respect among all social, racial, cultural, ethnic and minority groups in the city and seek solutions to problems concerning citizens of the city with the objective of providing an environment in which each citizen shall have equal opportunity to grow to his or her maximum potential.

The powers granted the council and any of its committees by § 2-5 of this charter shall not apply to the commission on community relations affairs commission on community relations affairs (CCRA).

Council may appoint an executive director of the commission on community relations affairs (CCRA) for an indefinite term, and may provide funds for the salaries and expenses of the executive director's office. (1976, c. 482)

§ 4-10. Police and fire cadet program; homesteading program.

The city shall have the power to establish police and fire cadet programs and a homesteading program for its employees and employees of the school board. Section 15.2-1505 of the Code of Virginia, which prohibits residency requirements for certain employees, shall not apply to employees participating in these programs. (2000, c. 4)

Chapter 5. Toll Bridges.

§ 5-1. (1962, c. 259; repealed 2017, cc. 222, 733)

Chapter 6. Taxation.

Article 1. In General.

§ 6-1. (1962, c. 259; repealed 2017, cc. 222, 733)

§ 6-1.1. Taxation.

In order to execute its powers and duties and to meet the wants and purposes of the city, the council is hereby vested with power and authority to levy taxes upon persons, property, real and personal, privileges, businesses, trades, professions, and callings and upon such other subjects of taxation and in such amounts as the council shall deem necessary and proper to provide such sums of money as they shall deem expedient without limitation as to subject, except such as may be expressly provided by general laws or constitutional provision and without limitation as to rate except such as may be provided by the Constitution of Virginia. (2017, cc. 222, 733)

§ 6-2. Consumer tax for use of public utilities; additional annual taxes.

In addition to other powers conferred by law, the city council shall have the power to levy, impose and collect, in such manner as it may deem expedient, a consumer or subscriber tax upon the amount paid for the use within the city of water, electricity, gas, telephone, cable television, and any other public utility service, or upon the amount paid for any one or more of such public utility services used within the city, and the council may provide that such tax shall be added to, and collected with, bills rendered consumers for such services.

Any such tax heretofore levied, imposed or collected by any ordinance of the city and which became effective on or after December 1, 1947, and all acts done in pursuance of such ordinance or any amendment thereof, be, and they are hereby, ratified and confirmed.

In addition to the other powers conferred by law, the council is hereby empowered to raise annually by taxes and assessments sums of money as the council shall deem necessary for the purposes of the city, in such manner, on such subjects and transactions, and from such sources as council deems expedient, in accordance with the Constitution and laws of the Commonwealth and the United States. (1962, c. 259; 2017, cc. 222, 733)

§ 6-3. Officers for collection of taxes.

The city council may vest in the collector of city taxes and of any other assessments which the city council is authorized to make, any and all powers which are now or which may hereafter be vested in any collector of state taxes, may prescribe the mode of proceedings of the collector of city taxes and assessments aforesaid and the mode of proceeding against such officer for the failure to perform his duties. (1962, c. 259)

§ 6-4. Payment of taxes by tenant or fiduciary.

Any payment of taxes made by a tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent; and where any tax is paid by a fiduciary on the interest or profit of moneys of an estate invested under an order of court or otherwise, the tax shall be refunded out of such estate. (1962, c. 259)

Article 2. Assessment and Reassessment of Real Estate.

§ 6-5. Authority of council; establishment of city real estate assessment office; election and duties of assessor.

The city council may, in its discretion, in lieu of the means and methods now prescribed by law, provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation, and to that end may establish in the city a city real estate assessment office and elect as assessor or assessors one or more persons whose duty it shall be to assess and reassess for taxation the real estate within the city, to equalize such assessments, and to discharge such other duties in connection therewith as the city council shall prescribe. (1962, c. 259)

§ 6-6. Manner of making assessments; authority and duties of assessor; assessments to be made annually; effect of assessments.

The assessor or assessors, elected as provided in the preceding section, shall make such assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of Title 58 of the Code of Virginia, as amended, shall have the same authority as the assessors appointed under the provisions of that title, and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of such title. (1962, c. 259; 1975, c. 349)

§ 6-7. Term and compensation of assessors; council to provide for vacancies, clerical and other assistance; payment of salary, expenses and other costs.

The term of the assessor or assessors provided for in this article, may be fixed by the city council, but he or they shall serve at the will of the council, and any vacancy or vacancies, however occurring, shall be filled by the city council. The city council shall likewise fix the compensation of any such assessor or assessors, provide such clerical or other assistance as may be necessary, and provide for the payment of such salaries and other expenses as may be properly incident to the work involved, and all such salaries, expenses and other costs incurred in connection with such assessment or reassessment shall be paid out of the treasury of the city. (1962, c. 259)

§ 6-8. Assessors to assume certain duties and powers of the commissioner of revenue; certain duties of the commissioner of the revenue not affected; extension of annual taxes.

All duties imposed and all powers conferred by law on the commissioner of the revenue of the city with respect to the assessment of real estate for taxation shall, upon the adoption of an ordinance by

the city under the provisions of this article, be transferred to the assessor or assessors elected by the council of the city pursuant to the provisions of this charter, except that such commissioner of the revenue shall not be relieved of his duties with respect to the preparation of the land books for use in the city and the delivery and filing of copies thereof as required by the provisions of Title 58 of the Code of Virginia, but such land books shall be prepared by the commissioner of the revenue in accordance with the assessments or reassessments made and certified to him by the assessor or assessors elected under the provisions of this article, and taxes for each year shall be extended on the basis of such assessments or reassessments or on the basis of the last previous assessment of the property involved if no change in such assessment shall have been made. (1962, c. 259)

§ 6-9. Manner of obtaining relief from assessments.

Any person assessed with taxes or levies on real estate under the provisions of this charter may apply for relief therefrom in the manner provided by the applicable provisions of Chapter 22 of Title 58 of the Code of Virginia. (1962, c. 259)

§ 6-10. Assessors to assume powers of board of equalization.

The assessor or assessors elected pursuant to this article shall have the powers conferred on boards of equalization by Chapter 19 of Title 58 of the Code of Virginia, as amended or hereafter amended. (1962, c. 259)

§ 6-11. Board of equalization.

The city council, if in its judgment necessity therefor exists, may at any time during any year, by resolution, request the judge of the circuit court, either in term time or vacation, to appoint a board of equalization consisting of five members, all of whom shall be freeholders of the city. The judge of the circuit court, upon receiving such request from the city council, shall forthwith appoint such board of equalization, which shall continue in existence for such term not exceeding one year as the city council may prescribe. The compensation of the members of such board shall be fixed by the city council and paid out of the city treasury. The board shall sit at and for such time or times as may be necessary for the discharge of its duties; provided, that the period during which such sittings shall be held shall not exceed thirty days, unless otherwise provided by the city council. The provisions of Article 14 (§ 58.1-3370 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, as amended, or hereafter amended, insofar as the same may be applicable, shall apply to the board of equalization appointed pursuant to the provisions of this section except as otherwise provided herein. (1962, c. 259; 2009, cc. 659, 724)

§ 6-12. When powers of assessors to be in effect.

The powers conferred upon the assessor or assessors by § 6-11 of the charter shall continue in effect except during such time as a board of equalization created under the provisions hereof shall be in existence. (1962, c. 259)

§ 6-13. Article not to affect assessments made by state.

This article shall not apply to any assessment of real estate assessable under the law by the State Corporation Commission. (1962, c. 259)

Chapter 7. Continuation Provisions; Applicability to 1962 Elections; Severability; Repealing Provisions; Effective Date.

§ 7-1. Ratification and continuation of ordinances.

All ordinances and resolutions heretofore made and adopted by the city, not in conflict with this charter, are hereby ratified and confirmed and shall be and remain in full force and effect until altered, amended or repealed by the council of the city. (1962, c. 259)

§ 7-2. Continuation of present offices, etc.

All officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation of law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law. (1962, c. 259; 2017, cc. 222, 733)

§ 7-3. (1962, c. 259; repealed 2017, cc. 222, 733)

§ 7-4. Severability.

If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be valid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered. (1962, c. 259)

§ 7-5. (1962, c. 259; repealed 2017, cc. 222, 733)

§ 7-6. Effective date.

This charter shall be in force and effect from and after March 1, 1962. (1962, c. 259; 2017, cc. 222, 733)

Editor's note: Complete amendments listing for the City of Petersburg:

Current charter

Charter, 1962, c. 259.

Amendments to current charter

1970, c. 137 (§ 3-7)

1970, c. 318 (§ 1-7)

1972, c. 25 (§§ 2-1, 2-3)

1973, c. 102 (§ 4-8 [added])

1974, c. 2 (§§ 1-7 [repealed], 1-7.1 [added], 2-1 [repealed], 2-1.1 [added], 2-2 [repealed], 2-2.1 [added], 2-3 [repealed], 2-3.1 [added], 2-5, 2-8 [repealed], 2-8.1 [added])

1975, c. 349 (§§ 1-4, 3-9 [repealed], 3-10, 3-18 [repealed], 3-19, 4-1, 6-6)

1976, c. 482 (§§ 3-14, 4-9 [added])
1979, c. 350 (§ 2-1.1)
1981, c. 68 (§ 2-1.1)
1987, c. 51 (§§ 3-7 [repealed], 3-8 [repealed])
2000, c. 4 (§§ 2.1-1 [added], 2.1-2 [added], 4-10 [added])
2009, cc. 659, 724 (§§ 2-2.1, 2-3.1, 2.1-1, 2.1-2, 3-6, 6-11)
2017, cc. 222, 733 (§§ 1-4, 1-5, 2-2.1, 2-3.2 [added], 2-5, 2-8.1, 3-1, 3-2, 3-4 [repealed], 3-5, 3-10 [repealed], 3-12 [repealed], 3-13, 3-19 [repealed], 4-1, 4-4 [repealed], 4-5 [repealed], 4-7, 5-1 [repealed], 6-1 [repealed], 6-1.1 [added], 6-2, 7-2, 7-3 [repealed], 7-5 [repealed], 7-6)

Phenix, Town of

County of Charlotte

History of incorporation
Incorporated 1930 by Circuit Court Order.

Current charter
Charter, 1988, c. 142.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Phenix in Charlotte County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Phenix, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with and may have a corporate seal which it may amend at its pleasure. (1988, c. 142)

§ 1.2. Boundaries.

The boundaries of the town until altered, shall be as described in Common Law Order Book 13, page 345 et seq. in the Office of the Clerk of the Circuit Court of Charlotte County. (1988, c. 142)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Phenix shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have,

exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1988, c. 142)

§ 2.2. Adoption of powers granted by Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia. (1988, c. 142)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office for mayor and council.

The Town of Phenix shall be governed by a town council composed of five councilmen and a mayor, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmen and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for five councilmen and mayor shall be held on the first Tuesday in May, 1988. Elections shall be held on the first Tuesday in May every four years thereafter. The councilmen and mayor so elected shall take office on the following July 1. The councilmen shall serve for a term of four years, and the mayor shall serve for a term of four years or until their successors are elected and qualified. (1988, c. 142)

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of council. A vacancy in the office of mayor shall be filled for the unexpired term from the qualified voters of the town by a majority vote of the council. (1988, c. 142)

§ 3.3. Council a continuing body.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1988, c. 142)

§ 3.4. Mayor

The mayor shall be the chief executive officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak therein but shall not vote except in the case of a tie vote. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1988, c. 142)

§ 3.5. Vice mayor.

The town council shall, by a majority of all its members, elect a vice mayor from its membership at its first meeting to serve for a term of two years in the absence of or during the disability of the mayor; and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. (1988, c. 142)

§ 3.6. Meeting of council.

The council shall fix the time of its regular meetings, which shall be at least once each month, and except as herein provided, the council shall establish it own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be opened to the public in accordance with the laws of the Commonwealth of Virginia. Three members of the council, in addition to the mayor or vice mayor, shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council provided that the members of the council are given reasonable notice of such meetings, and no business shall be transacted at a special meeting except that for which it shall be called. If the mayor and all members of the council are present, this provision requiring prior notice for special meeting is waived. (1988, c. 142)

§ 3.7. Salaries.

The salaries of the mayor, councilmen, members of boards and commissions and all appointed officers and employees of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and members of the council shall not be effective until July 1 following the next local election after the council approves such increases. (1988, c. 142)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The council may appoint: a town manager, who shall be responsible to the council for the proper administration of all affairs of the town, for the control and supervision of all town departments, employees, and property, for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council; a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia and actively practicing in Charlotte County; a town sergeant, who shall be the conservator of the peace; a town clerk; a town treasurer, who may also be the town clerk; and any other officers that shall be deemed necessary and proper. (1988, c. 142)

§ 4.2. Term of office.

Appointees under this chapter shall serve at the pleasure of the council. (1988, c. 142)

§ 4.3. Bonds.

Appointees may be required to execute such bonds as the council may deem necessary. (1988, c. 142)

§ 4.4. Boards and commissions.

The council may, in its discretion, appoint such boards and commissions as it deems necessary and as may be authorized by the laws of the Commonwealth of Virginia. (1988, c. 142)

Chapter 5. Miscellaneous.

§ 5.1. Ordinances continued.

All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council. (1988, c. 142)

§ 5.2. Town sergeant.

If the office of town sergeant be established by council, then in that event the town sergeant shall be appointed by council. (1988, c. 142)

§ 5.3. Incorporation.

This charter implements the order of incorporation of the town on November 15, 1930, by the Circuit Court of Charlotte County, Virginia; such order being recorded in the Office of the Clerk of the Circuit Court for such county in Common Law Order Book 13, page 345 et seq. (1988, c. 142)

§ 5.4. Severablility.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of the charter. (1988, c. 142)

The Plains, Town of

County of Fauquier

History of incorporation

Incorporation and charter authorization, 1908, c. 308 (see 1914 Acts, c. 218).
Charter by order of the Circuit Court of Fauquier County, April 26, 1910 (see 1914, c. 218); repealed 1972, c. 251.

Current charter

Charter, 1972, c. 251.

Amendments to current charter

2022, c. 335 (§§ 3.1, 3.2, 3.3, 4.3)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of The Plains, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of The Plains, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1972, c. 251)

§ 1.2. Boundaries.

The territory embraced within the Town of The Plains is that territory in the County of Fauquier, Virginia, established and described in the Order of Incorporation issued April 26, 1910, by the circuit court of Fauquier County, which order is recorded in the office of the clerk of the circuit court of Fauquier County in law order book N, at page two hundred sixty-six et seq. (1972, c. 251)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of The Plains shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (1972, c. 251)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1972, are hereby conferred on and vested in the Town of The Plains. (1972, c. 251)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.1, Chapter 1.1 of Title 25, and § 33.1-121, of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the Town of The Plains, subject to the provisions of § 25-233 of the Code of Virginia.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property within or without the town, for the public purposes of the town, shall be filed with the petition. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town treasurer. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid statute, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of § 33.1-121 of the Code of Virginia, as amended shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities, and further provided that the condemnation authority shall be subject to the provisions of § 25-233 of the Code of Virginia.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1972, c. 251)

Chapter 3. Mayor and Council.

§ 3.1. Composition of council; election, qualification and term of office of councilmen and mayor.

The Town of The Plains shall be governed by a town council composed of six councilmen and the mayor, to be elected from the town at large. The councilmen and the mayor shall be qualified electors of the town, and shall serve for terms of four years. At the election held on the first Tuesday following the first Monday in November 2022, the three councilmen elected shall serve for terms of four years. At the election held on the first Tuesday following the first Monday in November 2024, and in every election thereafter, the three councilmen elected shall serve for terms of four years. The mayor shall be elected on the first Tuesday following the first Monday in November 2024 and every four years thereafter. (1972, c. 251; 2022, c. 335)

§ 3.2. When terms of office to begin.

The terms of office for the town councilmen and mayor shall begin on the first day of January next following their election. (1972, c. 251; 2022, c. 335)

§ 3.3. Vacancies on council.

Vacancies on the town council shall be filled within forty-five days for the unexpired terms by a majority vote of the remaining members, provided that where a vacancy occurs more than six months prior to a regular town election, such vacancy shall be filled by a majority vote of the remaining members

only until a successor shall have been chosen by the qualified electors of the town and shall have qualified as provided by law. In the town election to be held on the first Tuesday following the first Monday in November next following the occurrence of such vacancy, there shall be elected by the qualified electors of the town a member of the council to fill each such vacancy for the unexpired term. The term of office of any councilman so elected shall begin on the first day of January next following his election. (1972, c. 251; 2022, c. 335)

§ 3.4. Powers and duties of mayor.

(a) The mayor of the Town of The Plains shall be the executive head of the town government and it shall be his duty to see that the ordinances and Charter of the town are fully and faithfully executed. He shall see that peace and good order are preserved and that persons and property are protected.

(b) The mayor shall preside over the meeting of the town council and, in the event there is a tie vote upon any issue, the mayor shall cast the deciding vote. At all other times, the mayor shall not have the right to vote.

(c) The mayor shall exercise general supervision of all the town's rights, franchises, properties and affairs, and shall perform such other duties and functions as he may be directed by the town council. (1972, c. 251)

§ 3.5. Absence or disability of mayor.

If the mayor is absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until the mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of the mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1972, c. 251)

§ 3.6. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1972, c. 251)

§ 3.7. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this Charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1972, c. 251)

§ 3.8. Meetings of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. Special meetings may be called at any time by the mayor or by three members of the town council; provided, that all members shall be duly notified a reasonable period of time prior to any special meeting. (1972, c. 251)

§ 3.9. Quorum; reconsideration of action.

Four members of the town council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the town council present as were present when such vote was taken. (1972, c. 251)

§ 3.10. Rules of order and procedure.

The town council shall establish its own rules of order and procedure, and may punish its own members and other persons for violations thereof. (1972, c. 251)

§ 3.11. Council to fix salaries.

The town council is hereby authorized to fix the salaries of each of the members of the town council, members of board or commissions and all appointed officers and all employees of the town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia, provided that no council in office shall fix any salary for councilmen or increase any salary for councilmen, which shall take effect any sooner than the end of all terms for which the council voting thereon was elected. (1972, c. 251)

Chapter 4. Appointive Officers.

§ 4.1. Appointment.

The town council may appoint such officers of the town as they may deem necessary. Such officers may include, but shall not be limited to, a town clerk, a town attorney, a town treasurer and chief of police. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this Charter or by the town council. (1972, c. 251)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. (1972, c. 251)

§ 4.3. Term of office.

Officers and deputy and assistant officers appointed by the town council shall be appointed for a term of two years, unless otherwise provided by this Charter or by ordinance of the town council. Such term shall begin on the first day in January in each even-numbered year. (1972, c. 251; 2022, c. 335)

§ 4.4. Vacancies in office.

The town council shall fill any vacancy in any appointive office for the remainder of the unexpired term. (1972, c. 251)

§ 4.5. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office at the discretion of the town council, subject to the provisions of Article VII, Section 6 of the Virginia Constitution. (1972, c. 251)

§ 4.6. Duties of town clerk.

The town clerk shall be the clerk of the town council. He shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council may specify or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1972, c. 251)

Chapter 5. Courts.

§ 5.1. Authority to establish municipal court; jurisdiction of court.

The town council may establish by ordinance a municipal court, which shall be known as the Municipal Court of The Plains. Jurisdiction of the municipal court in civil matters shall be as provided in § 16.1-77 of the Code of Virginia, and in criminal matters as provided in § 16.1-124 of the Code of Virginia. (1972, c. 251)

§ 5.2. Judge of municipal court; substitute judge.

The judge of the municipal court shall be appointed by the town council. He shall serve at the pleasure of the town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. (1972, c. 251)

§ 5.3. Jurisdiction of county court if municipal court not created.

If the town council shall elect to not establish a municipal court, as provided in § 5.1 of this Charter, the county court of Fauquier County shall have such jurisdiction within the town as the municipal court would have if it were established by the town council. The town council may enter into such contracts or agreements as it may deem necessary to permit the trial in said county court of cases or causes of action arising within the town or within the jurisdiction of the town. (1972, c. 251)

Chapter 6. Financial Provisions.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on the first day of September of each year and end on the last day of August of the year following. (1972, c. 251)

§ 6.2. Actions against town for damages, etc.

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the town council for this purpose, and the town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within one hundred twenty days provided, that if the complainant is compos mentis during such sixty day period but is able to establish by a clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the sixty day period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from such injury so as to be able to give such notice. No officer, agent employee of the town shall have authority to waive such conditions precedent or any of them.

(b) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them in this Charter, and that the interposition of the court Is necessary to prevent injury that cannot be adequately compensated in damages.

(c) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1972, c. 251)

§ 6.3. Creation of debt; election on issuance of bonds.

Any ordinance creating a debt for which money is to be borrowed shall be adopted by a majority vote of the elected members of the town council.

No bonds shall be issued by the town until the voters of the town have first approved the issuance of such bonds at an election held pursuant to the laws of the Commonwealth.

The provisions of this section shall not be construed to prohibit the town council from proceeding under any provisions of the Constitution of Virginia and general laws of the Commonwealth in the borrowing of money. (1972, c. 251)

Chapter 7. Miscellaneous.

§ 7.1 Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1972, c. 251)

§ 7.2. Amendment of Zoning Ordinance.

The town council may, by ordinance, require that whenever the planning commission recommends against the adoption of any proposed amendment to the Zoning Ordinance of the town, now or hereafter in effect, such amendment shall become effective only upon the affirmative vote of two-thirds of the elected members of the town council. (1972, c. 251)

§ 7.3. Applicability of ordinances to lands, etc., outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1972, c. 251)

§ 7.4. Bonds of officers and employees.

The town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of their duties. As used herein, the words "officers and employees" shall include officers and employees paid solely or partly by the town. The town may pay the premium on such bonds from the town funds and may provide for individual surety bends or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town as its interest may appear in event of breach of the conditions thereof. (1972, c. 251)

§ 7.5. Office of town sergeant not to be created.

Notwithstanding the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the Town of The Plains the office of town sergeant. (1972, c. 251)

§ 7.6. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, or until their successors have been duly elected and qualified. (1972, c. 251)

§ 7.7. Ordinances continued in force.

All ordinances now in force in the Town of The Plains, not inconsistent with this Charter, shall be and remain in force until altered, amended or repealed by the town council. (1972, c. 251)

§ 7.8. Severability of provisions.

If any clause, sentence, paragraph or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1972, c. 251)

County of Tazewell

History of incorporation
Incorporation and charter, 1884, c. 67; repealed 1896, c. 410.
Charter, 1896, c. 410; repealed 1918, c. 161.

Current charter
Charter, 1918, c. 161.

Amendments to current charter
1923, c. 137 (§ 20)
1924, c. 147 (§§ 17, 18, 39-a [added])
1928, c. 263 (§ 20)
1930, c. 134 (§ 33)
1940, c. 410 (§ 39-a)
1991, c. 308 (§ 19)
2001, c. 8 (§§ 3 [added], 8, 12)
2012, c. 314 (§ 3)

Editor's note: Original charter contains nonconsecutively numbered sections.

§ 1. Be it enacted by the general assembly of Virginia, That the inhabitants of the territory in Tazewell county, contained within the boundaries prescribed in § 2 hereof, be, and shall continue to be a body, politic and corporate, in fact and in name under the name and style of the town of Pocahontas; and as such shall have and exercise all the powers conferred by and be subject to all the laws of the State of Virginia now in force, or that may hereafter be enacted for the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1918, c. 161)

§ 2. The boundaries of the town shall be as follows:

Beginning at a stake on the south side of the ridge north of Laurel creek, the northeast corner of the part of the town of Pocahontas, known as the Browning addition; said stake is situated south twenty-eight degrees twenty minutes, east seventy-five feet, from a white oak, gum and maple, a corner of the lands belonging to Mistress J. S. Browning; thence with the lines of the said Browning addition south sixty-two degrees thirty minutes, west one hundred and sixty-seven and five-tenths feet, to a white oak and gum stump; south thirty-one degrees, west two thousand six hundred and ninety-two feet, to a small chestnut and laurel near the top of a spur west of Reed's branch, in a line of Mistress J. S. Browning's land; south fifty-eight degrees, east one thousand three hundred and thirty-seven feet, to a red oak and hickory on the east side of a spur of Laurel ridge; north thirty-three degrees fifteen minutes, east two thousand and seventy feet, to a stake between two spruce pine stumps on a northeast hillside; thence, leaving said Browning addition, south twenty-eight degrees twenty minutes, east two thousand one hundred and the Abb's valley road; north sixty-one degrees,

east six thousand one hundred and seventy-eight feet, to a stake on the State line south of and near Roseville; thence with State line north forty degrees thirty-four minutes, west seven thousand one hundred and sixty feet, to a stake in a flat in an old field south of and near the D. K. Perdue house; thence south sixty-three degrees, west four thousand nine hundred and fifty feet, to a stake in the field on a south hillside above the spring; thence south thirty-two degrees fifty-five minutes, east three thousand five hundred and thirty-nine feet, to the beginning.

On the second Tuesday in June, 1918, and every two years thereafter there shall be elected one elector of said town who shall be denominated the mayor thereof, and eight other electors who shall be denominated the councilmen thereof, and the said mayor and councilmen shall constitute the council of said town. They shall enter upon the duties of their offices on the first day of September next succeeding their election and shall continue in office for a term of two years and until their successors are duly elected and qualified. And said mayor and councilmen shall take the oath of office as prescribed by the general laws of this State. The failure of any person elected or appointed under the provisions of this act to qualify or take the oath of office required, within the time prescribed for entering upon the duties of the office to which he is elected or appointed, shall vacate said office, and the council shall proceed to fill said vacancy in the manner prescribed in this act. (1918, c. 161)

§ 3. Beginning with the regularly scheduled municipal elections to be held in November of 2012, there shall be elected a council consisting of a mayor and four councilmen. The mayor and councilmen shall enter upon the duties of their offices on January 1 next succeeding their election and shall continue in office for a term of two years and until their successors are duly elected and qualified. The term of the mayor and councilmen serving at the time of the change in the date of the municipal elections shall be extended to December 31, 2012. (2001, c. 8; 2012, c. 314)

§ 4. There shall be appointed for the town a registrar and officers of election in the manner provided for by the general laws of Virginia, and all elections held in said town shall be governed in accordance with said general laws, and the electorate or persons qualified to vote in said town shall be as prescribed and defined by the general laws of this State. (1918, c. 161)

§ 5. The council of said town shall judge of the election, qualification and returns of its members; may fine them for disorderly behavior, and, with the concurrence of two-thirds, expel a member. If any person returned be judged disqualified, a new election to fill the vacancy shall be held at the same place on such date as the council may prescribe. Any vacancy occurring otherwise during the term for which any of the said persons have been elected may be filled by the council by the appointment of any one eligible to said office. A vacancy in the office of mayor may be filled by the council from the electors of said town. (1918, c. 161)

§ 6. The administration and government of said town shall be vested in said mayor and councilmen of said town, and any such other bodies and officers as are hereinafter mentioned and provided for, or which may be provided for by said council. (1918, c. 161)

§ 7. The council shall have the power to suspend or remove all other town officers, whether they be elected or appointed, for inefficiency, neglect of duty or misconduct in office, to be specified in the order of suspension or removal; but any such removal shall not be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his behalf. (1918, c. 161)

§ 8. For the transaction of business by the council of said town, three members thereof, of whom the mayor may be counted as one, shall constitute a quorum. (1918, c. 161; 2001, c. 8)

§ 9. The mayor of said town and the councilmen thereof shall each have all the powers and authority of a justice of the peace in criminal matters within the limits of said town and one mile beyond the same; shall have the power to issue process, hear and determine all prosecutions, cases and controversies which may arise under the resolutions and ordinances of the town; may impose fines and inflict punishment when and wherever they are authorized by such resolutions and ordinances, or the general laws of this State and may issue executions for the collection of fines imposed; may commit an offender to jail or to work upon the public works or streets of said town until the fine and costs, or the costs if there be no fine, are paid. Appeal shall lie from the decision of the mayor or councilmen to the circuit court of Tazewell county, in the manner provided by the general laws of this State. (1918, c. 161)

§ 10. The jurisdiction of the corporate authorities of the said town in all criminal matters and for imposing and collecting license taxes on shows, performances and exhibitions shall extend one mile beyond the corporate limits of the said town. (1918, c. 161)

§ 11. The council shall annually elect one of its members president pro-tempore, who shall preside at its meetings, and assume the duties of the mayor in his absence, or in case of his inability or refusal to act. (1918, c. 161)

§ 12. The council of said town may adopt rules for the regulation of its proceedings, but no taxes shall be levied or corporate debt contracted unless by a vote of two-thirds of the council, three votes being counted as two-thirds, the mayor having no vote except in case of a tie, which vote shall be taken by yeas and nays and recorded in the journal. A journal shall be kept of their proceeding and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he is not then present, by the person presiding when they were read. (1918, c. 161; 2001, c. 8)

§ 13. The town council shall, by ordinance, fix the time of their stated meetings, and no business shall be transacted at a special meeting, unless all members of the council be present, but that for which it shall be called. (1918, c. 161)

§ 14. The town council may be convened at any time upon the call in writing of the mayor, or any three members thereof, but if all members of the council shall be present at such meeting, any action taken or resolution or ordinance passed at such meeting shall be valid even though there should have been no call in writing for said meeting, or such call be irregular, or not served upon all members of the council. Service of a notice of a call of any special meeting shall be served upon all of the members of the council and the mayor, who do not sign the call, at least twenty-four hours prior to such meeting. Such notice may be served by delivering a copy of such call in writing to the party in person, or, if he be not found at his usual place of abode or his usual place of business in the town, if any, by delivering such copy and giving information of its purport to his wife or any person found at his usual place of abode, who is a member of his family and over the age of sixteen years; and if there be none such found at his usual place of abode, by leaving such copy posted at the front door of the said place of abode. (1918, c. 161)

§ 15. The meetings of the town council shall be open to the public, except when, in the discretion of said council, the public welfare shall require secrecy, and the journal of their proceedings shall at all times be open to inspection by citizens of the town. (1918, c. 161)

§ 16. If any member of said council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council, and the unexpired term filled according to law. (1918, c. 161)

§ 17. The principal officers of said town shall consist, in addition to the mayor and councilmen, of a treasurer, sergeant, police justice, recorder, a commissioner of the revenue, an assessor, and a town attorney, to be appointed as hereinafter provided, and the council may appoint such committees of the council and create such boards and departments of town government and administration, with such powers and duties, and subject to such regulations as to it may seem fit, consistent with the provisions of this act and the general laws of this State. The council, however, may abrogate any of the officers mentioned in this section, to be filled by appointment, or dispense with the service of any appointive officer mentioned therein, whenever, in its opinion, the interest and necessities of the town do not require such office or officer. Any such office may also be consolidated and any one or more of said officers, that are not incompatible, may be filled and held by the same person. (1918, c. 161; 1924, c. 147)

§ 18. Subject to the provisions of the preceding section, a treasurer, a sergeant, a police justice, a recorder, a commissioner of the revenue, an assessor and a town attorney shall be appointed by the council at its first regular meeting in September, succeeding its election, or as soon thereafter as may

be, and said officers shall qualify and assume the duties of their office immediately thereafter. Their term of office shall be as hereinafter provided, and they shall serve until their successors shall have qualified, unless said office be abrogated and dispensed with as herein provided. (1918, c. 161; 1924, c. 147)

§ 19. The council shall have, subject to the provisions of this act, control of the fiscal and municipal affairs of said town, and all property, real and personal belonging to said town, and they are hereby vested with power to make such ordinances and by-laws relative to the same as they may deem proper; and they shall likewise, in addition to the powers conferred by the general laws of the Commonwealth, have power to make such by-laws, ordinances, orders and regulations as they may deem necessary to carry out the foregoing and following powers which are hereby given and vested in the said council:

First. To erect and keep in proper condition all public buildings necessary and proper for the use of said town; to erect and maintain in said town a prison, said prison to contain such apartments as shall be necessary for the safekeeping of all persons confined therein.

Second. To determine and designate the route and grade of any railroad to be laid out in said town, and to restrain and regulate the rate of speed of locomotive engines and cars upon the railroads within said town.

Third. To direct the location of houses or buildings to be used for the sale or storage of gunpowder, dynamite or any combustibles, and to regulate the sale and use of all such substances in said town; to regulate exhibition of fireworks, the discharge of firearms, and to restrict the making of bonfires, either on public street or private property in said town; to fix and prescribe a fire limit as follows: The fire limit shall extend two hundred feet from either side of Center street on Railroad avenue, and two hundred feet on either side of Center street on Water street; on Saint Clair street from the west end of same to Moore street, on Church street from the west end of same to Moore street; and two hundred feet on either side of Center street on Rolfe street; both sides of the streets within the bounds mentioned are included in the fire limit for a distance of two hundred feet.

Fourth. To prevent hogs, dogs and other animals from running at large in said town, and to subject the same to such regulations, confiscations and taxes as they may deem proper, and to prevent the riding or driving of horses or other animals at an improper speed, throwing stones, snowballs or other sports, or employments on the streets or alleys of said town, which may be deemed dangerous or annoying to citizens or passengers of said streets and alleys, as well as to punish the abuse and cruel treatment of horses or other animals of said town, and to regulate the speed of all automobiles and motor-driven vehicles of all kinds on the streets of said town, and to prescribe such traffic rules and regulations on said streets as may be deemed necessary.

Fifth. To arrest and punish drunkards, beggars and vagrants; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gaming houses; to prevent and punish lewd and indecent conduct and exhibitions in said town.

Sixth. To prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town, and for those may require any person bringing them into said town to enter into a bond with good security that such person shall not become chargeable to the town for the period of one year thereafter, or may require or compel said persons to take them back from whence they brought them, and compel said persons to leave town; provided, that such order to leave be issued within sixty days after their arrival.

Seventh. To secure the inhabitants of said town from contagious, infectious or other dangerous disease; to establish, erect and regulate hospitals and to prescribe quarantine regulations; to provide for and enforce the removal of patients to said hospitals; to appoint and organize a board of health for said town, prescribe its duties and invest said board with police authority and with full power for the prompt and efficient performance of its duties.

Eighth. To require and compel the abatement of all nuisances and the removal thereof within the town at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same may be; to require and compel the owner of houses in the town, or if the owners be unknown or absent, the occupants of such houses, to connect their water closets and water drains with the sewers of the town, or otherwise comply with such regulations as to sewerage and nuisances as the council may prescribe; and upon failures so to do, the same may be done by the town by entering upon the premises, if necessary, and the cost of attending same shall be collected from the owners or occupants of such houses as taxes are in this charter allowed to be collected by the town.

Ninth. To prescribe, for the violation of any such by-laws, ordinances, orders and regulations any penalty provided by the laws of this Commonwealth for the punishment of Class 1 misdemeanors. (1918, c. 161; 1991, c. 308)

§ 20. The council shall have power to lay and levy a tax, for the general purposes of said town, on all real and personal property, which localities are permitted to tax, in said town, at such rates as may be prescribed by said council, not to exceed, however, two dollars on the one hundred dollars value of all property, and not in conflict with the general laws of this State; and in addition thereto, a tax not exceeding twenty cents on the one hundred dollars valuation of the property, real and personal, in said town, for the benefit of the public schools thereof, and a poll tax of one dollar and fifty cents on each male and female resident thereof, over twenty-one years of age, and the said town, in addition to the special powers herein given, shall have like powers of distress, levy and sale for the collection of

such taxes as are now given to State officers for the collection of State taxes. (1918, c. 161; 1923, c. 137; 1928, c. 263)

§ 21. The assessment of the real and personal property in the town, for the purpose of municipal taxation, shall be the same as the assessment of such property for the purpose of State taxation, where there is a State assessment of such property. (1918, c. 161)

§ 22. In addition to the State tax on any license, the council may, when anything for which a license is so required is to be done within said town, impose a tax for the privilege of doing the same, and require a license to be obtained therefore; and in addition thereto may levy a tax, on agents and other persons, firms or corporations, whose principal office is not located in said town, if such person, firm or corporation do, or offer to do, business in said town; on public theatricals or on other performances of a public nature, on shows, on hawkers and peddlers; on agents renting or selling real estate; and on the business of any person, firm or corporation doing business in said town whether a license tax on such business be imposed by the State or not, within the limits of the Constitution; provided, farmers may sell the products from their farms in said town without a license; it being the purpose of this section to give the council of said town the power to tax all subjects within its jurisdiction not withheld from taxation by the laws of this State, whether the State taxes them or not, and whether herein specifically enumerated or not. (1918, c. 161)

§ 23. The town council shall annually cause to be made up and entered on its journal an account of all sums lawfully chargeable on the town which ought to be paid within one year, and shall order a town levy of so much as, in its opinion, is necessary to be raised in that way for the several funds of the town, in addition to what may be received for licenses and other purposes. The council may add penalties for failure of any person to pay taxes at the time provided for by ordinance of the council, and there shall be a lien for all taxes assessed which may be enforced as provided for by the general laws of the State, or as otherwise herein provided. (1918, c. 161)

§ 24. The town council shall not take or use any private property for streets or other public purposes without making to the owner thereof just compensation for the same, but in case where the town council cannot by agreement with the owner or owners thereof obtain title to any land needed for streets or any municipal building or other public purposes, it shall be lawful for the council to acquire the same by condemnation proceedings in accordance with the general laws of this State. (1918, c. 161)

§ 25. So long as the town of Pocahontas shall be dry and no license territory, no person, firm or corporation, shall, within the town, sell, or offer for sale, any ardent spirits, or solicit orders for ardent spirits, or act as agent for the sale of ardent spirits, or the transmission of such orders, or have in his possession for personal or other use a greater quantity of ardent spirits than he is permitted to have under the general law of the State of Virginia, or advertise the sale, distribution, giving away or dispensing of the same, by the circulation of hand-bills or circulars or otherwise; nor shall any person

bring into said town any such liquors except for his own use, and then, not more or oftener than such amount as he may be permitted to bring into said town, under the general laws of the State. Any person violating the provisions of this act, in addition to any fines or punishment provided by the laws of this State for so doing, shall be fined not less than twenty-five dollars, nor more than five hundred dollars, for each offense, and in addition thereto, may be sentenced to confinement in jail for such period as the trial justice may determine, not exceeding ninety days, and upon the second offense, such person so convicted shall be likewise fined and also sentenced to confinement in jail for not less than thirty days nor more than six months. The town council shall have power and authority to provide such ordinance or ordinances for more fully carrying into effect this section, as they may deem necessary. (1918, c. 161)

§ 26. The said town of Pocahontas, its inhabitants, and all taxable property within the corporate limits of said town, shall be exempt from all assessments or levies in the matter of district and county road taxes imposed by the authority of Tazewell county for the construction, repair or maintenance of roads, lying outside of said town; provided, however, that said town of Pocahontas shall construct, repair and maintain all streets and roads within the corporate limits of said town. (1918, c. 161)

§ 27. The town council may make appropriations from the general public funds of said town to any public free schools within the limits of said town, whenever, in the opinion of the council, such funds are necessary for the proper and efficient conduct and maintenance of said school. (1918, c. 161)

§ 28. The town council shall have the power and authority to establish and maintain a fire department for the town, and all powers necessary for the government, management, maintenance, equipment and direction of such fire department and the premises, property and equipment thereof. The council may make ordinances as it may deem proper for the prevention and extinguishment of fires, for the regulation of the conduct of persons in attendance at fires, in relation to the powers and duties of the officers and men of the fire department; to require citizens to render assistance to the fire department in case of need; and in relation to the acquisition, use, maintenance and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1918, c. 161)

§ 29. The town council shall have power and authority to contract with any sewerage or water purification company, or power company, to establish, enlarge and operate a system of sewerage, water works and electric light works within or without the limits of the town, and shall have power to protect from injury, by ordinances prescribing adequate penalties, the works, pipes, fixtures and land or anything connected therewith, whether within or without the limits of said town, and such other powers in regard to same as is given by general laws of the State. (1918, c. 161)

§ 30. The council likewise shall have power and authority to close or extend, widen or narrow, straighten, lay out, graduate, curb and pave and otherwise improve the streets, sidewalks and public

alleys in the town, and have them kept in good order and properly lighted, and to make local assessments to pay for such proportion of the cost thereof, or such part thereof, as may be provided by said council, under the general laws of the State empowering towns to make such assessment, and may prevent or remove any structure, obstruction or encroachment over, in, or under any street, sidewalk or alley in said town, and may permit shade trees to be planted along said streets; and to prevent the cumbering of streets, sidewalks, alleys, lanes or bridges in the town in any manner whatsoever, and to have full and complete control of the same. (1918, c. 161)

§ 31. No ordinance hereafter passed by said council, as now constituted, or hereafter elected, for the violation of which any penalty is imposed, shall take effect until the same shall have been published by posting a copy thereof at the front door of the council chamber in said town for ten days after the passage of said ordinance; but after the expiration of three months from the date of such ordinance, its publication shall not be questioned or its validity affected by any failure to publish the same; but this section shall not apply, to the ordinances of whatever kind now in force in the said town, so as to require publication thereof. (1918, c. 161)

§ 32. The mayor shall preside at all meetings of the council and shall sign all ordinances enacted by said council and all warrants drawn by the treasurer of said town or said council. He shall have access to all books and accounts of each of the officers and authority to examine the same, he shall, at least twice a year, and may do so as often as he deems necessary or be requested so to do by the council, communicate to the council the general conditions of the affairs of the town with such recommendations as he may deem necessary; he shall have power to fill any vacancy that may occur in any office by death, sickness or other disability, temporarily, or until the first regular meeting of the council. The salary of the mayor shall be fixed by the town council; payable at stated periods; and no regulation diminishing such compensation after it has once been fixed shall be made to take effect until after the expiration of the term for which the mayor, then in office, shall have been elected. The salary of the mayor shall continue until changed by the council, but said salary shall not exceed the sum of sixty dollars per annum, unless the council shall designate the mayor to exercise the duties and perform the functions of police justice as herein provided, in which event the council may increase the salary of the mayor to such an amount as may be reasonable for the services performed, not to exceed, however, twenty-five dollars per month. (1918, c. 161)

§ 33. Police justice.

(a) The police justice. as herein provided for, shall be a conservator of the peace within the corporate limits of the town, and shall have the power to issue civil and criminal process, and shall have exclusive original jurisdiction to try all offense against the ordinances of the town.

(b) The said police justice shall have jurisdiction in the town in all civil matters, now cognizable by justices of the peace of counties, and shall, in addition thereto have concurrent jurisdiction with the

circuit court of Tazewell county, Virginia, in all civil matters, including damages for personal injuries, if the claim does not exceed the sum of three hundred ($300.00) dollars, exclusive of interest. He shall have the same jurisdiction as the justices of the peace in all offenses against the laws of the Commonwealth of Virginia. After the appointment of such police justice, no other justice of the peace shall hereafter exercise such jurisdiction as is herein conferred on the said police justice.

(c) The police justice shall hold office during the pleasure of the council, and his salary shall be fixed by the said council. He shall make a report of the affairs of his office to the council of the said town at its first regular meeting in each month, or oftener if the council shall request same.

(d) The council may, however, in lieu of appointing a police justice, designate the mayor or some member of the council to perform and exercise the duties of police justice, in which event, the person so designated shall have all the powers, authority and jurisdiction of the police justice and shall receive such compensation for his services as may be allowed by the council.

(e) In the event of the inability of the police justice, on account of sickness, absence, vacation, personal interest, or if he be otherwise disqualified to sit in judgment, the council shall appoint a substitute police justice, who shall perform all the duties of the office of police justice in such case.

(f) All the provisions of law now in force, or which may be hereafter enacted, governing preliminary examinations, granting of bail, procedure, and appeals in both civil and criminal cases, cognizable by justices of the peace, not affected by this act, shall apply in like manner to cases tried before the said police justice, unless otherwise provided herein, except that in all civil and criminal cases triable before such police justice no removal shall be allowed, unless claim be for fifty ($50.00) dollars, or over, exclusive of interest; nor shall an appeal be allowed in any civil case, from the judgment of said police justice, unless the judgment exceed the sum of twenty ($20.00) dollars, exclusive of interest. Removals and appeals permitted herein shall be to the circuit court of Tazewell county, Virginia.

(g) The police justice shall have power to make and enforce such reasonable rules of practice as are not in conflict with law. (1918, c. 161; 1930, c. 134)

§ 34. Recorder.

As herein provided, the council at its first regular meeting in September, shall appoint a recorder, who by virtue of his office, shall also be commissioner of the revenue. He shall attend the meetings of the council and shall correctly note the proceedings of each meeting in a minute book, and he shall afterwards record and properly index said proceeding in a book to be known the "record book"; he shall have custody of the corporate seal; he shall keep all papers, that, by the provisions of this act, or the direction of the council, are required to be filed and kept by him; he shall give notice to all parties presenting communications or petitions to the town council of the final action of the council on such communications or petition; he shall publish such reports and ordinances as the town council is required to publish, and such other reports and ordinances as it may direct, and shall, in general,

perform such other acts and duties as the council may, from time to time, require; he shall also see that the license laws of the town are faithfully performed; he shall hold office during the pleasure of the council and his salary shall be fixed by the council, not to exceed ten dollars per month, and in addition thereto, he shall receive as compensation for his services as commissioner of the revenue, the fees allowed by law to the commissioner of the revenue of the county, to be paid by the person applying for such license, and he shall receive no other compensation for performing his duties as commissioner of the revenue. (1918, c. 161)

§ 35. Assessor.

The council shall, before the first day of February of each year, appoint an assessor, who shall assess the value of all real and personal property in said town according to the laws of the State of Virginia; he shall also make out all tax tickets and deliver the same to the treasurer of the town. He shall receive as compensation for his services, such sum as the council may provide, not to exceed two hundred dollars, to be paid when the council is satisfied with the duties performed by him. (1918, c. 161)

§ 36. Sergeant.

As herein provided, the council at its first regular meeting in September, shall appoint one town sergeant, who shall hold office during the pleasure of the council. He shall have power and it shall be his duty, to collect all fines and penalties which may be imposed by the police justice and arising from the police department, and he shall pay over the same to the treasurer of the town every week. He shall be ex-officio chief of police, and shall have and exercise all the powers of a police officer of towns and cities under the laws of the State of Virginia. He shall all meetings of the council and shall make a report to that body at its first regular meeting in each month of the condition of his office, and may be required to do so at any time by the council. He shall qualify and give bond before the council for such amount and with such surety as the council may approve. In all civil matters arising in said town, or within one mile of the corporate limits thereof; he shall be vested with all the powers which the general laws of the State confer upon constables. He shall receive for his services such salary as may be fixed by the council, but such salary shall not exceed the sum of one hundred and twenty-five dollars per month, payable proportionately, at the end of each month, and he shall receive no other compensation, except such fees as he may be entitled to under the general laws, arising out of civil cases. (1918, c. 161)

§ 37. Police force.

The council may, in addition to the sergeant, appoint one or more policemen, as the needs of the town may require, who shall be privates of the police force of the town; who shall hold office during the pleasure of the council, and whose compensation shall be fixed by the council. (1918, c. 161)

§ 38. The mayor, or in his absence, the president, pro-tempore of the council, or in the absence of both, any councilman shall have power and authority, whenever the regular police force of the town is

inadequate to meet the needs of the occasion, to appoint or swear in such additional or special policeman as he may deem requisite for a term of service not to exceed ten days, and at such compensation as the council may fix for special policemen, or, if no compensation is fixed by the council, then at two dollars per day. The duties and powers of such special policeman shall be the same as that of private or the regular police force. (1918, c. 161)

§ 39. The police force shall be under the control of the mayor for the purpose of enforcing peace and order and executing the laws of the State and the ordinances of the town. They shall also perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties and powers each policeman is hereby made a conservator of the peace and endowed with all the powers of a constable in criminal cases, and all other powers, which under the laws of the State, may be necessary to enable him to discharge the duties of his office. (1918, c. 161)

§ 39-a. As herein provided the council shall, at its first regular meeting in September, after its election, or as soon thereafter as may be, appoint a town attorney, who shall be a regularly licensed and practicing attorney at law, who shall hold his office for the same term as the council which appointed him, unless sooner removed, and who shall be the attorney and counsel for the town. He shall have control of all of the law business in which the town might be engaged; and shall draw all leases, deeds and legal papers for the same, and be the legal adviser of the mayor, town council or any committee thereof. He shall appear as counsel for the town in any and all cases in which the town shall be a party and shall prosecute all violations of town ordinances, and, with the approval of the council, shall institute and prosecute all legal proceedings deemed necessary or proper to protect the interest of the town. He shall have such other powers and perform such other duties as are or may be required of him for the town by any ordinance or resolution of the town council. He shall receive such compensation as the council may determine, to be paid by the town; he shall receive in addition to said allowance from the town the same fees as attorneys for the Commonwealth receive in all criminal cases, these fees to be charged up as costs against the defendant and in case of conviction to be paid by the defendant, but he shall receive no such fees in criminal cases where there is no conviction. (1924, c. 147; 1940, c. 410)

§ 40. Treasurer.

As herein provided, the council shall at its regular meeting in September, after its election, appoint a treasurer, who shall hold office during the pleasure of the council, and who shall serve until his successor shall be appointed and qualified. It shall be the duty of the treasurer to receive all moneys belonging to the town, to collect all taxes, assessments and licenses, and to pay and disburse the same only on the written order of the council signed by the mayor and attested by its recorder. He shall have power to appoint a deputy to assist him in the discharge of his duties. He shall make a report of the condition of his office at least once a month, and may be required to do so at the pleasure of the council. He shall, before entering upon the duties of his office, execute a bond in the penalty of

five thousand dollars or more, in the discretion of the said council, conditioned according to law for the faithful performance of his duties, said bond to be signed by at least three personal sureties, or such corporate sureties as may be approved by the council. The treasurer shall receive as compensation for his services a salary to be fixed by the council not to exceed two hundred dollars per year, payable proportionately at the end of each month and he shall receive no other compensation except such fees for the collection of delinquent taxes as hereinafter provided. (1918, c. 161)

Editor's note: Chapter 161 of the Acts of Assembly of 1918 does not contain a section numbered 41 but contains two sections numbered 42.

§ 42. In addition to all other taxes, the council is empowered and authorized to provide a special tax and levy for the payment of interest on all bonds of said town heretofore issued or that may hereafter be issued by virtue of any act of the general assembly, or general laws of the State, and also to provide a sinking fund to retire said bond at maturity or sooner. (1918, c. 161)

§ 42. The town treasurer or other officer whose duty it is to collect town taxes shall commence to receive the town levies on or before the first day of July of each year, or as soon thereafter as he may receive the tax tickets from the assessor, and continue to receive same up to the first day of December thereafter; and for this purpose, said treasurer or such other officer shall advertise for ten days at the voting place in the town, and at such other public places therein as may be necessary to give general publicity thereto, upon what days he will be in his office in said town to receive such levies; and shall at a time specified, remain in his office not less than three days for the purpose of receiving such levies.

Any person failing to pay any town levies to the treasurer or other such officer by the first day of December of the year in which assessed, shall incur a penalty thereon of five per centum, which shall be added to the amount of levies due from such tax-payer, which penalty when collected shall be received by the treasurer as an additional compensation for his services; and on the sum total of said levy ticket and penalty, there shall be added interest at six per centum per annum from December fifteenth of the year in which such levy was assessed until the same be paid, said interest to be accounted for by the treasurer and paid into the treasury of said town.

It shall be the duty of the treasurer or other such officer after the first of December to call upon each person, resident within the town chargeable with levies, who has not paid the same, or upon the agent, if any, of such person resident within the town, for the payment thereof; and upon the failure or refusal of such person or agent to pay the same he shall promptly proceed to collect the same by levy, distress or otherwise.

Should it come to the knowledge of the treasurer or other such officer that any such person or persons owing such levies is moving or contemplating moving from the town prior to the first day of December,

he shall have the power to collect same by levy, distress or otherwise at any time after such tax tickets have come into his hands. (1918, c. 161)

§ 43. There shall he a lien upon all real estate within the town for town taxes and levies assessed thereon, and interest on such taxes and levies at the rate of six per centum per annum, from the fifteenth of December, in the year in which same may have been assessed, for the period of five years, unless sooner paid. (1918, c. 161)

§ 44. Any goods or chattels in the town belonging to the person or estate assessed with town levies or taxes, may be distrained therefor by the treasurer or other officer whose duty it is to collect the same. In all cases property subject to levy or distress for municipal taxes and levies shall be liable to levy or distress in the hands of any person for town taxes and levies thereon.

When the treasurer or other such officer has to levy or distrain or sell, or levy or distrain without selling, he shall receive a fee of sixty cents, to be collected with the town levies or taxes levied or distrained for. (1918, c. 161)

§ 45. The treasurer or other officer whose duty it is to collect town taxes or levies may distrain for municipal levies and license taxes for which he has accounted to the town council at any time within one year after June fifteenth next succeeding the year for which such levies or license taxes were assessed. (1918, c. 161)

§ 46. The goods or chattels of the tenant, or other person, claiming under the party or estate assessed with municipal levies on land, may be distrained if found on the premises, but not for an amount exceeding the rent contracted to be paid by such tenant for said premises, nor until property of the landlord subject to distress, within the town, shall have been exhausted. (1918, c. 161)

Editor's note: Chapter 161 of the Acts of Assembly of 1918 contains two sections numbered 47.

§ 47. Any real estate in the corporate limits of said town belonging to the person or estate assessed with town taxes or levies due on such real estate, may be rented or leased by the treasurer, or other officer whose duty it is to collect town taxes and levies, either on the premises or at some public place in the town, after giving not less than fifteen days' notice by printed or written notices posted at the front door of the courthouse of the circuit court of Tazewell county, and at three or more places in the neighborhood of the real estate to be leased. Such lease shall be for a term not exceeding one year, and for cash sufficient to pay the levies due on real estate so rented, and the cost and charges of advertising and leasing.

When real estate is advertised for leasing for the town taxes and levies thereon and there is any tenant in possession of the property so advertised, then the treasurer or other collecting officer making the lease, shall serve upon such tenant at least five days prior to the day of leasing a copy of the notice of leasing.

When the treasurer or other such officer advertises and leases or advertises without leasing, a parcel of real estate under this section, he shall receive a fee of sixty cents, to be paid as part of the cost of his proceeding. (1918, c. 161)

§ 47. Any payment of taxes or levies by the tenant, unless under an express agreement by which the tenant is bound to pay such taxes shall be a credit against the person to whom he owes rent. (1918, c. 161)

§ 48. No deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for town taxes or levies against the grantor in said deed while such goods and chattels remain in the grantor's possession; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for town taxes or levies thereon, no matter in whose possession they may be found. (1918, c. 161)

§ 49. The officer of the town, whose duty it is to collect the town taxes and levies, shall have all powers to levy upon and distrain goods and chattels of the tax debtor or any other person therefor that may be given by the laws of this State to the officer of a town whose duty it is to collect town levies and taxes. (1918, c. 161)

§ 50. When the treasurer or other officer whose duty it is to collect town taxes and levies, cannot find sufficient goods or chattels to distrain for municipal taxes and levies, any person indebted to or having in his hands estate of the party assessed with such levies or taxes may be applied to for payment thereof out of such debt or estate; and a payment by such person or the said levies or taxes either in whole or in part, shall entitle him to a charge or credit for so much on account of such debt or estate against the party so assessed. If the person applied to does not pay so much as may seem to the treasurer or other such officer ought to be recovered on account of the debt or estate in his hands, the treasurer or other such officer shall, if the sum due for such taxes or levies does not exceed twenty dollars, procure from the mayor or any councilman of the town or from a justice of the peace a summons directing such person to appear before the mayor, or some councilman of the town or some justice of the peace at such time and place as may seem reasonable; and if the sum due exceed twenty dollars, shall procure from the clerk of the circuit court of Tazewell county a summons directing such person to appear before the said court on the first day of the next term thereof; and from the time of the service of any such summons, the said taxes and levies shall constitute a lien on the debt so due from such person, or on the estate in his hands.

If such summons be returned executed, and the person so summoned does not appear, judgment shall be entered against him for the sum due for such taxes and levies and for the fees of the clerk, mayor, councilman, or justice and of the officer who executed the summons.

If the person so summoned appear, he shall be interrogated on oath, and such evidence may be heard as may be adduced, and such judgment shall be rendered as, upon the whole case, shall seem proper. (1918, c. 161)

§ 51. The treasurer or other officer whose duty it is to collect town taxes and levies after ascertaining which of the taxes and levies assessed in the town cannot be collected, shall not later than the fifteenth day of June in each year, make out lists of such as cannot be collected upon forms similar to those prescribed for county treasurers, with the names of the persons chargeable with such town taxes and levies placed thereon alphabetically; and such lists shall be of four classes.

First: A list of property on the commissioner's land book improperly placed thereon or not ascertainable, with the amount of the municipal levies charged thereon.

Second: A list of other real estate which is delinquent for the nonpayment of the municipal levies thereon.

Third: A list of such municipal levies assessed other than on real estate as he is unable to collect, including the capitation levies included in list number four below.

Fourth: A list of such capitation taxes or levies as he is unable to collect.

At the foot of each list subscribe the following oath:

"I, ..., of the town of Pocahontas, in Tazewell county, who is charged with the duty of collecting the taxes and levies of said town, do swear that the foregoing list is, I verily believe, correct and just; that I have received no part of the town levies mentioned in the said list; and that I have used due diligence to find property within my town liable to distress for the said levies, but have found none." (1918, c. 161)

§ 52. Each of the said lists shall be presented to and examined by the town council together with the tax or levy tickets corresponding thereto; and if the said council be satisfied of the correctness of the list, and that the taxes or levies are correctly extended, or having corrected them, if erroneous, it shall credit the treasurer or other officer charged with the collection thereof with the amount thereof; and thereafter the treasurer or other such officer shall be under no liability for failure to collect the same, and such delinquent tax or levy tickets shall be delivered to the town sergeant for collection. (1918, c. 161)

§ 53. The original of the lists whereof credit may be allowed, the said recorder of the town shall transmit to the auditor of public accounts a copy of the list of real estate appearing thereby to be delinquent, showing the amount of delinquency of each lot, or levies appearing thereby to be delinquent.

The said recorder of the town shall at the same time he certified said lists to the auditor of public accounts, make two other copies of the same, one of which he shall deliver to the clerk of the circuit court of Tazewell county to be delivered by him to the treasurer of Tazewell county as hereinafter

provided, and the other of which he shall deliver to the clerk of the court of Tazewell county to be recorded by him as hereinafter provided. (1918, c. 161)

§ 54. When the clerk of the circuit court of Tazewell county delivers to the treasurer of said county a list of real estate delinquent for the nonpayment of State taxes and county levies, he shall also deliver to said treasurer the said copy of real estate delinquent for the nonpayment of municipal levies of the town of Pocahontas. Upon receipt of which lists the county treasurer shall proceed to post and distribute copies of such list and advertise for sale, the real estate so delinquent as is provided by the laws of this State in the case of real estate delinquent for the nonpayment of State taxes and county levies and capitation taxes. (1918, c. 161)

§ 55. After such lists of such delinquent municipal levies and capitation taxes are delivered to the treasurer of Tazewell county, he shall have the authority to receive payment thereof, and for all collections thereof he shall receive a commission of ten per centum, and unless the amount for which said lands so delinquent and such municipal capitation taxes together with the interest, costs and charges shall have been previously paid to such treasurer, he shall proceed to sell such real estate so delinquent at the same time and place, and in the same manner as the real estate delinquent for the nonpayment of State taxes and county levies. (1918, c. 161)

§ 56. The sale of the treasurer of Tazewell county of lots of the land in the town of Pocahontas shall be of each lot separately, or such undivided interests therein as shall be sufficient to satisfy the State taxes, county levies and municipal levies thereon, with interest, costs and charges, as provided by law, and its proportion of expense. (1918, c. 161)

§ 57. All proceedings in anywise connected with the sale of the land in the town of Pocahontas, for the nonpayment of municipal levies thereon, the duties of the treasurer of Tazewell county with reference to such sale, reports of such sales, confirmation of such sales, rights of purchasers at such sales, rights of redemption of land so sold, duties of the clerk of the circuit court of Tazewell county as to such sales, the making of deeds to purchasers at such sales, and all such matters, shall be the same as are provided by the law of this State as to sales of land delinquent for the nonpayment of State taxes. (1918, c. 161)

§ 58. It shall be the duty of the clerk of the circuit court of Tazewell county to lay a copy of the treasurer's report of such sales before the council of the town of Pocahontas at the next meeting thereof after the clerk has certified such report to the auditor of public accounts, and the town council shall charge the said treasurer with whatever is due on account of said sale for municipal levies less a commission of ten per centum, and his sureties on his official bond shall be liable therefor. (1918, c. 161)

§ 59. When any real estate is offered for sale for the nonpayment of State taxes, county levies or municipal levies of the town of Pocahontas, as provided in this act, and the laws of the State, and no person bids the amount chargeable thereon, the treasurer shall purchase the same in the name of the

auditor of public accounts for the benefit of the State and county or the town, respectively, unless such real estate has been previously purchased in the name of the auditor, in which case it shall be sold for such price as it will bring.

A list of real estate so purchased in by the treasurer, showing in whose name sold, the amount of taxes, county levies, municipal levies, costs and charges, certified by his oath, shall be returned by him to the circuit court of Tazewell county at the time he returns his report of sales of delinquent lands as is provided by law. If the court finds said list to be correct, or having corrected the same, where there are errors, it shall confirm the same and direct its clerk to transmit a copy thereof to the town council of Pocahontas at their next meeting. On receipt of said copy, the town council of the town of Pocahontas shall credit the treasurer with the amount of town levies chargeable on such real estate so purchased in the name of the auditor. (1918, c. 161)

§ 60. When any real estate in the town of Pocahontas is sold for less than the aggregate amount of taxes, county levies, and municipal levies thereon, what may remain after the Commonwealth's lien for its taxes and interest is satisfied, shall go ratably to the county and town of Pocahontas. (1918, c. 161)

§ 61. Where town levies of the town of Pocahontas are paid to the auditor of public accounts in redemption of any delinquent real estate in said town, he shall immediately thereafter, account for and pay over the same to the treasurer of the town. (1918, c. 161)

§ 62. The clerk of Tazewell county shall pay over to the treasurer of the town all levies of the town of Pocahontas received by him under the provisions of this act and the general laws of this State within ten days after collecting the same, and take and file receipts therefor in his office. (1918, c. 161)

Editor's note: Chapter 161 of the Acts of Assembly of 1918 does not contain sections numbered 63 through 66.

§ 67. So soon as the clerk of the circuit court of Tazewell county shall receive from the recorder of the town council of Pocahontas, copies of the lists of the real estate within the town of Pocahontas delinquent for the nonpayment of town levies thereon and of persons delinquent for the nonpayment of taxes he shall record and index the same in a book to be kept for such purpose, without waiting for a sale to be had thereof. Such book shall be furnished by the town of Pocahontas and shall conform as near as may be to the book in which real estate delinquent for the nonpayment of State taxes and county levies and State capitation taxes. For recording such lists and indexing the same, the said clerk shall be entitled to a fee of five cents per name, to be paid by the town of Pocahontas. (1918, c. 161)

§ 68. In addition to the bond herein required of the sergeant and the recorder, the council may require any other officer of said town to enter into a bond for the faithful performance of his duties as such officer in such penalty as they may prescribe. (1918, c. 161)

§ 69. Each councilman of the town of Pocahontas for his services, shall receive a salary of twenty-five dollars per annum. (1918, c. 161)

§ 70. All ordinances now enforced in the town of Pocahontas not inconsistent with this act shall be and remain in force until amended or repealed by the town council.

The present mayor and councilmen of the town shall be and remain in office until the expiration of their several terms, and the present officers of the town elected by said council, shall remain in office until the expiration of their several terms unless sooner removed by the council. (1918, c. 161)

Editor's note: Chapter 161 of the Acts of Assembly of 1918 does not contain a section numbered 71.

§ 72. All acts and parts of acts in conflict with this act are hereby repealed insofar as they affect the provisions of this act and all former acts chartering or amending the charter of the town of Pocahontas are hereby repealed.

An emergency caused by reason of a change in the revenue as provided for in this act for the fiscal year beginning February first of this year, this act shall be enforced from its passage. (1918, c. 161)

Poquoson, City of

History of incorporation
Incorporated as a town by a 1952 Act of Assembly.
Became a City of Second Class by court order, 1975.
Charter, 1952, c. 238; repealed 1976, c. 634.

Current charter
Charter, 1976, c. 634.

Amendments to current charter
1977, c. 44 (Art. III, § 10 [added]; Art. V, § 9; Art. V, § 13 [added]; Art. VII, § 3)
1978, c. 5 (Art. V, § 13)
1981, c. 477 (Art. III, § 5; Art. III, § 11 [added]; Art. VII, § 4 [added])
1989, c. 96 (Art. IV, § 1; Art. IV, § 11; Art. V, § 10)
1996, c. 210 (Art. IV, § 1)
1997, c. 659 (Art. IV, § 1)
2002, cc. 117, 120 (Art. III, § 6; Art. III, § 7)
2003, cc. 84, 88 (Art. IV, § 12).

Article I. City Corporate and City Limits.

§ 1. Body politic and corporate; corporate boundaries.
The inhabitants of the territory comprised within the limits of the city of Poquoson, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute

and continue a body, politic and corporate, to be known and designated as the city of Poquoson. (1976, c. 634)

§ 2. Corporate boundaries.

The boundaries of the city shall be as shown on that certain plat entitled "PLAT SHOWING THE AREA AND BOUNDARIES OF THE PROPOSED TOWN OF POQUOSON IN POQUOSON MAGISTERIAL DISTRICT, YORK COUNTY, VIRGINIA," made December, 1951, by J. B. Sinclair, Jr., Civil Engineer, which plat is recorded in the Clerk's Office of the Circuit Court of York County in Plat Book 5 at page 25, and as established by the town of Poquoson, Charter of 1952. (1976, c. 634)

Article II. Powers of the City.

§ 1. General grant.

The city shall have all powers which are now or thereafter may be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth of Virginia, and of the Constitution of the United States of America, as fully and completely as though such powers were specifically enumerated herein; no enumeration of particular power by this charter shall be held to be exclusive; it shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on cities as municipal corporations, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1976, c. 634)

§ 2. Specific grant.

The powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia, as now exist and hereafter amended, are hereby conferred on and vested in the city of Poquoson. (1976, c. 634)

Article III. Administration and Government.

§ 1. Vesting of administration and government.

The administration and government of the city of Poquoson shall be vested in a city council and such administrative officers as may herein be provided. (1976, c. 634)

§ 2. Composition of council of city into precincts; representation of precincts upon council; representatives at large.

The city council shall consist of seven members. For the purpose of electing the city council, the city of Poquoson shall be divided into three precincts to be called the Eastern Precinct; the Central Precinct; and the Western Precinct. The dividing line between such precincts may be established, located, relocated or altered by ordinance of the city council. Each such precinct shall be entitled to two rep-

resentatives on the city council. One representative shall be elected at large and the representative at large shall be the city mayor. (1976, c. 634)

§ 3. Who may become candidates for city council.

Any citizen who is a qualified voter and a bona fide resident of the city of Poquoson may become a candidate for the city council from the precinct in which he votes and resides and any citizen who is a qualified voter and a bona fide resident of the city of Poquoson, may become a candidate at large for the city council irrespective of which precinct in which he may vote and reside. (1976, c. 634)

§ 4. Voting for candidates for council; who deemed elected mayor and city councilmen.

All candidates for the city council shall be voted on by all precincts. The candidate at large receiving the highest number of votes shall be mayor of the city. The two candidates from each of the precincts receiving the highest number of votes from the city at large shall be declared elected as city councilmen. (1976, c. 634)

§ 5. Nomination of candidates for city council.

Candidates for the city council and candidates at large (mayor) shall be nominated as provided by general law, provided that the petition prescribed in § 24.1-168 of the Code of Virginia shall be signed by 125 registered voters from the city of Poquoson at large, regardless of whether such candidate is a candidate for city council or candidate at large (mayor); candidates shall file notice with the proper officials under the general election laws of the Commonwealth as they may be amended from time to time with respect to general elections, and the candidates' names shall be placed on a separate ballot to be voted upon at the municipal election to be held on the first Tuesday in May commencing with the calendar year 1976 and each election year thereafter for city council. Pursuant to Chapter 22, Transition of Town to Cities, § 15.1-990, Code of Virginia, 1950, as amended, the first general election of city officers shall be held on the first Tuesday in May, 1976; a mayor and council shall be elected for the city, whose term of office shall begin on the first day of September, 1976 and shall continue, that of the mayor for four years, that of one-half of the council for two years and the other half of the council for four years. All subsequent terms of office shall commence in compliance with applicable law. (1976, c. 634; 1981, c. 477)

§ 6. When mayor elected; term of mayor.

The city councilman at large (mayor) shall be elected at the municipal election on the first Tuesday in May, 1976. His term of office shall commence on the first day of September, 1976, and he or his successor shall hold office until June 30, 1980. Commencing with the calendar year 1980, the city councilman at large (mayor) shall be elected at the municipal election on the first Tuesday in May, 1980. His term of office shall commence on the first day of July, 1980, and he or his successor shall be elected each four years thereafter. Commencing with the calendar year 2004, the city councilman at large (mayor) shall be elected at the municipal election held at the time of the November general election.

His term of office shall commence on the first day of January 2005, and he or his successor shall be elected each four years thereafter. (1976, c. 634; 2002, cc. 117, 120)

§ 7. Election and term of councilmen from precincts.

The councilmen for the city council from each of the three precincts shall be elected at the municipal election on the first Tuesday in May, 1976. The two candidates from each precinct receiving the highest vote from the city at large shall be declared elected as city councilmen from their respective precincts. The candidate from each precinct receiving the highest number of votes shall take office the first day of September, 1976 and hold office until June 30, 1980. The candidate from each precinct receiving the second highest number of votes shall take office the first day of September, 1976 and hold office until June 30, 1978. However, the part of this section which relates to the term of office shall apply only to the municipal election of 1976, and thereafter, candidates for reelection or their successors shall serve for a term of four years, and the candidate from each precinct receiving the highest number of votes from the city at large shall be declared elected as city councilman from his respective precinct. Commencing with the calendar year 2002, the municipal election shall be held at the time of the November general election. The term of office for the councilmen shall commence on the first day of January following the municipal election. (1976, c. 634; 2002, cc. 117, 120)

§ 8. Filling vacancies in office of councilmen.

Vacancies in the office of councilmen from whatever cause arising, shall be filled until the next ensuing general election for councilmen by a majority vote of the remaining members of the council for such unexpired term, or if the council shall fail to act in sixty days of the occurrence of the vacancy, the appointment shall be made by the Circuit Court of York County or the judge thereof. (1976, c. 634)

§ 9. Validation of acts of council performed after June 1, 1975.

All acts performed by the council of the city of Poquoson or any of its duly qualified officers or officials subsequent to midnight of June 1, 1975, are hereby confirmed and validated. (1976, c. 634)

§ 10. Change of form of government.

There shall be no change in the form of government of the city of Poquoson, Virginia, as provided for in Chapter 19 of Title 15.1, of the Code of Virginia, as now exists and hereafter amended, without submission to the qualified voters of the city for approval or rejection by a majority vote of the qualified voters voting in an election on the question of such change of form of government. (1977, c. 44)

§11. Transfer of residence by councilman from precinct within which he resides.

In the event a councilman, who has been elected from the precinct in which he votes and resides, moves his residence to another precinct within the city of Poquoson, such councilman shall continue to serve in office as councilman until his term expires. In the event a councilman moves his residence from the city of Poquoson, his office shall become vacant. (1981, c. 477)

Article IV. Powers of the Council.

§ 1. Generally.

All powers of the city and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this charter, the council shall:

A. Appoint the city manager, the city clerk, and the city attorney.

B. Adopt a city budget.

C. Inquire into the conduct of any office, department, or agency of the city and make investigations as to municipal affairs.

D. Appoint the trustees of the city school division and fill any vacancies thereon.

E. Appoint the members of the Planning Commission, the Board of Zoning Appeals, and the Recreation Commission, and fill any vacancies thereon.

F. Provide, if it so desires, for the creation of a housing authority.

G. Adopt and modify the official map of the city.

H. Pass all ordinances relating to its municipal affairs, subject to the Constitution and general laws of the Commonwealth and of this charter and may from time to time amend, reamend, or repeal any or all of its ordinances for the proper regulation, management, and government of the city and impose fines and penalties for the violation or nonobservance thereof.

I. Compel the attendance of its members and expel its members for improper behavior and by vote of four-sevenths of the whole council, expel a member.

J. Fix salaries and wages of all officers and employees of the city, unless otherwise provided by this charter or by the general laws of the Commonwealth.

K. Require and secure such bonds for any of the city employees as it may deem necessary.

L. Keep a journal of its proceedings, which shall be open to public inspection.

M. Appoint a Board of Architectural Review and designate Architectural Control Districts within commercial, industrial or research/development zoning districts in order to protect and promote the general welfare and to prevent deterioration of the appearance of the city which would tend to create hazards to public health, safety and morals and destroy economic opportunity for the development of business and industry within the city. Such Architectural Control Districts may also be created to include any lot, parcel or area of land which is used for other than single family, detached residences or which is the subject of an application for a use permit or building permit involving any such other use, without regard to its zoning classification. No structure shall be erected, reconstructed, altered or restored within such Architectural Control Districts until approved by the Board of Architectural Review.

The Board of Architectural Review shall consist of five members appointed by majority vote of the city council for terms not to exceed three years. At least one member of the board shall be an architect registered in Virginia, and at least one shall be a member of the Virginia State Bar. All members of the board shall be residents of the city of Poquoson except one architect member who may or may not be a resident of the city of Poquoson. In the event that the one architect member is not a resident of the city of Poquoson, that appointment shall be for a period of one year. The city council shall prepare and publish appropriate standards, rules, regulations and procedures for the operation of the board and to carry out the purposes and objectives herein set forth; however, the city council shall not adopt as part of any such standards a specific architectural style; it shall provide for appeals to the city council from any final decision of the board, which appeal shall stay the board's decision pending the outcome of the appeal before the city council. The city council, on appeal, shall apply the same standards as those established for the board and may affirm, reverse, or modify the decision of the board, in whole or in part. Parties aggrieved by the decision of the city council shall have the right to appeal to the Circuit Court for York County and the City of Poquoson for review by filing a petition within thirty days after the final decision is rendered by the city council. The filing of the said petition shall stay the city council's decision pending the outcome of the appeal to the court. The court may reverse or modify the decision of the city council, in whole or in part, if it finds upon review that the decision of the city council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion.

The purpose of the Board of Architectural Review shall be to assure that all buildings, structures and landscaping erected in the designated Architectural Control Districts conform to accepted architectural standards for permanent buildings, as contrasted with engineering standards designed to satisfy safety requirements only, and exhibit external characteristics as to material, texture, color, lighting, dimensions, line and mass of demonstrated architectural and aesthetic durability; and to prevent the erection in such district of buildings the external characteristics of which are designed to serve as advertisements or commercial displays or buildings which in terms of human sensibilities or otherwise constitute a reasonably foreseeable detriment to the community.

N. Request, by a resolution duly adopted by an affirmative vote of five members of city council, that the Circuit Court for York County and the City of Poquoson order a referendum election to be held on any question or group of questions as may be stated in the resolution. Such resolution shall state whether the results of the referendum shall be final and binding on the council or be for advisory purposes only. The referendum election shall be conducted and the results ascertained in accordance with general law, but there shall be no right of appeal from or recount of the results of an advisory referendum. (1976, c. 634; 1989, c. 96; 1996, c. 210; 1997, c. 659)

§ 2. Provisions particularly applicable to the mayor.

The mayor of the city shall be the member nominated and elected at large. He shall preside over the meetings of the council, have the right to speak therein as other members and shall have a vote but not a veto. (1976, c. 634)

§ 3. Election and duties of vice-mayor.

The council shall elect by majority vote a vice-mayor from one of its members and the vice-mayor shall in the absence or disability of the mayor perform all of the duties of that office. (1976, c. 634)

§ 4. Compensation of council members.

The salaries of the mayor and councilmen shall be as established by ordinance from time to time. (1976, c. 634)

§ 5. Rules of procedure.

The council is empowered, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council, which shall not be less frequently than one each month. They shall also provide for the calling of special meetings by the mayor, or any four members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council. A majority of the council shall constitute a quorum for the transaction of business. (1976, c. 634)

§ 6. Ordinances and regulations; how council to act; title and subject.

Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. (1976, c. 634)

§ 7. Same; enacting clause, reading and amendment of ordinances; taking, etc., ayes and nays; vote required for passage.

The enacting clause of all ordinances passed by the council shall be "Be it ordained by the council of the city of Poquoson". No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings or one regular and one special meeting, or two special meetings, not less than seven days apart in any case, unless the requirement of such reading has been dispensed with by the affirmative vote of five of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section number only, but a new ordinance shall contain the entire ordinance, or section as reused or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the

council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the members. This amendment shall be effective September 1, 1976. (1976, c. 634)

§ 8. Same; effective date; emergency measures.

All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by the affirmative vote of four-sevenths of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be passed as an emergency measure. This amendment shall be effective September 1, 1976. (1976, c. 634)

§ 9. Same; recordation and authentication.

Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the city clerk. (1976, c. 634)

§ 10. Duty of members to vote.

Every member, when present, when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. (1976, c. 634)

§ 11. When certain officers appointed; provisions particularly applicable to city manager.

At the first meeting in July, following each councilmanic election, or as soon thereafter as practicable the council shall appoint the officers provided for in this section and §§ 12 and 13. The council shall appoint a city manager, who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the city or the Commonwealth but during his tenure of office shall reside within the city. He shall be appointed for an indefinite period and shall hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He may be bonded as the council may deem necessary. During the absence or disability of the city manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the city manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof

shall give orders to any subordinate of the city manager, either publicly or privately. The city manager shall have the authority and it shall be his duty:

A. To see that all ordinances and resolutions of the council are faithfully enforced and to that end shall have the authority to delegate to a named employee or official of the city, the authority to sue for, enjoin, restrain, prosecute or take any other such lawful action as may be necessary to see that the ordinances and resolutions of the council are enforced.

B. To appoint such officers and employees as are necessary for the proper administration of the city with the power to promote, remove or discipline employees as indicated by a personnel policy approved by council, but he shall introduce each appointee having supervisory or administrative authority to the council at the next council meeting following any such appointment.

C. To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

D. To recommend to the council for adoption such measures as he may deem necessary or expedient.

E. To make reports to the council from time to time upon the affairs of the city and to keep the council fully advised of the city's financial condition and its future financial condition and its future financial needs.

F. To prepare and submit to the council a tentative budget for the next fiscal year as provided by general law and by this charter.

G. To make all contracts on behalf of the city pursuant to a resolution or an ordinance of the council and to supervise the purchasing activities of the city.

H. To supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded. (1976, c. 634; 1989, c. 96)

§ 12. Provisions particularly applicable to city clerk.

The council shall appoint a city clerk, who may also be the city manager for an indefinite term. The city clerk shall receive compensation as provided by the council. The city clerk, with the consent of the council, may appoint one deputy and such number of assistants as may be provided for by ordinance. The city clerk shall be the clerk of the council, shall keep a record of its proceedings, and either the city clerk or deputy city clerk shall attend all meetings thereof. The city clerk shall have the following duties:

A. To be the custodian of the corporate seal.

B. To give notice of council meetings.

C. To keep a journal of council proceedings.

D. To authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions.

E. To prepare all statements for monies owed the city for supplies or services rendered.

F. To administer the oath of office to the mayor, councilmen, other officers appointed or elected to positions in the city and to those employees who are required by law to take the oath upon assumption of duties.

G. To perform such other duties as may be prescribed or requested by the council. (1976, c. 634; 2003, cc. 84, 88)

§ 13. Provisions particularly applicable to city attorney.

The council may appoint an attorney for the city for an indefinite term, who shall be an attorney-at-law licensed to practice law in Virginia. He shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. He shall have the following powers and duties:

A. To be the legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city, including the school board, in all matters affecting the interests of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties.

B. To prepare, at the request of the city manager or any member of the council ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof.

C. To draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest.

D. To represent the city as counsel in any civil case in which it is interested and in any criminal case when so requested by the city council. (1976, c. 634)

Article V. Financial Administration.

§ 1. Fiscal year.

The fiscal year of the city shall begin on the first day of July and end on the thirtieth day of June of the succeeding year. (1976, c. 634)

§ 2. Submission of budgets.

Between the first and thirtieth day of April, the city manager shall submit to the council separate current expense budgets for the general operation of the city government, hereinafter referred to as the general fund budget, and for each utility operated by the city and capital budget. (1976, c. 634)

§ 3. Contents of budgets.

The general fund and/or utility budgets shall contain:

A. An itemized statement of the appropriations recommended with comparative statements in parallel columns showing appropriations made for the current and next preceding year.

B. An itemized statement of the taxes and/or utility service charges required and of the estimated revenues of the city and/or utilities from all other sources for the ensuing year, with comparative statements in parallel columns of the taxes and other sources of revenue for the current and next preceding year and of the increases or decreases estimated or proposed.

C. A statement of the financial condition of the city and/or utilities.

D. A budget message relative to the condition, reasons, etc., connected with the estimates for the ensuing year together with a work program showing the undertakings to be begun and those to be completed during the next year.

E. Such other information as may be requested by council. (1976, c. 634)

§ 4. Introduction, etc., of appropriation ordinances.

At the same time as in § 2 of this article that the city manager shall submit a general fund and/or utility budget he shall introduce appropriation ordinances listing the appropriation for each department, utility, branch, board or commission which ordinances shall also fix the tax rate on real and personal property; on bank stock for the ensuing fiscal year; and service charges on utilities. Said budgets shall act as the supporting schedules for the appropriation ordinances. (1976, c. 634)

§ 5. Hearing on budget plan.

A public hearing on the budget plan as a whole shall be held by the council within thirty days after its submission to the council but not until a resume of the proposed budgets and notice of such hearing shall have been published at least one time in a newspaper of general circulation within the city at least ten days prior to such hearing. After the conclusion of the public hearing the council may insert new items of expenditure or may increase, decrease, or strike out any item of expenditure in the budgets except that for debt service. (1976, c. 634)

§ 6. Approval of budgets and adoption of appropriation ordinances.

Within forty days, but in no event later than the thirty-first day of May, the council shall approve, upon the affirmative vote of a majority of the membership of the council, a general fund and/or utility budget and adopt appropriation ordinances. If for any reason the council fails to approve the budgets on or before such date, then the budgets as submitted by the city manager shall be the budgets for the ensuing year and the appropriation ordinances recommended by the city manager shall have the same force and effect as if the same had been adopted by the council. (1976, c. 634)

§ 7. Additional appropriations.

The council may, after referring to the city manager for a recommendation, make additional appropriations during the fiscal year upon the affirmative vote of five-sevenths of the membership of the council. This amendment shall be effective September 1, 1976. (1976, c. 634)

§ 8. Lapse of unexpended and unencumbered appropriations.

Any portion of an annual appropriation, except for capital expenditures, remaining unexpended and unencumbered at the close of the fiscal year, shall lapse. (1976, c. 634)

§ 9. Capital budget.

The capital budget shall contain a program previously acted upon by the City Planning Commission for proposed capital improvement projects for the ensuing fiscal year and for the four fiscal years thereafter with the city manager's recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year but, except in the case of emergency as provided in Article IV of this charter, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation for such project is included in the capital budget as adopted by it. The council shall take final action on the capital budget not later than the twenty-eighth day after the date prescribed for the adoption of the general fund budget. No appropriation for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned after three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and the next capital budget. Nothing herein contained shall be construed to limit the power of the city council to originate or initiate capital improvements. (1976, c. 634; 1977, c. 44)

§ 10. Bids and purchases.

The city council may, consistent with general law, adopt purchasing and financial manuals and establish other regulations and policies governing the manner in which the city administration may acquire goods and services. (1976, c. 634; 1989, c. 96)

§ 11. Independent audits.

Prior to the end of each fiscal year the council shall designate qualified public accountants or the auditor of public accounts of the Commonwealth of Virginia, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the city government and shall mail a copy of their report to each member of the city council, city attorney and to the city manager. The auditors shall postaudit the books and documents kept by the treasurer and any separate or subordinate accounts kept by any other office, department or agency of the city government. (1976, c. 634)

§ 12. Liens on real estate for taxes, etc.; procedure for collection of taxes on real estate; additional remedies for collection of taxes; distraint, etc., of goods and chattels for taxes and licenses.

A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the city, together with all penalties, not to exceed ten per centum and interest not to exceed eight per centum per annum, due thereon from the commencement of the year for which the same were assessed and the procedure for collecting said taxes, for selling real estate for city taxes and for the redemption of real estate sold for city taxes shall be the same as provided in the general law for the Commonwealth to the same extent as if the provisions of said general law were herein set out at length. The city and its treasurer shall have the benefit of all other and additional remedies for the collection of city taxes which are now or hereafter may be granted or permitted under the general law. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession. (1976, c. 634)

§ 13. Limitation on the issuance of bonds or other interest-bearing obligations.

There shall not be issued any bonds or other interest-bearing obligations by the city of Poquoson, Virginia, which exceed for any one issuance, one and one-half per centum of the assessed valuation of the real estate in the city subject to taxation, as shown by the last preceding assessment for taxes, without submission to the qualified voters of the city for approval or rejection by a majority vote of the qualified voters voting in an election on the question of contracting such debt. Such approval shall be a prerequisite to contracting such debt.

Certificates of indebtedness, revenue bonds, or other obligations issued in anticipation of the collection of the revenues of such city for the then current year, provided that such certificates, bonds, or other obligations mature within one year from the date of their issue, are exempt from the aforesaid limitation or requirement for submission to the qualified voters of the city. (1977, c. 44; 1978, c. 5)

Article VI. Schools.

§ 1. Creation of separate division.

The territory embraced within the corporate limits of the city of Poquoson as hereinabove described or as may be extended or contracted in the future, shall constitute a separate division for school purposes and government. Such division shall be known as the First Corporate School, Division, city of Poquoson, Virginia, and shall be a separate and distinct unit within itself, insofar as the Constitution of Virginia permits. (1976, c. 634)

§ 2. Appointment of trustees; compensation.

The school division shall have a board of seven trustees, to be appointed by the city council from the residents and qualified voters of the city. If an appointee or a member shall cease to be a resident of

the city, his office shall be deemed vacant. The council shall appoint two trustees from each voting precinct and one trustee at large from the city. No later than the last day of June of 1976 the council shall appoint two additional trustees. Trustees shall serve for a term of three years and no school trustee may succeed himself for more than two terms commencing with the appointments made the last day of June, 1976. Vacancies for whatever cause existing shall be filled by the council for the unexpired portion of the term. The trustees shall be entitled to receive such compensation as shall be fixed by council. (1976, c. 634)

§ 3. Persons disqualified to serve.

No trustee can be a member of the city council. (1976, c. 634)

Article VII. Administration of Justice.

§ 1. Jurisdiction in criminal matters involving a violation of any ordinance or resolution of the city of Poquoson, Virginia, which violation occurs within the corporate limits of this city, is vested in the York County General District Court, York County Juvenile and Domestic Relations District Court and the Circuit Court for the County of York, Virginia, pursuant to the applicable provisions of the Code of Virginia, 1950, as amended. (1976, c. 634)

§ 2. Jurisdiction in civil matters arising within the corporate limits of the city of Poquoson, Virginia, is vested in the York County General District Court and the Circuit Court for the County of York, Virginia, pursuant to the applicable provision of the Code of Virginia, 1950, as amended. (1976, c. 634)

§ 3. All fines and costs collected for violations of all ordinances of the city shall be paid to the city treasurer for the use and benefit of the city. In the event anything in this charter conflicts with the applicable provisions of the Code of Virginia, 1950, as amended, relating to jurisdiction, the establishment, and procedures of the York County Circuit Court and General District Courts for York County, Virginia, the applicable provisions of the Code of Virginia, 1950, as now exist and hereafter amended, shall govern. (1976, c. 634; 1977, c. 44)

§ 4. Enforcement.

In addition to, but not in limitation of, all other remedies under law, and to the extent permitted by general law, any violation or attempted violation of the ordinances of the city of Poquoson, or of any regulation adopted thereunder, may be restrained, corrected or abated, as the case may be, by injunctive or other appropriate proceeding. (1981, c. 477)

Article VIII. General Provisions.

§ 1. Officers to hold over until successors appointed and qualified.

Whenever under the provisions of this chapter any officer of the city or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer or member shall continue to hold office until his successor is appointed and qualified. (1976, c. 634)

§ 2. Continuation in effect of city ordinances, etc.

All ordinances of the city of Poquoson, and all rules, regulations and orders legally made by any duly constituted authority empowered to pass such ordinances, and make such rules and regulations, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1976, c. 634)

§ 3. Application of general law to city and city officers.

The city of Poquoson and all the officers thereof elected or appointed in accordance with the provisions of this charter shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this charter. (1976, c. 634)

§ 4. Citation of charter.

This charter may for all purposes be referred to or cited as the city of Poquoson, Charter of 1976. (1976, c. 634)

§ 5. Severability clause.

If any clause, sentence, paragraph, section or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered. (1976, c. 634).

Port Royal, Town of

County of Caroline

History of incorporation

Charter, 1861, c. 100; repealed 1997, c. 591.

Current charter

Charter, 1997, c. 591.

Amendments to current charter

2017, c. 378 (§§ 3.1, 3.2, 3.3)
2022, c. 338 (§§ 3.1, 3.5, 4.2)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Port Royal, as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Port Royal ("the Town"), and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure. (1997, c. 591)

§ 1.2. Boundaries.

The boundaries of the Town until altered, are those established in Chapter 100 of the Acts of Assembly of 1861, as amended in Chapter 29 of the Acts of Assembly of 1875, and as recorded in the Caroline County Circuit Court Clerk's office. (1997, c. 591)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the Town shall have, exercise and enjoy all rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the Town as a municipal corporation. (1997, c. 591)

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of this Charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.1-837 through 15.1-907, including subsequent amendments thereof. (1997, c. 591)

Chapter 3. Governing Body.

§ 3.1. Council.

A. The Town shall be governed by a council composed of five members elected at large.

B. The members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. In 2018 and every two years thereafter, on the dates specified by general law for November elections, all members of the council shall be elected for terms of two years each. The persons so elected shall qualify and take office on January 1 following their election, and they shall continue to serve until their successors are duly elected, qualify and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman. (1997, c. 591; 2017, c. 378; 2022, c. 338)

§ 3.2. Mayor.

At its first meeting in January of every odd-numbered year, the council, by majority vote, shall select from its membership one member to serve as mayor. The mayor shall preside at meetings of the council and shall be recognized as head of the Town government for ceremonial purposes and by the governor for the purposes of military law. He shall have the same powers and duties as other members of the council with a vote, but no veto powers. (1997, c. 591; 2017, c. 378)

§ 3.3. Vice mayor.

At its first meeting in January of every odd-numbered year, the council, by majority vote, shall select from its membership one member to serve as vice mayor. The vice mayor shall preside over meetings of the council in the absence of the mayor. (1997, c. 591; 2017, c. 378)

§ 3.4. Vacancies.

Vacancies on the council and in the office of mayor and vice mayor shall be filled by a majority vote of the members of council until the vacancy is filled in accordance with the provisions of Title 24.2 of the Code of Virginia. (1997, c. 591)

§ 3.5. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month; however, the council may, by majority vote, dispense with any two such regular meetings. Except as herein provided, the council shall follow the latest edition of Robert's Rules of Order for rules of procedure necessary for the orderly conduct of its business except where it is inconsistent with the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor or any three members of the council, provided that the members of council are given reasonable notice of such meetings. No business shall be transacted at the special meeting except that for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived. (1997, c. 591; 2022, c. 338)

§ 3.6. Compensation.

Compensation for the mayor and council members shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and the council members shall not be effective until July 1 following the local election after the council approves such increases. (1997, c. 591)

Chapter 4. Miscellaneous.

§ 4.1. Ordinances continuing.

All ordinances now in force in the Town not inconsistent with this charter shall remain in force until altered, amended, or repealed by the council. (1997, c. 591)

§ 4.2. Legislative procedure, etc.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, each ordinance or resolution shall be confined to one general subject. Three members of council shall constitute a quorum. (1997, c. 591; 2022, c. 338)

§ 4.3. Town officers.

A. At its organizational meeting held following the qualifications of the members of council, the council may, in its discretion, appoint a town manager who shall serve as the chief administrative officer of the Town.

B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. The council shall further provide the terms of each officer or, if there are no terms, shall indicate that the officers serve at the pleasure of the appointing authority.

C. Each officer shall have such duties and shall receive such compensation as specified by the appointing authority not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth and this charter.

D. The same person may be appointed to more than one office. (1997, c. 591)

§ 4.4. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (1997, c. 591)

Portsmouth, City of

History of incorporation

Incorporation and charter, 1908, c. 157; repealed 1970, c. 471.
Charter, 1970, c. 471; repealed 2011, c. 640.

Current charter

Charter, 2011, c. 640.

Amendments to current charter

2012, cc. 198, 444 (§§ 3.16 [added], 7.1.01 [added], 7.1.02 [added], 7.1.03 [added])
2013, cc. 316, 432 (§ 3.02)
2015, cc. 204, 215 (§§ 3.03, 3.04)

Chapter 1. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Portsmouth, as they are or hereafter may be established by law, shall continue to be body politic and corporate and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal, which it may alter at its pleasure. (2011, c. 640)

§ 1.02. Boundaries.

The boundaries of the city shall be as described in Chapter 265, Acts of Assembly, 1858; as codified by Chapter 370, Acts of Assembly, 1894; by an order of the Circuit Court of Norfolk County entered November 21, 1908, in its Common Law Order Book 21, page 467; by an order of the Supreme Court of Appeals confirming an order of the Circuit Court of Norfolk County entered June 26, 1918, which said order of the Supreme Court of Appeals is recorded in the Circuit Court of Norfolk County in Common Law Order Book 27, page 141; by an order of the Circuit Court of the City of Portsmouth entered September 25, 1933, in its Common Law Order Book 4, page 421; by an order of the Supreme Court of Appeals confirming an order of the Circuit Court of Norfolk County entered September 27, 1946, which said order of the Supreme Court of Appeals is recorded in the Circuit Court of Norfolk County in Common Law Order Book 44, page 583; by an order of the Circuit Court of Norfolk County entered August 20, 1959, in its Common Law Order Book 58, page 185; and by an order of the Circuit Court of the City of Chesapeake entered October 2, 1967, in its Common Law Order Book 66, page 357. (2011, c. 640)

Chapter 2. Powers.

§ 2.01. General grant.

The City of Portsmouth shall have and it may exercise all the powers granted to cities by Article VII of the Constitution of Virginia, and Title 15.2 and other applicable titles of the Code of Virginia, as those laws may be amended from time to time. The powers thus granted are those that are explicitly granted and those that are reasonably inferred therefrom. The city shall also have the power to take other official actions not in conflict with the Constitution of Virginia or other laws of Virginia for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of its citizens. (2011, c. 640)

§ 2.02. Eminent domain.

The powers of eminent domain set forth in Title 15.2 and Title 33.1 of the Code of Virginia, 1950, as amended, and all amendments thereto, with necessary changes in points of detail, are hereby conferred on the city.

In any cases in which a petition for condemnation is filed by or on behalf of the city, a true copy of the resolution or ordinance duly adopted by the City Council declaring the necessity for any taking or damaging of any property within or without the city, for the purposes of the city, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the power of eminent domain by the city. (2011, c. 640)

§ 2.03. Sale of real property.

The restrictions imposed by Article VII, Section 9 of the Constitution of Virginia on the sale of real property owned by the city, plus any other restrictions and authorizations imposed or conferred by the Constitution or Code of Virginia, as amended, shall apply to the city. The city may sell or convey any of its property to the Commonwealth of Virginia, any political subdivision thereof, or to the federal government, without advertisement and without receiving bids. (2011, c. 640)

§ 2.04. Waterworks.

The city shall also have the power to contract with any other political subdivision in this state for the use of its own water supply, or the water supply of such other political subdivision, in whole or in part, upon any terms as may be agreed upon. The city may contract for the sale of water, whether within or without the city limits, and collect such rates or charges for the use thereof as it may deem proper, or as may be agreed upon with any other political subdivision under the provisions hereof or any other law of this state.

The city may establish or enlarge its waterworks, within or without the limits of the city, contract and agree with the owners, whether the same be individuals, private corporations, or public service corporations, of any land, water, water rights or easements, for the use or purchase thereof, or may have the same condemned for the location, extension and enlargement of the works, the pipes connected therewith, or any fixtures or appurtenances thereof.

The city shall have the power to make reasonable rules and regulations and to enact ordinances with adequate penalties for protecting its water supply from pollution and for protecting from injury its waterworks, pipes, fixtures, lakes and land or anything connected therewith, and for these purposes to exercise full police powers and sanitary patrol over all of Portsmouth's lands comprised within the watershed tributary. The city shall have the power to prosecute violations of any such rules, regulations, and ordinances and to obtain injunctive relief in the courts of the city, regardless of the place of occurrence of any violation or act. (2011, c. 640)

§ 2.05. Other utilities.

The City Council, in addition to other powers conferred by law, shall have the power:

a. To establish, acquire, enlarge, maintain and operate electric lighting and power plants and systems, gasworks and systems, motor bus and other transportation systems, either within or partly within and partly without, the city limits.

b. To furnish electric current, transportation and gas to consumers for domestic or commercial purposes, and charge and collect compensation therefore.

c. To acquire by purchase, lease, condemnation or otherwise, land, rights-of-way, and easements for the purpose of establishing, extending, maintaining and repairing such plants, systems or works, wires, poles, conduits, motor vehicles, pipes or other fixtures or appurtenances thereto.

d. To acquire by purchase or lease, in whole or in part, the lighting and power plants or systems, gasworks or systems, motor bus or other transportation systems, and other property and appurtenances of any person or corporation operating within the city, or in the territory contiguous thereto. (2011, c. 640)

Chapter 3. City Council.

§ 3.01. Composition.

The City Council of the City of Portsmouth (hereinafter referred to as the City Council or the Council) shall consist of a Mayor and six Council members to be elected by and from the city at large. (2011, c. 640)

§ 3.02. Nomination of candidates.

a. Candidates for the offices of Mayor and members of the City Council under the provisions of this Charter shall be nominated by petition. Any qualified voter of the city may be nominated as provided herein. Subject to the provisions herein, there shall be printed on the ballots to be used in any municipal election for the election of Mayor and City Council members the names of all candidates who have been nominated by petition and no others. A nominating petition shall conform substantially to the following requirements:

(1) Such petition shall state the name and place of residence of each person whose name is presented for a place upon the ballot, and shall request such person or persons to become a candidate or candidates for the office of Mayor or City Council.

(2) Such petition shall be signed by at least one hundred and twenty-five (125) qualified electors of the city and shall contain the residence address of each elector and an affidavit of any other qualified voter who witnessed said signatures.

(3) Each elector signing a petition may subscribe to one nomination for each of the places to be filled at the ensuing election, and no more.

(4) Such petition shall not be signed by any elector prior to January 1 of the year of such election, and such petition shall be filed with the general registrar of the city not later than the time fixed for the closing of the polls on the second Tuesday in June of the year of the election.

b. Any person whose name has been submitted for candidacy by petition as herein provided, shall file his or her acceptance of such candidacy with the general registrar of the city not later than the time fixed for the closing of the polls on the second Tuesday in June of the year of the election, otherwise that name shall not appear on the ballot. The filing of such acceptance shall be deemed equivalent to the filing of notice of candidacy under the general election laws of the State, and no other notice of candidacy need be given by the person filing the same.

c. No person may be a candidate for the office of Mayor and office of City Council member in the same election.

d. Candidates for the offices of Mayor and City Council member shall appoint one campaign treasurer and file the name and address of said campaign treasurer with the Portsmouth Electoral Board not later than the second Tuesday of June of the year of the election. Any candidate who fails to appoint and report the appointment of a treasurer shall be deemed to have appointed him/herself treasurer. All candidates for such offices shall comply with the applicable provisions of Chapter 9 of Title 24.2 of the Code of Virginia. (2011, c. 640; 2013, cc. 316, 432)

§ 3.03. Election of Mayor and City Council members.

a. On the first Tuesday in May in nineteen hundred seventy-four, and on the first Tuesday in May of every fourth year thereafter, there shall be a general election at which time the qualified voters of the city shall elect three City Council members for terms of four years. On the first Tuesday in May nineteen hundred seventy-six, and on the first Tuesday in May of every fourth year thereafter, there shall be a general election at which the qualified voters of the city shall elect a Mayor and three Council members for terms of four years. All terms shall begin on the first day of July next following the date of their election.

However, beginning in 2012, the municipal election shall be held at the time of the November general election with terms to commence on January 1. No term of a Mayor or member of Council elected in 2008 or 2010 shall be shortened in implementing the change to the November election date. The Mayor and members of Council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

b. The candidates at any municipal election for the election of City Council members, equal in number to the places to be filled, who receive the largest number of votes cast at such election shall be declared elected to the office of City Council. The candidate for Mayor who receives the largest number of votes at any municipal election shall be declared elected to the office of Mayor.

c. In the event any member of City Council during his or her tenure of office shall desire to be a candidate for the office of Mayor, he or she shall be eligible to do so without being required to resign his or her office.

d. The City Clerk shall notify all successful candidates of the process to qualify for office immediately after their election has been certified by the proper officials. (2011, c. 640; 2015, cc. 204, 215)

§ 3.04. City Council vacancies.

If, for any reason, there is an insufficient number of certified elected candidates for the office of City Council after any municipal election, or if a City Council vacancy otherwise occurs, such vacancies shall be filled for the unexpired portion of the term by majority vote of the remaining members of the City Council, or, if the Council shall fail to fill a vacancy in its membership within sixty days of the occurrence of the vacancy, by appointment by a majority of the judges of the Circuit Court of the City.

If any person duly elected to the City Council shall fail to take the oath of office prior to the first day of January following such election, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant. If any person appointed to the City Council to fill an unexpired term shall fail to take the oath of office within thirty days of such appointment, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant. (2011, c. 640; 2015, cc. 204, 215)

§ 3.05. Induction of Mayor and City Council members.

The Mayor and each City Council member, before entering upon the duties of office, shall take the oath of office. The oath of office may be administered by the City Clerk, the judge or clerk of any court, or by any other officer authorized by law. (2011, c. 640)

§ 3.06. Election of Mayor and Vice-Mayor.

a. The City Attorney shall preside over such meeting, and any adjournment thereof, until a Mayor and a Vice-Mayor have been elected or are present or City Council has selected one of its members to preside over the meeting.

b. At the first regular meeting in January 2013, and at the first regular meeting in January every second year thereafter, the City Council shall proceed to choose by majority vote of all the members thereof one of their number to be Vice-Mayor for the ensuing two years. Until this business has been completed, the Council shall not adjourn for a period longer than forty-eight hours.

c. The Mayor shall be elected in nineteen hundred seventy-six and every four years thereafter in the manner specified in § 3.03 herein. (2011, c. 640)

§ 3.07. Election of Mayor pro tempore.

When from any cause both the Mayor and the Vice-Mayor are absent from a meeting or are unable to preside, a Mayor pro tempore shall be elected by the City Council to preside during the absence or disability of the Mayor and Vice-Mayor. The City Attorney shall preside over any such meeting until a Mayor pro tempore shall have been elected, which shall be the first order of business at any such meeting. (2011, c. 640)

§ 3.08. Vacancies in the offices of Mayor or Vice-Mayor.

a. Vacancy in the office of Mayor shall be filled for the remainder of the unexpired term thereof in the same manner as prescribed for vacancies in the office of City Council in § 3.04 herein. In the event the Mayor is appointed from the members of the Council and elects to serve as such, he or she shall immediately tender resignation as a member of City Council and the vacancy created thereby shall be filled as provided in § 3.04.

b. Vacancy in the office of the Vice-Mayor, for any reason, shall be filled by majority vote of all the members of the City Council for the unexpired portion of the term. (2011, c. 640)

§ 3.09. Duties of Mayor.

The Mayor shall preside over the meetings of the City Council and shall have the same right to vote and speak therein as other members of City Council.

The Mayor shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law, and the service of civil process. In the absence or disability of the Mayor, the Vice-Mayor shall perform the duties of Mayor. (2011, c. 640)

§ 3.10. City Council prohibited from furnishing city anything requiring payment.

No member of the City Council shall be allowed to furnish any goods or services except services as a member of City Council for which he or she received any consideration in money or otherwise, either directly or indirectly, under penalty of the forfeiture of office. Any person making under oath a charge of this nature before any judge of the Portsmouth Circuit Court shall cause the accused council member to show cause why he or she should not be removed. If such charge is sustained, the judge shall remove the person from office and order the forfeiture of the consideration involved. (2011, c. 640)

§ 3.11. Noninterference in appointments or removals.

Neither the City Council nor any of its members shall direct or request the appointment of any person to or the removal of any person from any office or employment by the City Manager or by any of the Manager's subordinates, or in any way take part in the appointment of or removal of officers and employees of the city except as specifically provided in this Charter. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services of the city solely through the City Manager. Neither the City Council nor any member thereof shall give orders either publicly or privately to any subordinate of the City Manager. Any Council Member violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a class three misdemeanor and upon conviction thereof shall forfeit office as a Council Member. (2011, c. 640)

§ 3.12. Council as continuing body.

The City Council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. Provided, however, that any measure, ordinance or resolution which is not finally

adopted or approved by the City Council within six (6) months of the date of its introduction or presentation to the Council shall not thereafter be considered by such body unless such measure, ordinance or resolution shall again be introduced in or presented as required by law. (2011, c. 640)

§ 3.13. Special meetings.

Special meetings of the City Council may be called by the Mayor or any three (3) members of the Council. Notice of each special meeting shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the City Council. (2011, c. 640)

§ 3.14. Procedures.

No ordinance or resolution appropriating money exceeding the amount of five hundred dollars ($500), imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the governing body. (2011, c. 640)

§ 3.15. Ordinances subject to initiative and referendum.

The provisions of this charter pertaining to the processes of initiative and referendum shall not apply to administrative, appropriation, financial or revenue ordinances. (2011, c. 640)

§ 3.16. Balanced budget required.

No later than June 30 of each year, the City Council shall adopt a budget in which projected revenues and receipts shall be equal to proposed expenditures for the fiscal year that begins on July 1 of the year of adoption. (2012, cc. 198, 444)

Chapter 4. City Clerk.

§ 4.01. City Clerk.

The City Council shall appoint a City Clerk who shall serve at the pleasure of the City Council. The City Clerk shall be chosen solely on the basis of his or her professional qualifications. (2011, c. 640)

§ 4.02. Powers and duties.

The City Clerk shall be the clerk of the City Council, shall keep the journal of its proceedings, to include resolutions, and shall record all ordinances in a book kept for that purpose. The Clerk shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. The Clerk shall have such other powers and duties as are provided by law or imposed from time to time by the City Council. (2011, c. 640)

§ 4.03. Deputy clerks and other employees.

The City Clerk may appoint deputy clerks and other employees for whom there are authorized and funded positions. Such appointees shall serve at the pleasure of the City Clerk. (2011, c. 640)

Chapter 5. City Manager.

§ 5.01. City Manager.

The City Council shall appoint a City Manager who shall be the executive and administrative head of the city government. The City Manager shall be chosen solely on the basis of his or her professional qualifications, and shall serve at the pleasure of the City Council.

In the event of the inability of the Manager to temporarily perform the duties of office by reason of absence or disability, he or she shall designate someone to perform the duties of the office during that period. If the Manager is unable to make the designation, the Council shall do so. A delegation pursuant to this section shall be in writing addressed to members of the City Council and filed with the City Clerk. (2011, c. 640)

§ 5.02. Powers and duties.

The City Manager shall be responsible to the City Council for the efficient and professional administration of all affairs of the city. The Manager shall have power and duty:

a. To see that all laws and ordinances are enforced.

b. Except as otherwise provided in this Charter or by law, to appoint and manage all employees in all departments, offices, and agencies of the city. The Manager may delegate this authority among the Manager's appointees. For all such persons appointed by the Manager, the Manager shall have the power of discipline, subject to applicable law. Assistants and deputies to the Manager and department heads appointed by the Manager shall serve at the pleasure of the Manager.

c. To transfer or reassign employees under the Manager's control to other departments or agencies of the city, when the Manager deems such action to be in the best interests of the city.

d. To exercise supervision and control over all departments and divisions of the city for which the Manager appoints the head.

e. To appoint Fire Marshals, who shall have such authority as is provided at common law or by statute or regulation.

f. To attend all regular meetings of the City Council, with the right to take part in the discussion, but having no vote. He or she shall be entitled to notice of all special meetings.

g. To recommend to the City Council for adoption such measures as the Manager may deem necessary or expedient.

h. To make and execute in the ordinary course of business all contracts on behalf of the city, and also such other contracts as may be authorized by the City Council.

i. At the direction of City Council, to prepare and submit an annual or biennial budget after receiving estimates made by the heads or directors of the departments and any board or commission not within a department.

j. To keep the City Council at all times fully advised as to the financial condition and needs of the city.

k. To perform all such other duties as may be prescribed by this charter or other laws of the Commonwealth of Virginia, or be required by ordinance or resolution of the City Council. (2011, c. 640)

Chapter 6. City Attorney.

§ 6.01. Appointment.

The City Council shall appoint a City Attorney, who shall serve at the pleasure of the City Council. The City Attorney shall be chosen solely on the basis of his or her professional qualifications. (2011, c. 640)

§ 6.02. Powers and duties.

The City Attorney, either personally or through his or her office, shall:

a. Be the chief legal advisor and counselor for the City Council, the City Manager, and all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city.

b. Manage and control all the law business of the city.

c. Represent the city and its officials and employees in all civil proceedings affecting the interests of the city.

d. Institute, prosecute, defend, compromise and settle all legal proceedings necessary and proper to protect the interests of the city.

e. Prepare ordinances and resolutions for the City Council.

f. Prosecute violations of the City Code, unless prosecuted by the Commonwealth's Attorney.

g. Appoint deputy and assistant city attorneys and other employees for whom there are authorized and funded positions. The deputy and assistant city attorneys shall serve at the pleasure of the City Attorney.

h. Exercise such other powers and responsibilities as are inherent in the position or as may be authorized by law or conferred by the City Council. (2011, c. 640)

Chapter 7. City Assessor.

§ 7.01. City Assessor.

The City Council shall appoint a City Assessor, who shall serve at the pleasure of the City Council. The City Assessor shall be chosen solely on the basis of his or her professional qualifications. (2011, c. 640)

§ 7.02. Powers and duties.

The City Council may prescribe the duties of the City Assessor, may fix the compensation of the Assessor and require that the Assessor shall have no other employment than with the City of Portsmouth. All duties and powers which are prescribed for the Commissioner of the Revenue for the assessment of real estate pursuant to the general laws of Virginia shall devolve upon the Assessor. (2011, c. 640)

§ 7.03. Technical and clerical assistance.

The Assessor may appoint persons to perform such technical and clerical tasks as necessary and advisable to effectively exercise the duties and powers authorized by law, and for whom there are authorized and funded positions. (2011, c. 640)

Chapter 7.1. City Auditor.

§ 7.1.01. City Auditor.

The City Council may appoint a City Auditor who shall serve at the pleasure of the City Council. The City Auditor shall be chosen on the basis of his or her professional qualifications. (2012, cc. 198, 444)

§ 7.1.02. Powers and duties.

The City Council may prescribe the duties of the City Auditor, may fix the compensation of the City Auditor, and may require that the auditor shall have no other employment than with the City of Portsmouth. (2012, cc. 198, 444)

§ 7.1.03. Technical and clerical assistance.

The City Auditor may appoint persons to perform such technical and clerical tasks as necessary and advisable to effectively exercise the duties and powers authorized by law, and for whom there are authorized and funded positions. (2012, cc. 198, 444)

Chapter 8. Board of Equalization of Real Estate Assessments.

§ 8.01. Board of Equalization of Real Estate Assessments.

The Circuit Court of the City of Portsmouth shall appoint a Board of Equalization of Real Estate Assessments (the Board). The Board shall sit for the purpose of equalizing real estate assessments in the city, to hear complaints alleging the lack of uniformity of assessments, errors in acreage of such assessments and complaints that real property is assessed at more than fair market value. (2011, c. 640)

§ 8.02. Composition and terms of office.

The Board shall be composed of three members. The initial members of the Board shall be appointed in the following manner: one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and one member shall be appointed for a term of three years. As the terms of the initial members expire, their successors shall be appointed for terms of three years. All

members of the Board shall meet the qualifications for such members and shall exercise their duties and powers as prescribed by the Code of Virginia, as amended. (2011, c. 640)

§ 8.03. Compensation.

The City Council shall fix the compensation for members of the Board. (2011, c. 640)

Chapter 9. Constitutional Officers.

§ 9.01. Constitutional officers.

The city is committed to the continued existence of each of its constitutional officers: the Attorney for the Commonwealth, Commissioner of the Revenue, City Treasurer, City Sheriff, and Clerk of the Portsmouth Circuit Court. Each of said offices is essential to the efficient and effective operation of city government, and each office plays a separate and distinct role in that process. Each office shall continue to exercise such powers, responsibilities, and authority, express and implied, as may be set forth in the Constitution of Virginia and the Code of Virginia. (2011, c. 640)

Chapter 10. Public Education.

§ 10.01. Composition.

The city shall provide for public education through a city School Board, a Superintendent of Schools, and the employees thereof. The School Board and the Superintendent of Schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law. (2011, c. 640)

§ 10.02. School Board.

The School Board shall be composed of nine members who shall be elected at large for terms of four years in the manner prescribed by general law. Vacancies shall be filled in the same manner in which general law provided for the filling of vacancies of City Council members pursuant to Article 6 (§ 24.2-226 et. seq) of Chapter 2 of Title 24.2 of the Code of Virginia with the interim appointment to be made by a majority vote of the remaining members of the School Board. (2011, c. 640)

§ 10.03. School Superintendent.

The School Board shall appoint a School Superintendent who shall be chosen solely on the basis of his or her professional qualifications. (2011, c. 640)

Chapter 11. Civil Service Commission.

§ 11.01. Creation and term of office.

There shall be a Civil Service Commission, which shall be composed of three persons appointed by the judges of the Circuit Court of the City of Portsmouth (the Commission and the Court, respectively). No person shall be appointed a member of the Commission who is not a citizen of the United States and a resident of Portsmouth, or who holds any office or post of employment under the city, or the Commonwealth of Virginia or any political subdivision thereof, or any public service corporation

owned by the city or Commonwealth, other than the office of notary public, or who is an officer or member of any national, state or local committee of any political party, or an officer of such party, or who is an officer or member of a committee of a partisan political club, or an officer of such club. Such appointments shall be made without regard to race, color, religion, sex, disability, or national origin.

The term of office of each Commissioner shall be four years. Any vacancy shall be filled by the Court for the unexpired portion of the term. Each January, the Commissioners shall elect a Chair and a Vice-Chair for a one-year term.

The Commission shall hold meetings upon call of the Chair. Meetings shall occur at least once a quarter, and at such other times as may be required.

Any member of the Commission may be removed from office by the Court for incompetency, incompatibility, or dereliction of duty or malfeasance in office or for injecting, or attempting to inject, political, religious, racial or other unlawful discriminatory influence into the administration of the provisions of this Chapter, or for other good cause. However, no member of the Commission shall be removed until charges are provided in writing, followed by a full hearing with reasonable notice.

The members of the Commission shall devote due time and attention to the performance of their duties. The Commission shall conduct its meetings in accordance with Robert's Rules of Order, except to the extent modified by the Commission. (2011, c. 640)

§ 11.02. Functions and duties.

The authority, powers, and responsibilities of the Commission shall apply to, and be limited to, the Police Department and the Fire Department. The members and employees of said departments may be referred to herein as the "Civil Service."

a. It shall be the duty of the Commission to make suitable rules and regulations not inconsistent with applicable law and this Chapter. The rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made. The rules and regulations and any amendments thereof shall be made available for free public distribution.

b. All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and of manual skill.

c. The Commission may make investigations concerning and report upon all matters touching the enforcement and effect of this Chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected hereby, and ascertain whether this Chapter and all rules and regulations are being obeyed. Investigations may be made by the entire Commission or by a single Commissioner designated by the Commission for such purpose.

d. In the course of an investigation or hearing, the Commission shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production of books, papers, documents and accounts appertaining to the investigation. The Commission may also cause the depositions of witnesses residing within or without the city to be taken in the manner prescribed by law for like depositions in civil actions. The oaths administered and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a circuit court judge; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section may be enforced by equitable relief.

e. All hearings and investigations before the Commission shall be governed by this Chapter and by the rules and practices and procedures to be adopted by the Commission, and in the conduct thereof the Commission shall not be bound by the technical rules of evidence. No informality in any proceeding or hearing, or in the manner of taking testimony before the Commission, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission.

f. The Commission shall hear and determine appeals or complaints from a covered employee's removal, suspension, demotion, discharge, or other disciplinary action.

g. The Commission shall provide for, formulate and hold competitive tests devised in accordance with applicable laws to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligibility lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

h. The Commission shall certify to the appointing authority, upon written request, the names of the persons on the eligibility list for the class for which one or more vacant positions exist, and if there is no such list, to establish a provisional or temporary appointment list of the class. No temporary or provisional appointment shall continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any fiscal year.

i. The Commission shall keep such records as may be necessary for the proper administration of its responsibilities.

j. The Commission shall make such reports as the City Council may require; provided, however, it shall be the duty of the Commission to report at least annually to the Council showing its actions, the rules in force, the practical effects thereof, and any suggestions it may have for the improvement of the civil service.

k. The Commission shall be entitled to seek equitable relief, if necessary to implement any of its powers, rights, or responsibilities as set forth hereunder. The power to seek equitable relief shall

extend to, but shall not be limited to, failure of any person to honor a subpoena or a subpoena duces tecum duly issued by or on behalf of the Commission; the failure to comply with a lawful direction of the Commission in the conduct of an investigation, hearing, or appeal; and failure to provide the level of administrative or financial support to which the Commission is entitled under this Chapter. In any such proceeding, the Commission shall be represented by the City Attorney; but if the City Attorney is unable to provide such representation for any reason, then by legal counsel retained by the Commission. (2011, c. 640)

§ 11.03. Annual appropriation.

There is hereby appropriated out of the general funds an appropriation to carry out the purposes of this Chapter, which appropriation shall be one-fourth of one percent of the total payroll of those included under the jurisdiction and scope of this Chapter; provided, however, that if the Council shall make an appropriation for the support of the Commission exceeding that amount, this section shall not be operative for said year but otherwise shall be in full force and effect. (2011, c. 640)

§ 11.04. Rooms, supplies, and clerical assistance.

The City Council or the City Manager shall provide the Commission with suitable and convenient rooms and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the Commission, and to provide such clerical assistance as may be necessary. (2011, c. 640)

§ 11.05. Chief and Deputy Chiefs; standards for appointments and promotions.

The provisions of this Chapter dealing with eligibility lists and the right to appeal discipline shall not apply to any Department Chief or Deputy Department Chief. (2011, c. 640)

§ 11.06. Appointments to vacant positions.

In general, all appointments to and promotions in the police and fire departments shall be made solely on merit, efficiency and fitness, which shall be ascertained by competitive and impartial means.

a. Whenever a position in the classified service becomes vacant, the appointing authority, if it desires to fill the vacancy, shall request from the Commission the names of persons eligible for appointment thereto. The Commission shall certify the names on the eligibility list for the class to which the vacant position has been allocated that are willing to accept employment. The appointing authority may then appoint a certified person to the vacant position.

b. Whenever request is made, or whenever a position is held by a temporary appointee and an eligibility list for the class of such position exists, the Commission shall certify the names of the persons eligible for appointment to the appointing authority, who may then appoint a certified person to the position.

c. To enable the appointing authority to exercise a choice in the filling of positions, no appointment, employment, or promotion in any position in the classified service shall be deemed complete until

after the expiration of a period of not more than one year probationary service, during which the appointing authority may terminate the employment of the person, if during the performance test thus afforded, upon observations or considerations of the performance of duty, the appointing authority deems the employee unfit or unsatisfactory for service in the department. Whereupon the appointing authority shall designate a person or persons certified for such position and such person or persons shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period required. (2011, c. 640)

§ 11.07. Tenure of office; discharge.

The tenure of everyone holding office, place, position or employment under the civil service provisions of this Chapter, shall be only during good behavior and efficient performance of duty. Any such person may be removed, discharged, suspended without pay, or reduced in rank, or deprived of vacation privileges or other privileges for any of the following reasons:

a. Incompetent or inefficient performance of duty or inattention to or dereliction of duty;

b. Insubordination, discourteous treatment of the public or a fellow employee or any other act of omission or commission of similar nature tending directly to discredit or injure the public service or to jeopardize the effective functioning of the service, or any willful violations of the provisions of this Chapter or the rules and regulations to be adopted hereunder;

c. Mental or physical unfitness for the position which the employee holds;

d. Any conduct which is dishonest, deceitful, immoral or declared criminal by statute or common law, regardless of whether a criminal conviction is obtained;

e. Drunkenness or use of intoxicating liquors, narcotics or any other dangerous drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of his or her position;

f. Conviction of a felony, or a misdemeanor involving moral turpitude, or a pattern of misconduct as manifested by a series of convictions of misdemeanors not involving moral turpitude;

g. Failure to report to an appropriate superior authority administrative errors, incompetence, misconduct, inefficiency, neglect of duty, or any other form of misconduct or negligence of which the employee has knowledge;

h. Failure of a supervisory employee or commanding officer to take appropriate corrective action with regard to such employees under his supervision or command as may be guilty of any form of neglect of duty or misconduct where the supervisor or commanding officer knows or should have known of such derelictions;

i. Failure to achieve professional progress and advancement in accordance with reasonable and definitive criteria established by the Civil Service Commission and set forth in its rules and regulations; provided, however, that such failure must be a personal failure of the employee and not one directly caused by conditions beyond the control of the employee; provided, further, that no person shall be disciplined under this rule unless and until he or she is given adequate written notice of his deficiencies and a reasonable time to correct them; and

j. Violation of any applicable law or regulation dealing with standards of conduct. (2011, c. 640)

§ 11.08. Disciplinary procedure.

a. No full-time, nonprobationary employee in the civil service shall be removed, suspended, demoted or discharged except for cause, as set forth in § 11.07, stated in writing by the appointing authority. The employee may appeal such disciplinary action to the Commission within ten days, unless a different and legally authorized appeal or grievance procedure is chosen by the employee. A civil service employee may select only one appeal or grievance procedure and may not change procedures once the initial election is made. The Commission shall thereafter conduct a hearing and receive such testimony from witnesses and other evidence as may be relevant to the matter. Thereafter, the Commission shall have general authority to affirm, reverse, or modify the disciplinary action that has been appealed, based on the evidence and the law.

b. All appeal hearings conducted by the Commission pursuant to this section shall be open to the public, after reasonable notice to the accused of the time and place of such hearing. At any such appeal hearing the accused may appear in person and by counsel and may present a defense. The Commission shall retain the power to sequester witnesses during a public appeal hearing. However, if the appellant requests that the appeal hearing be conducted in private, the Commission shall have discretion to grant that request. (2011, c. 640)

§ 11.09. Appeals from decisions of the Civil Service Commission.

An employee or appointing authority may appeal a decision of the Commission involving discipline. The appeal shall be initiated by written notice filed with the Commission stating the grounds for appeal. The Commission shall file with the Court a certified record of the proceedings, including a hearing transcript, within twenty days of receipt of the appeal. The Court shall then hear and review the appeal in a summary manner upon the Commission's written record, plus such legal briefs and oral argument as the Court deems proper. After a hearing, the Court may affirm, modify or reverse the Commission's decision. The Court's review will be limited to whether the appointing authority's actions were in good faith and for cause, and the decision of the Commission shall be affirmed unless the Court concludes, based on the record and the law, that the decision was not in good faith or was not for cause. (2011, c. 640)

§ 11.10. Political services disregarded and prohibited; other discriminatory actions prohibited.

a. No person holding any office, place, position or employment subject to the civil service is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so.

b. No public officer whether elected or appointed shall discharge, promote, demote or in any manner change the official rank, employment or compensation of any person under the civil service, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or services, or any other valuable thing, for any political purpose.

c. No person shall be appointed to or promoted to, suspended from, demoted, removed or discharged from any position in the classified service, or in any way favored or discriminated against with respect to employment in the civil service because of race, color, religion, sex, national origin or political affiliations.

d. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service. No recommendation for any person who applies for office or position in the classified service, or for examination under the provisions of this Chapter, except, as to character, and, in the case of former employers, as to ability, shall be considered by the Commission, director, or the appointing authority in giving any examination, appointment, promotion or reinstatement under this Chapter.

e. No person shall use, or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

f. No person in the classified service, and no member of the Commission, shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take part in soliciting, or receive any such assessment, subscription or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the classified service.

g. No person in the classified service, and no member of the Commission shall take any active part in the management of any political party or in any political campaign; provided, however, nothing in this Chapter shall be construed to prohibit or prevent any such officer or employee from exercising the rights of a citizen privately to express an opinion or from enjoying entire freedom from all interference in casting a vote, or from seeking or accepting election or appointment to public office. (2011, c. 640)

Chapter 12. Initiative, Referendum, and Recall.

§ 12.01. Petition for initiative.

a. Any proposed ordinance, including any ordinance for the repeal or amendment of an existing ordinance, may be submitted to the City Council by petition signed by electors equal in number to at least thirty percent (30%) of the electors voting for governor in the last preceding gubernatorial election. Such petition shall contain the proposed ordinance in full.

b. The petition shall be substantially in the following form:

To the Council of the City of Portsmouth, Virginia:

We, the undersigned, qualified electors of this city, respectfully petition your honorable body to ordain the following ordinance:

Signature of Elector Street Address Date Signed

c. The execution of the petition by an elector shall be acknowledged before a notary, or it may be proved by the oath of a witness who shall swear that he or she knows the elector and that the petition was signed by the elector in the presence of the witness. The petition may be in the form of separate sheets, each sheet containing at the top thereof the petition as set forth above, and when bound together and offered for filing, shall be deemed to constitute one petition. (2011, c. 640)

§ 12.02. Petition for referendum.

a. At any time within thirty days following the adoption of an ordinance, except an emergency ordinance, a petition signed by electors equal in number to at least thirty percent (30%) of the electors voting for governor in the last preceding gubernatorial election protesting against the enactment of such ordinance and requesting its repeal, may be presented to the City Council. Such petition need not contain the text of the ordinance sought to be repealed, but it shall be sufficient to refer to it by ordinance number or code section number.

b. The petition shall be substantially in the following form:

To the Council of the City of Portsmouth, Virginia:

We, the undersigned, qualified electors of this city, respectfully petition your honorable body to repeal the following ordinance:

Signature of Elector Street Address Date Signed

c. The execution of the petition by an elector shall be acknowledged before a notary, or it may be proved by the oath of a witness who shall swear that he or she knows the elector and that the petition was signed by the elector in the presence of the witness. The separate sheets, each sheet containing at the top thereof the petition as set forth above, and when bound together and offered for filing, shall be deemed to constitute one petition. (2011, c. 640)

§ 12.03. Time of filing.

All papers comprising a Petition for Initiative or Referendum shall be filed with the City Clerk thirty days from the date of the first signature thereon, and when so filed, the Clerk shall submit the same to the City Council at its next regular meeting. (2011, c. 640)

§ 12.04. Duty of City Attorney.

Before any ordinance proposed by petition in accordance with § 12.01 hereof shall be submitted to the City Council, it shall first be approved as to form by the City Attorney. If the City Attorney disapproves of the proposed ordinance or amendment, the reasons therefore shall be stated in writing to the person submitting the proposal for examination. (2011, c. 640)

§ 12.05. Duty of City Council.

Upon the presentation of a petition as provided in this Chapter, it shall be the duty of the City Council either to pass such proposed ordinance without alteration or repeal such existing ordinance within sixty days after determining the sufficiency of the petition or submit the question of the adoption or repeal of the ordinance, as the case may be, to the electorate at the next general election occurring more than sixty days after determining the sufficiency of the petition. (2011, c. 640)

§ 12.06. Elections.

a. All initiative and referendum elections shall be conducted, and the result canvassed and certified by the regular election officials, as provided by the general laws of the state, and except as otherwise provided in this Chapter, all such elections shall be governed by the general election laws.

b. If a majority of the qualified electors voting on a proposed ordinance shall vote in favor thereof, it shall thereupon become a valid and binding ordinance of the city, and the same shall not be repealed or amended, except by a vote of the electors, within two years thereafter.

c. If a majority of the qualified electors voting on the repeal of an existing ordinance shall vote in favor of its repeal, it shall thereupon stand repealed and be of no force and effect.

d. Where an election has been held upon the question of the adoption or repeal of any ordinance in accordance with this Chapter, then no election may be held upon a substantially similar question for two years following such election, except that the council may submit the repeal, amendment or modification of any ordinance adopted under subsection b. above, to be voted upon at any general election succeeding its adoption. (2011, c. 640)

§ 12.07. Publication of ordinance.

Whenever an ordinance is required under the provisions of this Chapter to be submitted for adoption or repeal to the electors of the city, the City Clerk shall cause the ordinance to be published once in a daily newspaper published in or having a general circulation in the City of Portsmouth. Such publication shall occur not more than sixty days nor fewer than thirty days prior to the date of such election. (2011, c. 640)

§ 12.08. Judicial review.

A petition, which complies with the requirements of this Chapter as to form, number of signers, and manner of execution, shall be accepted as prima facie sufficient. The Circuit Court of the City of Portsmouth shall have summary jurisdiction upon complaint of an elector to determine the sufficiency of the petition and the genuineness of the signatures thereon, and the qualifications of the electors signing the same, and may make such order in the matter as justice may require. Such proceedings shall be instituted within ten days after presentation of the petition, and the burden of proof shall be on the complainant. (2011, c. 640)

§ 12.09. Recall of elective officers.

a. Any elective officer of the city may be removed from office at any time after one year from the beginning of the term of office by the electors qualified to vote for a successor for such incumbent. The procedure to effect such removal shall be as hereinafter set forth.

b. A petition signed by electors equal in number to at least thirty percent (30%) of the electors of the city voting for governor in the last preceding gubernatorial election, and demanding the election of a successor of the officer sought to be removed, shall be filed with the Clerk of the Circuit Court. The petition shall contain a general statement of the grounds upon which the election of a successor is sought. Such petition may be filed at any time after one year has elapsed since the beginning of the term of the official sought to be removed. Each signer shall include the number and street of his or her residence in the city, and the date he or she signed the petition. Such petition may be in the form of separate papers, but each separate paper to which signatures are appended shall contain at the top thereof the original petition or a duplicate statement thereof, and when bound together and offered for filing, such separate papers shall be deemed to constitute one petition with respect to the election of the successor of the officer or officers named therein. One of the signers of such petition shall make oath before a proper official that the statements made therein are true, as he or she believes, and upon such separate paper, the circulator of the petition to which signatures are appended shall make oath that each signature to such paper is the genuine signature of the person whose name it purports to be, and that it was signed in his or her presence.

c. If it appears that the petition is signed by the requisite percentage of electors, the same shall be accepted as prima facie regular and sufficient, but it shall be subject to summary review in the same manner as provided in § 12.08 of this Chapter.

d. If the petition is sufficient, and if the officer or officers whose removal is sought do not resign within five days after the sufficiency of the petition has been determined by a judge of the Circuit Court, a judge thereof shall thereupon order and fix a day for holding an election for the selection of a successor to each officer named in said petition, which election shall be held not fewer than thirty nor more than forty days from the presentation of the petition or from the making of any court order thereon. The judge shall cause publication of notice and all arrangements to be made for holding

such election and the same shall be conducted and the result thereof returned and declared in all respects as in other special elections, in so far as possible.

e. A nomination of a candidate to succeed each officer sought to be removed shall be made without the intervention of a primary election, by filing with the Clerk of the Circuit Court at least ten days prior to such special election, a petition proposing a person for such office, signed by the electors equal in number to at least thirty percent (30%) of the electors of the city voting for governor in the last preceding gubernatorial election.

f. The ballots at such election shall conform to the following requirements: with respect to each officer whose removal is sought, the question shall be submitted: Shall (name of officer) be removed from the office (name of office) by recall? Beneath the aforesaid question shall be placed the names of the candidates to fill the vacancy. The name of the officer whose removal is sought shall not appear on the ballot as a candidate to succeed him/herself.

g. In any such election, if a majority of the votes cast on the question of removal be affirmative, the candidate receiving the highest number of the votes cast shall be declared elected and if more than one council member is removed at such election, the candidates receiving the highest number of votes, equal in number to the number of council members removed, shall be declared elected. The officer whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of the election. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. In case the person or persons receiving the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. The question of the removal of any officer shall not be submitted to the electors a second time during the same term of office, until after the expiration of one year from the determination of the first application for removal. The method of removal herein provided is cumulative and additional to such other methods as may be provided by law. (2011, c. 640)

Chapter 13. Miscellaneous.

§ 13.01. Present ordinances, rules, and regulations.

All city ordinances, rules and regulations and orders legally made by any department, board, commission or office of the city that are in force at the effective date of this charter, in so far as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed. (2011, c. 640)

§ 13.02. Severability.

If any provision of the Charter or the applicability thereof to any person or circumstance is held invalid, the remainder of this Charter and the applicability of it and of such provision to other persons or circumstances shall not be affected thereby. (2011, c. 640)

Pound, Town of

County of Wise

History of incorporation

Incorporated by order of the Circuit Court of Wise County on June 10, 1946.
Charter, 1950, c. 552; repealed 1984, c. 109, except § 2 of Chapter I.

Current charter

Charter, 1984, c. 109.

Amendments to current charter

2008, c. 322 (§ 4.3)
2022, c. 312; called for the expiration of the charter for the Town of Pound effective November 1, 2023.
2023, cc. 56, 57; repealed 2022, c. 312. The charter for the Town of Pound remains in effect.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Pound, in the County of Wise, as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Pound, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure. (1984, c. 109; 2022, c. 312; 2023, cc. 56, 57)

§ 1.2. Boundaries.

The boundaries of the town are those established in § 2, Chapter I, of Chapter 552 of the 1950 Acts of Assembly. (1984, c. 109; 2022, c. 312; 2023, cc. 56, 57)

Chapter 2. Powers.

§ 2.1. Powers.

The Town of Pound shall have all powers conferred upon towns under the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 18 (§§ 15.1-837 through 15.1-907) of Title 15.1 of the Code of Virginia are hereby specifically conferred upon the Town of Pound. (1984, c. 109; 2022, c. 312; 2023 cc. 56, 57)

Chapter 3. Governing Body.

§ 3.1. Council.

A. The Town of Pound shall be governed by a town council composed of five members, elected at large.

B. The members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. In each even-numbered year on the date specified by general law for municipal elections, a number of councilmen equal to the number of terms expiring during that year

that is, three in years divisible by four and two in other even-numbered years

shall be elected for terms of four years each. Persons so elected shall qualify and take office on the first day of July following their election. They shall continue to serve until their successors are duly elected, qualified and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman.

E. Vacancies on the council shall be filled for the unexpired term by a majority vote of the remaining members of the council. Any person qualified for the office of councilman may be chosen to fill a council vacancy. (1984, c. 109; 2022, c. 312; 2023, cc. 56, 57)

§ 3.2. Mayor.

A. In each even-numbered year on the date specified by general law for municipal elections, a mayor of the Town of Pound shall be elected for a term of two years. Persons so elected shall qualify and take office on the first day of July following their election. Mayors shall continue to serve until their successors are duly elected, qualified and assume office.

B. Any person qualified to vote in town elections shall be eligible for the office of mayor.

C. Vacancies in the office of mayor shall be filled for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the town. A member of council shall not be qualified to fill a vacancy in the office of mayor.

D. The mayor shall be president of the council, but he shall have no vote except in case of a tie. He shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall perform such other duties as may be assigned to him by council not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth or the provisions of this charter. (1984, c. 109; 2022, c. 312; 2023, cc. 56, 57)

Chapter 4. Miscellaneous.

§ 4.1. Ordinances continuing.

All ordinances now in force in the Town of Pound, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council. (1984, c. 109; 2022, c. 312; 2023, cc. 56, 57)

§ 4.2. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, each ordinance or resolution shall be confined to one general subject. (1984, c. 109; 2022, c. 312; 2023, cc. 56, 57)

§ 4.3. Town officers.

A. At its organizational meeting held following the qualification of the mayor and members of council in each even-numbered year, the council may, in its discretion, appoint a town manager who shall serve as the chief administrative officer of the town.

B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. The council shall further provide the terms of each officer or, if there be no terms, shall indicate that the officers serve at the pleasure of the appointing authority.

C. Each officer shall have such duties as are specified by the appointing authority not inconsistent with the Constitution and general laws of the Commonwealth and this charter and shall receive such compensation, if any, as council may prescribe.

D. The same person may be appointed to more than one office; however, no person may serve as a member of council and as mayor. (1984, c. 109; 2008, c. 322; 2022, c. 312; 2023, cc. 56, 57)

§ 4.4. Water and sewer charges.

In operating public water and sewer services, the town may charge a different rate for services furnished to customers without the corporate limits from the rates charged for similar services to customers within the corporate limits. The town may provide by ordinance that all unpaid water or sewer service charges and interests thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided. (1984, c. 109; 2022, c. 312; 2023, cc. 56, 57)

§ 4.5. Eminent domain.

The powers of eminent domain which may be exercised by municipal corporations under the provisions of Titles 15.1 and 25 of the Code of Virginia, as amended, are hereby conferred upon the Town of Pound. (1984, c. 109; 2022, c. 312; 2023, cc. 56, 57)

§ 4.6. Office of town sergeant not to be established.

In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be established in the town the office of town sergeant. (1984, c. 109; 2022, c. 312; 2023, cc. 56, 57)

Pulaski, Town of

County of Pulaski

History of incorporation
Previously named Pulaski Station.
Name changed to Pulaski City, 1886, c. 192.
Name changed to Pulaski, 1888, c. 289.
Incorporated by an 1886 Act of Assembly.
Charter, 1885-86, c. 192; repealed 1898, c. 190.
Charter, 1898, c. 190; repealed 1910, c. 242.
Charter, 1910, c. 242; repealed 1948, c. 337.
Charter, 1948, c. 337; repealed 1986, c. 47.

Current charter
Charter, 1986, c. 47.

Amendments to current charter
1998, c. 171 (§§ 4.02, 5.02, 5.03)
2000, c. 159 (§§ 3.04, 3.05, 3.10)

Article I. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the Town of Pulaski, in the County of Pulaski, as the same are now or may hereafter be established by law, shall constitute and continue to be a body politic and corporate under the name of the Town of Pulaski, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (1986, c. 47)

§ 1.02. Boundaries.

The present boundaries of the town are as recorded in the Office of the Clerk of the Circuit Court of Pulaski County in Chancery Order Books 20 at page 197; 21 at page 42; and 24 at page 134.

The town shall have the power to expand or contract the corporate limits of the town, as provided by the Constitution and the general laws of Virginia in force at the time. (1986, c. 47)

Article II. General Powers.

§ 2.01. General grant of powers.

The Town of Pulaski shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers which, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but rather shall be in addition to this general grant. (1986, c. 47)

§ 2.02. Construction.

The powers which are now or may hereafter be conferred upon or delegated to the town under the Constitution and general laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by this town. (1986, c. 47)

§ 2.03. Adoption of certain sections of the Code of Virginia.

The powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1986, and any acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the Town of Pulaski. (1986, c. 47)

§ 2.04. Eminent domain and other powers relating to property.

The Town of Pulaski is hereby empowered to acquire by condemnation, gift, lease, purchase or bequest or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits for any of its proper purposes, and may sell, lease, manage, improve, mortgage, pledge, and control such property as its interests require, and in such manner as the council deems expedient.

The powers of eminent domain set forth in Title 15.1, Title 25, Chapter 1.1., and Title 33.1, Chapter 1 of the Code of Virginia as in force on January 1, 1986, as amended, and all acts amendatory thereof and supplemental thereto, are hereby conferred upon the Town of Pulaski except that the powers of eminent domain specified in Chapter 1, Title 33.1 of such Code shall be limited to acquisition for streets and for water and sewage facilities. Certificates used pursuant to § 33.1-119 et seq., of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town manager. Such certificates shall have the same effect as certificates issued by the State Highway and Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of § 33.1-119 et seq., of the Code of Virginia, as amended, shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities. (1986, c. 47)

Article III. The Council.

§ 3.01. Definitions.

As used in this charter, the term "officer" refers to council members and persons appointed by and responsible to the council, other than administrative department heads, such as the clerk of council, the town manager, and the town attorney; "officials" refers to administrative department heads; and all other persons employed by the town are designated "employees." (1986, c. 47)

§ 3.02. General powers and duties of the council.

The government of the Town of Pulaski shall be vested in the council, which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The

council shall be responsible for the determination of all matters of policy for the Town Pulaski and for ensuring the implementation thereof by the town administration. (1986, c. 47)

§ 3.03. Voters of the town.

The voters of the Town of Pulaski shall be the actual residents of the town who are qualified to vote for members of the General Assembly. (1986, c. 47)

§ 3.04. Composition and qualifications.

The council shall be composed of six council members and the mayor, to be elected from the town at large. The council members and the mayor shall be qualified voters of the town. (1986, c. 47; 2000, c. 159)

§ 3.05. Election and term of office of council members.

The council shall be elected in the manner provided by Virginia election laws. Three council members shall be elected on the first Tuesday in May 2000, and every four years thereafter. The other three council members shall be elected on the first Tuesday in May 2002, and every four years thereafter.

The term of office for all council members shall begin on July 1 next following their election, and each shall serve for a term of four years or until his successor shall have been elected and qualified. The council members may succeed themselves as often as the voters may choose. (1986, c. 47; 2000, c. 159)

§ 3.06. Compensation; expenses.

The council may determine the annual salary of its members and the mayor by ordinance or written resolution. Such ordinance or resolution shall become effective at such time as the council may determine. Council members and the mayor also shall receive their actual and necessary expenses incurred in the performance of their duties of office. (1986, c. 47)

§ 3.07. Mayor and vice-mayor.

The mayor shall be elected on the first Tuesday in May, 1986, and every two years thereafter. The position of mayor shall occupy a separate position on the ballot from that of the other council members and the mayor shall be elected in the manner provided by Virginia election laws.

The mayor shall have no right to vote in the council, except that in every case of a tie vote of the council, the mayor shall be entitled to vote and such vote (in case of a tie only) shall then have the same weight and effect as the vote of a councilman, but the mayor shall have no right to veto. In addition, he shall preside at meetings of the council and perform such other duties as may be prescribed by this charter and by general law and such as may be imposed by the council consistent with the office. The mayor shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes. In the event of public danger or emergency the mayor shall maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no power to suspend, remove or discharge any officer, official, agent or employee of the town, nor shall he have any power or authority to appoint or employ any officer, official, agent or employee of the town, nor fix the term of office or employment or the compensation, or increase or decrease the power and authority of any officer, official, agent or employee of the town, unless such power shall have been given by the council.

The mayor shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed; shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; shall see that peace and order are preserved and that persons and property within the town are protected; shall authenticate by his or her signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require; and shall from time to time recommend to the council such measures as he or she may deem needful for the welfare of the town and shall be entitled to join in all discussions of town business.

Any provision of this charter dealing with a council member shall also apply to the mayor, unless the context clearly indicates otherwise.

At the first meeting of the council of each even-numbered year, the council shall elect from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become acting mayor until such time as a successor is appointed to fill the unexpired term. The council member who serves as vice-mayor or acting mayor under this section shall continue to have all the rights, privileges, powers, and duties and obligations of a council member, even when performing the duties of mayor. (1986, c. 47)

§ 3.08. Absence or disability of mayor and vice-mayor.

If both the mayor and vice-mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time as the person serves under this section. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the clerk of council or acting clerk of council shall call the meeting of the council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the clerk any of the powers and duties of the mayor, except as expressly stated in this section.

The council member who serves as acting mayor under this section shall continue to have all the rights, privileges, powers, and duties and obligations of a council member, even when performing the duties of mayor. (1986, c. 47)

§ 3.09. Prohibitions.

A. Holding other office. Except as otherwise authorized by law, a member of council or the mayor shall not be eligible during his tenure of office as such member, or for one year thereafter, to any

compensated town employment. If appointed by the council to a board or commission, he may be compensated as a member.

B. Appointments and removals. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town employees whom the manager or any of his subordinates are empowered to appoint or employ, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such employees. Nothing contained herein shall limit the ability of the council to eliminate an employment position or alter the conditions of employment attendant upon a given position.

C. Interference with administration. Except for the purpose of discussions, informal reviews, investigating injuries and/or official investigations, the council or its members shall communicate with town officials and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such official or employee, either publicly or privately. (1986, c. 47)

§ 3.10. Vacancies; forfeiture of office; suspension and removal; filling of vacancies.

A. Vacancies. The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this charter or forfeiture of his office.

B. Forfeiture of offices. A council member shall forfeit his office if he:

1. Lacks at any time during his term of office any qualification for the office prescribed by this charter or by law;

2. Violates any express prohibition of this charter;

3. Is convicted of a felony or crime involving moral turpitude; or

4. Fails to attend three consecutive regular meetings of the council without being excused by the council.

C. Suspension and removal. The council shall suspend or remove elected town officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense as set forth below. Removal of a council member shall require a unanimous vote of the remaining members of the council.

D. Filling of vacancy in office of mayor. A vacancy in the office of mayor shall be filled within forty-five days, for the unexpired term, by majority vote of the remaining members. A council member or other qualified voter of the town may be so appointed. Should a member of council be chosen to serve for such unexpired term, such councilman shall be deemed to have surrendered his or her office of councilman forthwith upon qualification as mayor, and the office of such councilman shall thereafter be vacant.

E. Filling of vacancies other than office of mayor. A vacancy on the council shall be filled within forty-five days, for the unexpired term, by a majority vote of the remaining members. Notwithstanding any other provision of this charter, if at any time the membership of the council is reduced to less than three, the remaining members shall petition the circuit court to issue a writ for a special election to fill the vacancies for the unexpired terms. Such special election shall be held not less than sixty days after the date on which the writ is entered and shall not be held within sixty days prior to any primary or general election. (1986, c. 47; 2000, c. 159)

§ 3.11. Judge of forfeiture.

A council member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers with general circulation in the town at least two weeks in advance of the hearing. After such hearing council by a unanimous vote of the other members may declare the office of a council member forfeited and vacant. (1986, c. 47)

§ 3.12. Clerk of council.

The council shall appoint a clerk of council or designee who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, keep all papers, documents and records pertaining to the town, keep and attest the official town seal, and perform such other duties as are assigned to him by this charter or by the council. In the absence of the clerk of council, the council may appoint an acting clerk of council who shall serve at the pleasure of the council during the absence of the clerk of council. (1986, c. 47)

§ 3.13. Independent audit.

The council shall provide for an independent annual audit of all town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually. If the Commonwealth makes such an audit, the council may accept it as satisfying the requirements of this section. (1986, c. 47)

§ 3.14. Procedure.

A. Meetings. The council shall meet regularly at least once in every month, at such times and places as the council may prescribe by ordinance, and no regular meeting may be continued or postponed without either (i) a majority vote of the council members in open session, or (ii) by written consent of the majority of the members other than the mayor, in which written consent shall specify the date for holding a postponed or continued meeting, and when a majority have signed such writing the same shall be so continued or postponed. Special meetings may be held on the call of the mayor or of any three council members. No business shall be transacted at a special meeting but that for which it may be called, unless the council be unanimous.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

The meetings of the council shall be open to the public and to the press, except when the public welfare shall require executive session, and then the public welfare shall not be deemed to require such executive session unless a majority of the councilmen present and constituting a quorum shall vote in favor of such executive session. Any citizen and the press may have access to the minutes of the council at all reasonable times.

A majority of all members of council, exclusive of the mayor, shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of absentees.

B. Rules and conduct of business. The council shall determine its own rules and order of business. The council shall have the power to create or abolish such committees, both standing and special, as it may from time to time determine to be necessary or convenient to the transaction of public business.

C. Voting. An affirmative recorded vote of a majority of those members voting is required for the adoption of any ordinance or resolution having in its object levying of taxes or contracting of debt. All votes must be in person. No proxies are allowed.

Voting shall be by roll call with the ayes and nays recorded in the minutes where a roll call vote is required by statute or is called for by any council member prior to the vote. Otherwise, voting may be by voice vote without a roll call.

A majority vote of council shall mean a majority of those members present and actually voting on a matter at a properly called meeting of council. (1986, c. 47)

§ 3.15. Ordinances.

A. All ordinances passed by the town shall take effect at the time indicated in such ordinance, but in the event no effective date shall be set forth in any such ordinance passed by the council, the same shall become effective thirty days from the date of passage.

No publication of any ordinance or resolution passed by council shall be required, unless it shall be required by council or by general law and any such requirement of council shall be contained in the ordinance or resolution, and it shall be published for the time and in the manner therein contained. Every ordinance introduced shall be in writing and presented to council in the form in which it is to be finally passed.

All ordinances in effect in the Town of Pulaski, not inconsistent with this charter, shall remain and be in force and effect until altered, amended or repealed by the council.

B. Action requiring an ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinances, those acts of the town council shall be by ordinance which:

1. Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency;

2. Provide for a fine or other criminal penalty or establish a rule or regulation for violation of which a fine is imposed;

3. Levy taxes, except as otherwise provided in Article VI with respect to the property tax levied by adoption of the budget;

4. Grant, renew or extend a franchise;

5. Regulate the rate charged for its services by the town; provided, however, that the council may by resolution authorize the rates or fees charged by the department of parks and recreation for use of its facilities or participation in its programs and authorize the rates and fees charged by other departments of the town for sale of maps, reports, or other publication or making of copies of printed or recorded matter;

6. Authorize the borrowing of money;

7. Convey or lease or authorize the conveyance or lease of any lands of the town.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution if not in conflict with law.

C. Form. Every proposed ordinance shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "Be it ordained by the Council of the Town of Pulaski. . . ." (1986, c. 47)

§ 3.16. Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in subsection 6.09B. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to subsection 6.09B shall automatically stand repealed as of the ninety-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances . (1986, c. 47)

§ 3.17. Codes of technical regulations.

The council may adopt any standard code of technical regulations, such as building, electrical and sanitary codes, by reference thereto in an adopting ordinance, if such codes are not in conflict with state law. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally. (1986, c. 47)

§ 3.18. Authentication and recording; codification; printing.

A. Authentication and recording.

Every ordinance upon its final passage shall be recorded by the clerk of council in a properly indexed book designated for the purpose and shall be authenticated by the signature of the presiding officer and the clerk. Written resolutions shall be recorded in a similar manner and oral resolutions will be summarized and included in the minutes of the meeting at which they were passed.

B. Codification. From time to time as the council may deem necessary or convenient, the council shall provide for the preparation of a general codification of all town ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published in a form deemed reasonable by the council, together with this charter and any amendments thereto. Pertinent provisions of the Constitution and other laws of the Commonwealth of Virginia, and the text of codes of technical regulations and other rules and regulations as the council may specify, may be included if the council so desires. The compilation shall be known and cited officially as the Pulaski Town Code. Copies of the code shall be furnished to town officers and officials, placed in local libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

C. Printing of ordinances and resolutions. The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed or otherwise reproduced promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Pulaski Town Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the Commonwealth of Virginia, or the codes of technical regulations and other rules and regulations included in the town code. (1986, c. 47)

§ 3.19. Town attorney.

An attorney may be appointed by and serve at the pleasure of the council. He shall be qualified to practice law in the Commonwealth of Virginia. He shall serve as chief legal advisor to the council, and

may also serve as legal advisor to the town administration. The council may also retain or consult with such other legal counsel as it may deem in the town's interest. (1986, c. 47)

§ 3.20. Committees, boards and commissions.

A. Creation and appointment. The council may create committees, boards and commissions to be composed of such numbers of citizens as the council may deem expedient as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and the powers and duties of such committees, boards and commissions consistent with the general law.

B. Removal. All members of committees, boards and commissions appointed by the town council may be removed by the council unless otherwise provided by general law. (1986, c. 47)

§ 3.21. Investigations of town affairs; penalties.

The council, mayor, town manager, and any officer, board or commission authorized by the council, shall have the power to make investigation as to town affairs, and for that purpose to issue subpoenas for witnesses, to administer oaths, and to compel the production of books and papers. Any person refusing or failing to attend or to testify or to produce such books and papers may, by appropriate process issued by the General District Court of Pulaski County, upon application of the town, be brought before such court to show cause for such refusal or failure. Upon failure to give a satisfactory explanation for such refusal or failure, the person may be punished as for a Class 2 misdemeanor, with the same right of appeal to the Circuit Court of Pulaski County. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1986, c. 47)

Article IV. The Town Manager.

§ 4.01. Appointment; qualifications; compensation.

A town manager shall be appointed by and serve at the pleasure of the council, which shall fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the town or of the Commonwealth at the time of his appointment, but may reside outside the County of Pulaski while in office only with the approval of the council. (1986, c. 47)

§ 4.02. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town. He shall be responsible to the council for the administration of all town affairs placed in his charge by or under this charter. He shall have the following powers and duties:

1. He shall appoint and, when he deems it necessary for the good of the service, suspend or remove any town employees other than appointed administrative officials provided for by or under this charter, except as otherwise provided by law, ordinance or resolution of the town council, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative

official who is subject to his direction and supervision to exercise these powers with respect to subordinates in that official's department, office or agency.

2. He shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law. All administrative department heads are subject to his authority.

3. He shall attend all council meetings and shall have the right to take part in discussion but may not vote.

4. He shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by him or by officials subject to his direction and supervision, are faithfully executed.

5. He shall prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget.

6. He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.

7. He shall make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to his direction and supervision.

8. He shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as he deems desirable.

9. He shall ensure that adequate and accurate personnel records are maintained on all employees of the town.

10. He shall provide a system for handling complaints from citizens.

11. He shall perform such other duties as are specified in this charter or may be required by the council. (1986, c. 47; 1998, c. 171)

§ 4.03. Acting town manager.

By letter filed with the clerk of council within thirty days after assuming duties, and by amendment thereto as the town manager may from time to time deem necessary, the manager shall designate, subject to approval of the council, a qualified town administrative official to exercise the powers and perform the duties of manager during his absence, disability or suspension. During such absence, disability or suspension, the council may revoke such designation at any time or appoint another official of the town to serve until the manager shall resume his duties. (1986, c. 47)

§ 4.04. Removal.

The council may remove the manager from office at any time in its sole discretion and without any assigned reason, terminate the services of the town manager and either fill the vacancy at once or appoint an acting town manager until such time as it can appoint the replacement.

Nothing contained herein shall prohibit the council from entering into a written agreement with any town manager providing for compensation or other rights in the event of resignation, termination or removal. (1986, c. 47)

Article V. Administrative Departments.

§ 5.01. Creation of departments.

The council may establish all departments, offices and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth.

Administrative departments shall include but shall not be limited to departments concerned with public safety, finance, engineering and public works, and parks and recreation.

The council may eliminate or redefine the responsibilities of any department, office, or agency as the council may deem necessary and in the best interest of the town.

The council, either directly or by delegation to the town manager, may promulgate such rules and regulations as it deems expedient for the management of town personnel and affairs. (1986, c. 47)

§ 5.02. Direction by manager.

All departments, offices and agencies, except as otherwise provided by this charter or by general law, shall be under the direction of the town manager. (1986, c. 47; 1998, c. 171)

§ 5.03. Employment and removal of department heads.

The town manager shall have the authority to appoint and remove department heads at will. A department head shall be deemed to serve at the pleasure of the town manager, with the right on the part of the town manager to, at any time in his sole discretion, and without any assigned reason, terminate the services of the person so appointed and either eliminate the position or fill the vacancy for the unexpired term. (1986, c. 47; 1998, c. 171)

Article VI. Financial Procedures.

§ 6.01. Fiscal year.

The fiscal year of the town shall begin and end on such days as are determined by the council from time to time and as are in accordance with general law. (1986, c. 47)

§ 6.02. Submission of budget and budget message.

At or before the last meeting of the council which is at least forty-five days prior to the start of the next fiscal year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. (1986, c. 47)

§ 6.03. Budget message.

The manager's message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable. (1986, c. 47)

§ 6.04. Budget contents.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and shall contain such information as is required by law.

The budget shall be in such form as the manager deems desirable or the council may require, unless otherwise required by law. (1986, c. 47)

§ 6.05. Capital program.

A. Submission to council. The manager shall prepare and submit to the council a five-year capital program at the same time that the budget is submitted.

B. Contents. The capital program shall require such information as the manager shall deem desirable, or the council may require, and such other information as may be required by general law.

C. The capital program may be revised and extended each year with regard to capital improvements still pending or in progress or in process of construction or acquisition. (1986, c. 47)

§ 6.06. Council action on budget.

A. Notice and hearing. The council shall publish in one or more local newspapers the general summary of the budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public, and

2. The time and place, not less than two weeks after such publication, for a public hearing on the budget.

B. Amendment before adoption. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated available funds.

C. Adoption. The budget shall be adopted within six weeks following the beginning of the fiscal year covered by the budget so adopted, but the failure to adopt the budget within six weeks shall not invalidate its subsequent adoption. However, no monies may be legally expended for town purposes after the expiration of six weeks until after the budget shall have been adopted. (1986, c. 47)

§ 6.07. Council action on capital program.

A. Notice and hearing. The council shall publish in one or more local newspapers the general summary of the capital program and a notice stating:

1. The times and places where copies of the capital program are available for inspection by the public, and

2. The time and places, not less than two weeks after such publication, for a public hearing on the capital program.

B. Adoption. The council by resolution shall adopt the capital program with or without amendment after the public hearing and no later than two weeks after the adoption of the budget. (1986, c. 47)

§ 6.08. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town. (1986, c. 47)

§ 6.09. Amendments after adoption.

A. Supplemental appropriations. If during the fiscal year the manager certifies that there are available for appropriation funds in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of excess.

B. Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 3.16. To the extent that there are no available unappropriated funds to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

C. Reduction of appropriations. If at any time during the fiscal year it appears probable to the manager that the funds available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

D. Transfer of appropriations. At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance or resolution transfer part of all of any unencumbered appropriation balance from one department, office or agency to another. (1986, c. 47)

§ 6.10. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if five years pass without any disbursement from or encumbrance of the appropriation. (1986, c. 47)

§ 6.11. Contracting debts; evidences of indebtedness generally.

A. The town may in the name, and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations within the limitations prescribed by the Constitution, and in accordance with the provisions of law concerning bond issues by towns, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with public utilities owned and operated by the town.

B. Pending the issuance and sale of any bonds, notes or other obligations by this charter authorized, or in anticipation of the receipt of taxes and revenues for the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans, or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues as the case may be. (1986, c. 47)

§ 6.12. Municipal assessment.

The assessment of real and personal property in the town for the purpose of municipal taxation may be set by the town council in such manner as the council may provide in accordance with the Constitution and the general laws of the Commonwealth. (1986, c. 47)

§ 6.13. Assessments for local improvements.

The council may impose special assessments for local improvements and force payment thereof, subject to such limitations prescribed by the laws of the Commonwealth as may be in force at the time of the imposition of such special assessments.

The council may provide that the persons, firms, and corporations against whom the special assessments have been made may pay such assessments in equal installments for a period not exceeding

ten years, together with interest on the unpaid balances as allowed by the Constitution and the general laws of the Commonwealth. (1986, c. 47)

§ 6.14. Grant of town's credit prohibited.

The credit of the town shall not directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation. (1986, c. 47)

Article VII. General Provisions.

§ 7.01. Charter amendment.

Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth of Virginia. (1986, c. 47)

§ 7.02. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (1986, c. 47)

§ 7.03. Oaths of office and official bonds.

All elected or appointed officers and officials of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the clerk of council and the clerk of the Circuit Court of Pulaski County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer or official within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant unless general law otherwise provides, in which event general law shall prevail. (1986, c. 47)

§ 7.04. Books, records, et cetera.

All books, records and documents used by any elected or appointed town officer, official or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any persons designated by this charter, the general laws of the Commonwealth, or the Pulaski Town Code as responsible for keeping of such books, records and documents shall, after the end of his term of office, or after the date of his resignation or removal from office, deliver to the clerk of council all such books, records, and documents and town property if so requested by such clerk.

In the event that such books, records, documents and property are not delivered, the town shall be entitled to use any lawful means to effect their recovery, including but not limited to, injunctive relief, an action in detinue, peaceful repossession, an action for damages or the like. The town may also recover any damages or attorney's fees incurred as a result of a willful or negligent failure to return such books, records, documents or property. (1986, c. 47)

Article VIII. Transitional Provisions.

§ 8.01. Ordinances.

All ordinances, resolutions, orders and regulations of the Town of Pulaski not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. Ordinances, resolutions, orders and regulations which are in force when this charter becomes effective and which are inconsistent with this charter are repealed. (1986, c. 47)

§ 8.02. Continuity of terms of officers.

The officers of the Town of Pulaski who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified.

The mayor and council members of the Town of Pulaski who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified. (1986, c. 47)

§ 8.03. Interpreting this charter.

The masculine shall be deemed to include the feminine and vice-versa. (1986, c. 47)

§ 8.04. Severability clause.

If any clause, sentence, paragraph, section or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered. (1986, c. 47)

§ 8.05. Repealing clause.

All acts or parts of acts in conflict with this charter, insofar as they affect the provisions of this charter, and all former charters and amendments thereto for the Town of Pulaski, Virginia, are hereby repealed. (1986, c. 47)

§ 8.06. Citation of act.

This act may for all purposes be referred to or cited as the Charter for the Town of Pulaski, Virginia, of 1986. (1986, c. 47)

Purcellville, Town of

County of Loudoun

History of incorporation

Incorporated by a 1908 Act of Assembly.
Incorporation and charter, 1908, c. 391; repealed 1950, c. 538.

Charter, 1950, c. 538; repealed 1968, c. 52.

Current charter
Charter, 1968, c. 52.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. General Provisions.

§ 1-1. Definition of municipality.

Wherever the word "municipality" or "municipal" appears in this charter, it shall be construed to refer to the Corporation of Purcellville, Virginia. (1968, c. 52)

§ 1-2. Corporate status; powers and privileges generally.

The Corporation of Purcellville, in the County of Loudoun, shall continue to be a town corporate, in the name and style of the Town of Purcellville, and as such shall have and may exercise the powers and privileges conferred upon it by this charter and which are now, or may be hereafter delegated to towns in accordance with the Constitution or laws of the Commonwealth of Virginia. (1968, c. 52)

§ 1-3. Corporate limits.

The corporate limits or boundaries of the municipality, unless and until changed in the manner prescribed by law, shall be the same as set forth in Deed Book 453, at Page 28, et seq. in the Clerk's Office of the Circuit Court of Loudoun County, Virginia. (1968, c. 52)

§ 1-4. Corporate seal.

The municipality may provide for the adoption of its corporate seal. (1968, c. 52)

§ 1-5. Elections generally.

All elections shall be conducted pursuant to and in accordance with the general law governing the holding of elections in towns. (1968, c. 52)

Chapter 2. Municipal Council Generally; Mayor; Mayor Pro Tempore; Powers and Duties.

§ 2-1. Legislative powers in municipal council.

The legislative powers of the municipality shall be vested in a municipal council, consisting of seven members, one of whom in addition shall be a mayor, who shall be elected as specified herein. Each member shall be an elector of the municipality. (1968, c. 52)

§ 2-2. Election of council; composition; terms of office.

The members of the council in office at the effective date of this charter amendment are hereby continued in office until the first day of July in the even-numbered year succeeding the term of office for which they were elected. Council members shall be elected to four-year terms on the first Tuesday in May of every even-numbered year in the manner herein provided: Three council members shall be

elected in the municipal elections held in May, 1974, and in municipal elections held every four years thereafter; three council members shall be elected in the municipal elections held in May, 1976, and in municipal elections held every four years thereafter. The members of the council shall take office on the first day of July, after their election. Said council members shall continue to discharge the duties of their respective offices until their successors have been qualified. (1968, c. 52; 1971, c. 82; 1974, c. 147; 2004, c. 45)

§ 2-3. Election of mayor; term of office and vice mayor.

The mayor in office at the effective date of this charter amendment is hereby continued in office until the first day of July, 1974. On the first Tuesday in May, 1974, there shall be elected by the qualified voters of the municipality, a mayor for a term of two years, beginning on the first day of July 1974. On the first Tuesday in May of each even-numbered year following 1974, the mayor shall be elected, for a term of two years, beginning on the first day of July of the year of his election. The mayor so elected shall continue to discharge the duties of the office until a successor shall have qualified.

The mayor shall preside at all meetings of the council and he or she shall be a regular member of the council.

The mayor shall be recognized as the head of the municipal government for all ceremonial purposes, the purpose of military law and the service of civil process.

The mayor shall authenticate by his or her signature such documents and instruments as the council, Constitution or general laws require.

During the regular monthly meeting in July each year, the council shall appoint from the membership of the council a vice mayor to serve in the absence or the disability of the mayor. This appointment is for a one-year term, and the vice mayor will serve during such absence or disability with the same powers and duties given the mayor in this section. (1968, c. 52; 1971, c. 82; 1974, c. 147; 2000, c. 225)

§ 2-4. Clerk of the council.

The council may appoint a clerk of the council whose duties shall be prescribed by the council. (1968, c. 52)

§ 2-5. Meetings.

All meetings of the council shall be public unless the council by a recorded affirmative vote declares a closed meeting in accordance with law. (1968, c. 52; 2002, c. 11)

§ 2-6. Vacancies in office of council member.

Vacancies in the office of council member and mayor for whatever cause shall be filled for the unexpired portion of the term remaining before the next regular Town Council election by majority vote of the remaining members of the council. In the event that the vacancy occurs before the mid-point of the

term, the appointee to the unexpired term shall be a candidate for election to the remaining term length at the next regular Town Council election. The term shall be two years initially with succeeding terms of four years. If the vacancy occurs after the mid-point of the term, the successful candidate at the next election shall serve a four-year term. If the council shall fail to fill a vacancy, such vacancy shall be filled by appointment of the judge of the Circuit Court of Loudoun County, upon notice to the court by petition filed by the mayor or any council member. (1968, c. 52; 2004, c. 45)

§ 2-7. Rules of proceeding.

The council may by ordinance adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings.

It shall hold at least one regular monthly meeting. (1968, c. 52)

Chapter 3. Powers Generally.

§ 3-1. Adoption of state law provisions.

The powers set forth in the 1950 Code of Virginia, as amended, are hereby conferred on and vested in the Town of Purcellville as such are applicable to municipal corporations. (1968, c. 52; 2002, c. 11)

§ 3-2. Salaries and wages.

Compensation for members of the council, mayor and all officers and employees shall be set by the council. (1968, c. 52; 1974, c. 147; 2002, c. 11)

§ 3-3. Power of municipality to acquire land or interests therein for exchange with public utility company.

Whenever any public utility company owns any land or any easement, right-of-way or other interest in land which the municipality deems necessary and intends to acquire for any public purpose, which land, easement, right-of-way or other interest in land owned by a public utility company is devoted to a public use, the municipality may acquire by gift, purchase or by the exercise of the power of eminent domain additional or a like easement, right-of-way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the municipality and may then convey the same to the public utility company for use by it in lieu of the land, easement, right-of-way, or other interest in land theretofore owned by it but needed by the municipality. The condemnation of such land, easement, rights-of-way or other interest in land to be conveyed to any public utility company shall be governed by the same procedure prescribed by this charter and may be carried out at the same time if against the same property owner and if against the same landowner or in the same proceedings in which land is condemned for the municipality. (1968, c. 52)

§ 3-4. Utility rates.

The municipality shall have the power and right to charge a different rate for any utility service rendered or convenience furnished without the corporate limits from the rates charged for similar services within the corporate limits. (1968, c. 52)

§ 3-5. Residency requirements.

The town manager will be required to live within the corporate limits of or within fifteen miles of the corporate limits of the Town of Purcellville within ninety days after appointment to office and during the term of employment. (1976, c. 417; 1979, c. 24; 2002, c. 11; 2008, c. 5)

Chapter 4. Zoning.

§ 4-1. Zoning administrator.

The council shall appoint the zoning administrator to serve at its pleasure, be paid such compensation and perform such duties as may be prescribed by the council. The zoning administrator shall administer and enforce the zoning ordinances, and does not have to be a resident of the town during his term of office. (1968, c. 52)

§ 4-2. Board of Zoning Appeals.

The council shall appoint the members of the Board of Zoning Appeals, which shall consist of not less than five members nor more than ten members, and prescribe their terms of office and qualifications therefor. (1968, c. 52)

Chapter 4.1. Board of Architectural Review.

§ 4.1-1. Board of Architectural Review.

The council may appoint a Board of Architectural Review consisting of five members, at least four of whom shall be residents of the town and representative of the following professions or interests: architecture, landscape architecture, urban or town planning, historic preservation, and a citizen representative. However, the council may, in its discretion, appoint up to 7 members. Such additional members need not be residents of the town.

The terms of office of the members of the board shall be four years with terms being staggered initially such that one member shall be appointed for a term of one year, a second member appointed for a term of two years, a third member appointed for a term of three years and the remaining two members appointed for terms of four years. The terms of the members shall take effect on July 1, 2004.

The Board of Architectural Review shall be responsible for the review and implementation of architectural design standards for all commercial and overlay districts as approved by the town council. The application of the standards shall apply to new construction, exterior renovations, parking areas, signage, streetscapes, street and street intersection design and pedestrian ways.

The town council shall approve and adopt all architectural design standards and the process by which they are reviewed and applied. The Board of Architectural Review shall be responsible for the review and application of the duly adopted architectural design and review standards as approved by the town council for all commercial and overlay districts. (2004, c. 45; 2006, c. 133; 2011, c. 478; 2012, c. 442)

Chapter 5. Town Manager.

§ 5-1. Appointment, qualifications, terms, removal.

The administrative and executive powers of the municipality except where in conflict with other provisions of this charter, including the power of appointment of officers and employees, may be vested in a town manager. The town manager shall hold office during the pleasure of the council. (1968, c. 52; 1979, c. 24)

§ 5-2. General duties.

The town manager shall:

(1) See that within the municipality the laws, ordinances, resolutions and bylaws of the municipality are faithfully executed;

(2) Attend all meetings of the council and recommend for adoption such measures as he shall deem expedient;

(3) Make reports to the council from time to time upon the affairs of the municipality;

(4) Keep the council fully advised of the municipality's financial condition and its future financial needs;

(5) Prepare and submit to the council a tentative budget for the next fiscal year; and

(6) Perform such other duties as may be prescribed by the council not in conflict with this charter. (1968, c. 52)

§ 5-3. Powers as to municipal officers, employees, etc.

All officers and employees of the municipality, as the council shall determine are necessary for the proper administration of the municipality, shall be appointed and may be removed by the manager. (1968, c. 52; 2002, c. 11)

Chapter 6. Issuing Justices.

§ 6-1. Creation of office.

There is hereby created the office of issuing justices for the municipality. (1968, c. 52)

§ 6-2. Appointments.

The council may appoint not more than two issuing justices who are qualified electors of the town and who shall hold office at the pleasure of the council. The council may fill any vacancy in the office of issuing justice. (1968, c. 52)

§ 6-3. Powers.

The issuing justices so appointed shall have power to issue warrants for arrest for violation of municipal ordinances, and civil warrants in cases in which the police justice has jurisdiction, the power to issue subpoenas or other processes the same as could be issued by the police justice and in the absence of the police justice, shall have the power to admit to bail in any case where the police justice could admit to bail, but any warrant, summons or process issued by such issuing justices for violation of a municipal ordinance shall be returnable before the police justice or the substitute justice of the municipality. (1968, c. 52)

§ 6-4. Compensation; costs.

Compensation shall be paid to any such issuing justices by the municipality as provided by the council.

For the issuance of any warrant, subpoena, or other process and for admitting any person to bail, such issuing justices shall charge the same fees and costs as are provided in like cases by general law, which fees, costs and cash bail shall be paid to the clerk of the police court, or treasurer of the town, if no clerk has been appointed. (1968, c. 52)

§ 6-5. Procedure for issuing warrants, etc.

The procedure for issuing warrants, service of process, return of a warrant, examination, bail, arrest, commitment and recognizances as provided by general law shall be followed by the issuing justices and police officers of the municipality. (1968, c. 52)

Chapter 7. Police Court.

§ 7-1. Generally.

There shall be a police court of the municipality which court shall have original jurisdiction of all cases involving violations of the provisions of this charter and of all ordinances of the municipality and of cases instituted for the collection of the municipal taxes or other debts due and owing the municipality. The trial officer presiding over the police court shall be known as the police justice of the municipality and shall have the right and authority to issue warrants, summon witnesses and try all cases arising within the jurisdiction of the court. The police justice and substitute police justice shall be appointed by the council and the substitute police justice shall serve in the absence of the police justice and shall have the same power and authority of the police justice. The police justice and substitute police justice need not be a resident of the municipality. The mayor may be appointed tow serve as police justice or substitute police justice and receive a salary therefor in addition to his salary as councilman and mayor. The council shall prescribe the terms of office, the salary to be paid, the oath to be

subscribed to by the police justice and substitute police justice and the bond to be given. The council may provide a clerk for the police court to serve at the pleasure of the council or such clerical assistance as it deems necessary, and prescribe the duties and fix the compensation of all such employees. All provisions with respect to venue, process and order of publication, and procedure in county courts shall be applicable to all cases instituted in and heard in the police court. The procedure in and appeals from such court shall be as provided by general law for county courts. The fees in such courts shall be as provided for by general law for county courts. All fees and fines imposed by the trial officer shall be paid into the treasury of the municipality. (1968, c. 52)

Chapter 8. Taxation.

§ 8-1. Treasurer.

The council shall appoint a municipal treasurer, who shall serve at the pleasure of the council. The treasurer shall receive such compensation and give such bond as may be prescribed by the council, and perform such duties as may be prescribed by the council and as are prescribed by general law. (1968, c. 52)

§ 8-2. Commissioner of revenue; appointment; duties; assessment of real estate and personal property for tax purposes; effective date of assessment for tax purposes.

The council shall appoint a commissioner of revenue who shall have the same power and duties provided by the Constitution and general law for commissioners of revenues for counties, who shall serve at the pleasure of the council.

The municipality shall utilize the assessments of real property and personal property in the office of the Commissioner of Revenue for the County of Loudoun for the assessment of real and personal property for municipal taxes for each year. (1968, c. 52; 1976, c. 417; 2002, c. 11)

§ 8-3. Combining both offices; appointment of deputies.

The office of Commissioner of Revenue and Treasurer may be held by the same individual at the same time and the council may appoint deputy treasurers and commissioners of revenue at its discretion. (1968, c. 52)

Chapter 9. Continuation Provisions; Severability; Repealing Provisions; Effective Date.

§ 9-1. Ratification and continuation of ordinances, privileges, rights, etc.

All ordinances and resolutions heretofore made and adopted by the municipality, not in conflict with this charter, are hereby ratified and confirmed and shall be and remain in full force and effect until altered, amended or repealed by the council of the municipality.

And all the rights, privileges and property of the municipality heretofore acquired, now owned or enjoyed shall continue undiminished and remain vested in the municipality. (1968, c. 52)

§ 9-2. Continuation of present offices, etc.

All officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation of law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the municipality as set forth in § 15.1-845, Code of Virginia, as in force on January 1, 1968; provided, however, that the treasurer, issuing justices, and recorder at the time of the passage of this act shall continue in office with the same duties and powers until September 1, 1969, or until their successors are elected or appointed or qualified. (1968, c. 52)

§ 9-3. Severability.

If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered. (1968, c. 52)

Editor's note: Complete amendments listing for the Town of Purcellville:

Current charter

Charter, 1968, c. 52.

Amendments to current charter

1971, c. 82 (§§ 2-2, 2-3)
1974, c. 147 (§§ 2-2, 2-3, 3-2)
1976, c. 417 (§§ 3-5 [added], 8-2)
1979, c. 24 (§§ 3-5, 5-1)
2000, c. 225 (§ 2-3)
2002, c. 11 (§§ 2-5, 3-1, 3-2, 3-5, 5-3, 8-2)
2004, c. 45 (§§ 2-2, 2-6, 4.1-1 [added])
2006, c. 133 (§ 4.1-1)
2008, c. 5 (§ 3-5)
2011, c. 478 (§ 4.1-1)
2012, c. 442 (§ 4.1-1)

Quantico, Town of

County of Prince William

History of incorporation

Incorporated by order of Circuit Court, October 6, 1927.

Current charter

Charter, 1934, c. 206.

Amendments to current charter
1973, c. 43 (§ 5)
1999, c. 176 (§ 6)
2017, c. 256 (§§ 6, 7, 10 [repealed], 11 [repealed], 12 [repealed])

§ 1. That the town of Quantico, in the county of Prince William, shall continue to be a town corporate, in the name and style of the town of Quantico, and as such shall have and may exercise all powers which are now, and hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1934, c. 206)

§ 2. The corporate limits of the town of Quantico, Virginia, as heretofore established, are hereby re-established as follows:

Beginning at a point in the low water line of the Potomac river, which said point marks the intersection of the low water line of the Potomac river with the north line of Potomac avenue, as set forth in a plat attached to an order entered in the circuit court of Prince William county, Virginia, incorporating the town of Quantico, in a proceeding for said purpose; thence westerly along the north side of Potomac avenue to an iron pipe, designated as monument one hundred and thirty-four and located one hundred and forty-one and ten one-hundredths, more or less, feet east of the east line of lot twenty-eight, block four, section "A" of the map or plat of Quantico, duly recorded in deed book sixty-eight, in the clerk's office of the circuit court of Prince William county; thence at right angles to the north line of Potomac avenue in a straight line southerly to the center line of Fifth avenue, as shown on said plat, or monument one hundred and thirty-five; thence in a generally westerly direction at right angles to said last mentioned line, along the center line of Fifth avenue to the west side of the Richmond, Fredericksburg and Potomac Railway Company's right of way fourteen hundred and sixty-three and twenty-three one-hundredths feet; thence in a general northwesterly point of intersection with Little creek sixteen hundred and eleven and sixty-three one-hundredths feet, more or less; thence following Little creek toward the Potomac river to monument one hundred and thirty-seven; thence with the same monument one hundred and thirty-eight and thence with said creek to monument one hundred and thirty-nine; thence in a southwesterly direction to monument one hundred and forty; thence in a southeasterly direction, running with monument one hundred and forty-one and one hundred and forty-one-a and to monument one hundred and forty-two at the mouth of said Little creek to mean low water on said Potomac river; and thence with mean low water and the meanders of said river to the point of beginning, save and excepting therefrom lot number one, in block five, in section "A," and a strip of land sixteen feet wide and seven hundred and fifty feet long running from said Potomac avenue to Little creek, heretofore commandeered and

taken over by the United States government as part and parcel of a marine corps post. (1934, c. 206)

§ 3. In addition to the powers mentioned in § 1 hereof, the town of Quantico shall have the following powers:

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

(b) To levy and collect taxes, and assessments on persons, property, subject to local taxation, privileges, amusements, business, professions, and occupations; to issue licenses for the conduct or operation of privileges, amusements, business, professions, and occupations; to make and collect charges and fees therefor.

(c) To impose special or local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments.

(d) To contract debts, borrow money and make and issue evidences of indebtedness, and have a common seal.

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

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

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

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

supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

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

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

(k) To establish, enter, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean public streets, highways, alleys, parkways and parks, and to alter or close the same; to regulate the weight of loads to be hauled or carried over and upon the streets; to regulate the use of all such highways, parks, streets, alleys, parkways, and public grounds; to prevent the obstruction and destruction, and injury to, any of such streets and highways; to require any railroad company operating a railroad at the place where any highway or street is crossed within the town limits to erect and maintain at such crossing any style of gate deemed proper, and keep a man in charge thereof, or keep a flagman at such crossing during such hours as the council may require in accordance with the general law of the State, and to regulate the length of time such crossings may be closed due to any operations of the railroad; to regulate the operation and speed of all cars and vehicles upon said streets and highways, as well as the speed of all engines, cars, and trains of railroads within the town; to permit or prohibit poles and wires for electric, telephone and telegraph purposes to be erected, and gas lines to be laid in the streets and alleys, and to prescribe and collect an annual charge for such privilege hereafter granted; to require the owner or lessee of any electric light, telephone or telegraph pole or poles or wires now in use or hereafter erected to change the location or move the same.

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

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

(n) Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises for public utilities.

(o) To collect and dispose of sewerage, offal, ashes, garbage. carcasses of dead animals and other refuse, and to make reasonable charges therefor; to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them, and to contract for and regulate and collect for the disposal thereof, and to require and regulate the disposal thereof;

(p) To compel the abatement of all nuisances within the town, or upon property owned by the town beyond its limits, at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion, or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion, or by distress and sale; to regulate or prevent slaughter houses or other noisome or offensive business within the said town, the keeping of hogs, or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept constructed; to regulate the location, construction and operation and maintenance of bill boards; to provide how, when, and under what conditions awnings may project over the streets and sidewalks from buildings, and sidewalks may be used for advertising and display signs and merchandise; to generally define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice, or snow.

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

(r) To inspect, test, measure, and weigh any commodity or article of consumption for use within the town, and to establish, regulate, license, and inspect weights, meters, measures and scales.

(s) To extinguish and prevent fires, and to establish, regulate, and control a fire department or division, to regulate the size, heights, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected, in such manner as the public safety and conveniences may require; to remove, or require to be removed or reconstructed any building, structure or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed to, added to, enlarged, or repaired, and to direct any and all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

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

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

(v) To provide in or near the town lands to be used as burial places for the dead; providing land for the same may be secured; otherwise to provide same as near as may be to the town; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of ground therein; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income therefrom used in and about the perpetual upkeep and care of the said lot or plot, for which the said donation, gift, or bequest shall have been made.

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

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

(y) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of the same or any of them within the town; to require every owner of a motor vehicle residing in said town, on a date to be designated by the council, to annually register such motor vehicle and obtain a license to operate the same by making application to the treasurer of said town, and to require said owner to pay an annual license fee

therefor to be fixed by the council, but said license fee shall not exceed the amount charged by the State on said machine.

(z) To make and enforce ordinances similar to the laws of the State appertaining to ardent spirits.

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

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

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

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

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

The town of Quantico may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding punishment may be provided for the violation of such ordinance. (1934, c. 206)

§ 4. The government of said town shall be vested in a town council, which shall be composed of a mayor and five councilmen, each and all of whom shall be residents of, and qualified voters of said town. Vacancies in the office of mayor or councilmen shall be filled for the unexpired term by a majority vote of the remaining members of the council. The mayor shall preside over all meetings of said council, and shall not vote upon any matter before the council except in the case of a tie vote of councilmen voting. The mayor shall be the chief executive officer of the town, and shall have the jurisdiction and authority of a justice of the peace for Prince William county, and shall have exclusive jurisdiction for the trial of offenses arising under the ordinances of said town. In the absence of the mayor the council shall, by majority vote, select one of its members to act as mayor pro tem. (1934, c. 206)

§ 5. The mayor and councilmen in office at the time of the passage of this act shall continue in office until the first day of July, of the year following termination of their respective terms, or until their

successors are elected and qualified. The election for mayor and councilmen shall be held on the first Tuesday in May, 1974, and every two years thereafter, and the mayor and councilmen elected under this act shall enter upon the duties of their respective offices the first day of July succeeding their election. (1934, c. 206; 1973, c. 43)

§ 6. The council may by ordinance provide for such other officers, agents, and employees as it may deem appropriate, prescribe their duties and fix their compensation. (1934, c. 206; 1999, c. 176; 2017, c. 256)

§ 7. The council shall fix the salaries of the mayor, councilmen, and such other officers or agents as it may employ, which shall not be increased or diminished during their term of office of such officer or agent. (1934, c. 206; 2017, c. 256)

§ 8. The council shall, by ordinance, adopt such rules as it may deem proper for the regulation of its proceedings, and the time of its meetings, and by a three-fourths vote of the whole council may expel a member for good cause. A majority of the council shall constitute a quorum for the transaction of business, but no ordinance or resolution shall be adopted having for its object the levying of taxes or contracting a debt except by a vote of two-thirds of the council. The mayor shall preside at all meetings of the council. All meetings of the council shall be public, unless the council by a recorded affirmative vote of two-thirds of its members shall declare that the public welfare demands an executive session of the council; any citizen may have access to the minutes and records of the council at any reasonable times. (1934, c. 206)

§ 9. The mayor, in addition to his duty in presiding over the council, shall perform such other duties consistent with his office as may be imposed by the council; he shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; he shall be the official head of the town. In times of public danger or emergency he may take command of the police and maintain order and enforce the laws, and for this purpose may deputize such assistant policemen as may be necessary. During his absence or disability his duties shall be performed by another member elected by the council as in this charter set forth. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of the State shall require. (1934, c. 206)

§ 10. (1934, c. 206; repealed 2017, c. 256)

§ 11. (1934, c. 206; repealed 2017, c. 256)

§ 12. (1934, c. 206; repealed 2017, c. 256)

§ 13. The council may, by ordinance, create the office of police justice for the town and such police justice may be granted jurisdiction and powers similar to the jurisdiction and powers of police justices

in cities of this State. The term of office of such police justice shall not be for a term extending beyond that of the council by which he may be appointed. (1934, c. 206)

§ 14. Licenses may be imposed by ordinance on business, trades, professions and callings, and upon the persons, firms, associations and corporations engaged therein, or doing, or offering to do, business within the boundaries of said town, whose principal office is, or is not, located in said town, except when prohibited by general law, whether a license may be required therefor by the State or not, and it may exceed the State license if any be required; licenses may also be imposed upon persons, firms, and corporations selling and delivering at the same time at other than a definite place of business goods, wares or merchandise, to licensed dealers or retailers in said town. It is the purpose of this section to give the council of this town the power to tax and license all subjects within its jurisdiction not withheld from taxation by cities and towns by the laws of this State, whether herein specifically enumerated or not.

For every town license issued by the treasurer under this charter he may charge a fee to be prescribed by ordinance, not in excess of seventy-five cents, and for transferring a license the fee shall not be in excess of fifty cents, such fees to be paid by the person obtaining the license or transfer, and the license or transfer may be withheld until the fees are paid into the town treasury for town purposes, should any such fees be prescribed by town ordinance. (1934, c. 206)

§ 15. A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, assessed thereon from the commencement of the year for which the same were assessed, and the procedure for collecting said taxes, for selling real estate for town taxes, and for the redemption of real estate sold for town taxes shall be the same as provided in the general law of the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now, or hereafter may be granted or permitted under the general law. (1934, c. 206)

§ 16. All ordinances now in force in the town of Quantico, not inconsistent with this charter, shall be and remain in full force until altered, amended, or repealed by the council of said town. (1934, c. 206)

§ 17. If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which said judgment shall have been rendered. (1934, c. 206)

§ 18. All contracts and obligations heretofore or hereafter made by the present council and government of the town of Quantico while in office, not inconsistent with this charter, or the Constitution

and the general laws of this State, shall be and hereby are declared to be valid and legal. (1934, c. 206)

§ 19. The enumeration of particular powers and authority in this charter shall not be deemed or held to be exclusive but in addition to the powers herein enumerated, implied hereby, or appropriate to the exercise thereof, the said town shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by towns under the Constitution and general laws of this State. (1934, c. 206)

§ 20. An emergency existing, this act shall be in force from its passage. (1934, c. 206)

Radford, City of

History of incorporation
Previous names: Lovely Mount, English Ferry, Ingles's Ferry, Central Depot, and Central City.
Town of Central City established in 1885.
Name changed to Radford in 1890; incorporated as a city in 1892.
Charter, Town of Central City, 1887.
Charter, 1892, c. 85; repealed 1910, c. 192.
Charter, 1910, c. 192; repealed 1946, c. 375.
Charter, 1946, c. 375; repealed 1968, c. 209.

Current charter
Charter, 1968, c. 209.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

Article I. In General.

§ 1.1. Body politic and corporate; powers generally; boundaries.

The inhabitants of the territory comprised within the present limits of the City of Radford, as hereinafter prescribed, or as the same may be hereafter altered and established by law, shall continue to be a body politic and corporate, to be known and designated as the City of Radford and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to cities of its class under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive and the said City of Radford as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal, which it may alter, renew or amend at its pleasure by a proper ordinance.

The boundaries of said city shall remain as now established and as set forth in an act of the General Assembly of Virginia approved March 28, 1946, as amended (Acts of Assembly of 1946, Chapter 375,

page 654 et seq), and as expounded by a Decree of Annexation in annexation proceedings under the style of Bondurant Insurance, Inc., et al. vs. City of Radford, et al., a copy of which is recorded in the clerk's office of the Circuit Court of the City of Radford, Virginia, in Deed Book 74 at page 466; and by Decree of Annexation in annexation proceedings under the style of Allen E. Cloyd, et al. v. County of Montgomery and City of Radford, a copy of which is recorded in the clerk's office of the Circuit Court of the City of Radford in Deed Book 93, Page 628; and by Decree of Annexation in annexation proceedings under the style of Bondurant Development Corporation, et al., vs. County of Montgomery and the City of Radford, a copy of which is recorded in the clerk's office of the Circuit Court of the City of Radford, Virginia, in Deed Book 104, Page 360; and by Voluntary Settlement Agreement by and between the City of Radford and the County of Montgomery, a copy of which is recorded in the clerk's office of the Circuit Court of the City of Radford, Virginia, in Deed Book 121, Page 503 and corrected by Deed Book 121, Page 771, and said boundaries as set forth in said act and decree are incorporated herein by reference. (1968, c. 209; 2004, c. 632)

§ 1.2. (1968, c. 209; 1973, c. 291; repealed 1980, c. 590)

§ 1.2:1. Enumeration of powers.

In addition to powers specifically granted by other provisions of this charter, the city shall have the power:

(a) to establish, organize and administer public libraries and public schools, subject to the general laws of the Commonwealth.

(b) to acquire, by purchase, gift, devise, condemnation or otherwise, lands either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use of places for the interment of the dead, whether owned by the city or by others, and generally to regulate the burial and disposition of the dead.

(c) to enjoin and restrain the violation of any city ordinance or ordinances, even though a penalty is provided upon conviction of such violation.

(d) by vote of council, to utilize profits from the operation of its utilities, above the cost of maintenance and operation, and sufficient reserves for depreciation, replacement, repairs, debt retirement (if any), etc., as determined by accepted accounting practices, for industrial development within the city.

(e) and in general to have, exercise and possess all of the rights, powers and privileges heretofore or hereafter conferred upon or delegated to cities by the Constitution and laws of the Commonwealth of Virginia, specifically those powers set forth in Title 15.2 of the Code of Virginia and all other powers pertinent to the conduct of its affairs not expressly prohibited by the Constitution and general laws of the Commonwealth, and which are necessary or desirable to secure and

promote the general welfare of the inhabitants of the city and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the city and the inhabitants thereof, and the enumeration of powers, in this charter, or in Title 15.2 of the Code of Virginia, or in the general laws of the Commonwealth shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. (1980, c. 590; 2004, c. 632)

§ 1.3. Power of eminent domain.

In order to carry out effectually the powers conferred by this charter, the City of Radford is hereby expressly authorized to acquire by condemnation proceedings instituted in the Circuit Court of the City of Radford, Virginia, if the subject lies or is situated within the city, or if not within the city, in the circuit court of the county in which lies such subject, such lands or any interest therein, any right, easement or estate of any person or corporation therein as the city may need for its public purposes. If the subject is situated partly within the city and partly within a county, the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the Court of the City of Radford hereinbefore mentioned, which condemnation proceedings shall conform to and be conducted in accordance with the general laws of the Commonwealth applicable to condemnation by cities. (1968, c. 209; 1973, c. 291)

§ 1.4. Pension funds.

The council of said city shall have authority to establish a fund or funds for the relief or pensions of persons in the service of said city; to receive gifts, devises and bequests of money or property for the benefit of such fund or funds; to make contributions of public moneys thereto on such terms and conditions as it may see fit; and to make rules and regulations for the management, investment and administration of such funds or fund. (1968, c. 209)

§ 1.5. Working prisoners.

Subject to the general law of the Commonwealth regulating the working of those convicted of offenses against the Commonwealth, the council shall have the power to provide by ordinance for the employment or the working, either within or without the city limits, or within or without any city prison or jail, of all persons sentenced to confinement in said prison or jail for the violation of the laws of the Commonwealth of Virginia or the ordinances of the City of Radford. (1968, c. 209)

§ 1.6. Existing ordinances.

All ordinances and resolutions in force at the time of the taking effect of this charter not inconsistent with its provisions, shall continue in force until amended or repealed. (1968, c. 209)

§ 1.7. Continuance of contracts.

All contracts entered into by the city for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public works begun prior to the taking effect of this charter shall be

continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws. (1968, c. 209)

§ 1.8. Power to appoint boards or commissions of citizens.

The council may provide for the appointment of boards or commissions, to be composed of such number of citizens as the council may deem expedient. The members of all such boards and commissions shall serve with or without compensation, as council shall determine, and the city may furnish secretarial service, at the city's expense, and the city may pay all expenses of all boards and commissions, including travel. The council may prescribe the powers and duties of such boards and commissions consistent with the general law. The board of zoning appeals, planning commission and zoning commission, if the last be created, shall be appointed in the manner and perform such duties as are prescribed by general law and in all respects be governed thereby. (1968, c. 209)

§ 1.9. All general laws of the Commonwealth applicable to municipal corporations now in existence or hereafter enacted which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted by the council pursuant to the authority conferred by this charter shall be applicable to said city; provided, however, that nothing in this charter shall be construed as limiting the power of the council to enact any ordinance or resolution not in conflict with the Constitution of this Commonwealth or with the express provisions of this charter. (1968, c. 209)

Article II. The Council.

§ 2.1. Creation and powers of the council.

There is hereby created a city council, composed of the mayor and four other members, which shall have full power and authority, except as herein otherwise specifically provided, to exercise all of the powers conferred upon the city, and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the Commonwealth and of this charter, and shall have full control of all fiscal and municipal affairs of the city and all of its real and personal property and may from time to time amend, reamend or repeal any or all of the ordinances, for the proper regulation, management and government of the city and may impose fines and penalties for the violation or nonobservance thereof. It shall by ordinance or resolution fix the salaries of all officers and employees of the city elected or appointed by it, or appointed by its authority, and their rates of pay, and may so far as is not inconsistent with the provisions of this charter, define the powers and prescribe the duties of all such officers and employees. To effectuate the powers conferred by general law as well as the powers herein specifically granted, the council may employ all such persons as may be necessary. (1968, c. 209; 1985, c. 349)

§ 2.2. Composition of council; election of mayor; terms; powers of mayor; election and terms of other members of council; coincidental election for mayor and council.

(a) The council. The council shall consist of the mayor and four other members to be elected and to serve for the terms set forth in this section.

(b) The mayor. The mayor of the City of Radford shall be elected at large by the voters of the City of Radford beginning with the regular councilmanic election in the year 1986, to serve for a term of four years from the first day of July next following the date of the election and until a successor is elected and qualified, and his successor shall be elected each four years thereafter for the term commencing on the first day of July next following the date of the preceding regular councilmanic election.

(c) Status and duties of mayor. The mayor shall be in all respects equal in status with other members of council, and except as provided for herein, of no greater status, and the mayor shall be entitled to vote on all ordinances, resolutions and issues before city council, shall be entitled to make and second motions, and to otherwise exercise all rights and privileges of a member of city council.

The mayor shall preside at meetings of council and perform such other duties consistent with his office as may be imposed by the council, and while entitled to vote, shall possess no power of veto over any action of the council. He shall be recognized as the official head of the city for all ceremonial purposes, and by the Governor for military purposes. The title of mayor shall be used by the occupant of that office in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of Virginia, or the city council, so require, but this shall not be construed as conferring upon him the administrative, judicial functions, or other powers or functions of a mayor under the general laws of Virginia unless specifically set forth herein. In times of public danger or emergency he may, with the consent of the council, take command of the police and maintain order and enforce the laws, and for this purpose may deputize such special policemen as may be necessary. During the absence or disability of the mayor, the duties of the office shall be performed by the vice mayor.

The mayor shall enforce council's rules of procedure and preserve order and decorum at all meetings of the city council. He shall decide questions of order and may, without vacating the chair, give reasons for his decision.

The powers and duties of the mayor as a member of council shall be the same as any other member of council, and his powers and duties as mayor shall be such as are conferred by this charter, and by general laws not inconsistent herewith, together with such others as may be conferred by the council pursuant to the provisions of this charter.

(d) Other members of city council. In addition to the mayor, the council of the City of Radford shall consist of four members, who shall be elected at large and shall serve for a term of four years from the first day of July next following the date of their election and until their successors are duly elected and qualified. Nothing herein contained shall be construed to affect the terms of council members elected or appointed under the provisions of this charter prior to the regular councilmanic election in the year

1986, or thereafter until their then term expires. At the regular councilmanic election in 1986, two persons shall be elected as members of council, and at the regular councilmanic election in 1988, two persons shall be elected as members of council, and in each case their successors shall be elected every four years thereafter.

(e) Elections of mayor and council members coinciding. When the election for mayor coincides with the election of two other members of council, a candidate may run only for mayor, or for one of the council seats being voted upon, and cannot be qualified or appear on the ballot for both positions.

An incumbent member of council whose term will not expire until after the beginning of the term for which the mayor's election is being voted upon may, without vacating the council seat for which such member was elected, be a candidate for mayor for the term for which the election is held, but, upon that person's commencement of service of the mayor's term for which elected, the council seat occupied by such member shall become, ipso facto, vacant, and the provisions herein contained for filling such vacancy shall thereafter apply. (1968, c. 209; 1973, c. 291; 1980, c. 590; 1985, c. 349)

§ 2.2:1. Council a continuing body.

The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the terms of office or removal of the members of the body, or any of them. (1980, c. 590)

§ 2.2:2. (1980, c. 590; repealed 1985, c. 349)

§ 2.2:3. (1980, c. 590; repealed 1985, c. 349)

§ 2.2:4. (1980, c. 590; repealed 1985, c. 349)

§ 2.2:4.1. Vice mayor; how elected; term; powers and duties.

Beginning in the year 1986, the council, on the first business day in July next following the regular councilmanic election, or as soon thereafter as may be practicable, shall elect one of its members as vice mayor, who shall serve for a term extending from the first day of July, next following said councilmanic election to the thirtieth day of June, 1988, and for a like term in each year in which a councilmanic election is held. During the absence or disability of the mayor, the vice mayor shall have and perform all of the powers, duties, privileges and responsibilities of the office of mayor, and, in the event of a vacancy in the office of mayor, shall temporarily serve as acting mayor until the vacancy is filled as provided in this charter. During such temporary service, the councilmanic seat held by him shall not be deemed to have been vacated. (1985, c. 349)

§ 2.2:4.2. Vacancy in office of mayor; how filled; vacancies on council; how filled.

When a vacancy occurs on the city council, including the case of a vacancy in the office of mayor, then the office of mayor or the vacancy in the other members of council, in either case, shall be filled within thirty days of such vacancy by majority vote of the remaining members of council for the period from the date of appointment until the next regular councilmanic election; however, if such vacancy

occurs less than 120 days prior to the next regular councilmanic election, then the appointment by the remaining members of council shall be for the period remaining until the councilmanic election which first occurs more than 120 days after the vacancy. In any case, the unexpired term shall be filled by the voters at the next succeeding regular councilmanic election which occurs more than 120 days after such vacancy.

In the event the remaining members of council cannot or do not fill such vacancy in the office involved within the time and in the manner herein provided, then such vacancy shall be filled by a majority of the circuit judges of the judicial circuit of which the City of Radford is a part, or if there be only one such judge, then by the judge of such circuit. If a majority of the judges cannot agree, if there be more than one such judge, then the senior judge of the circuit shall make the appointment.

An appointment to fill a vacancy in the office of mayor, or on council, as the case may be, made by the judge or judges of the circuit court shall expire at the next regular councilmanic election; however, if the vacancy occurs within 120 days of the next election, then the appointment shall expire at the time of the second ensuing regular councilmanic election. (1985, c. 349)

§ 2.2:4.3. Writ of election to fill vacancy.

When a vacancy occurs in the office of mayor or in city council, the council shall, within thirty days of the occurrence of the vacancy, cause a petition to be filed with the Circuit Court of the City of Radford for issuance of a writ of election to fill such vacancy in accordance with the applicable sections of Title 24.2 of the Code of Virginia, and, upon receipt of such petition, the court shall issue the writ of election. When the vacancy has been filled by appointment by the remaining members of council the election shall be held at the next ensuing regularly scheduled councilmanic election or, if the vacancy occurred within 120 days of the date on which the next such election is scheduled, then at the second such election, provided, that when such vacancy has been filled by the remaining members of council, no such election shall be held if the regular councilmanic election at which the vacancy would be filled hereunder is scheduled in the calendar year in which that term expired;provided, further, that no such election shall be held if the regular councilmanic election at which a vacancy would otherwise be filled is scheduled within sixty days of the end of the term of office to be filled.

The person appointed by the circuit court to fill the vacancy shall hold office until the qualified voters shall fill the same by election as provided by Title 24.2 of the Code of Virginia, and the person so elected shall have qualified. (1985, c. 349)

§ 2.2:4.4. Method of election by voters to fill vacancy.

If the vacancy in the office of mayor is to be filled at a regular councilmanic election, the office shall be listed on the ballot separately from any other councilmanic office for which the election is also being held, and no candidate for a seat on council at such election may also be a candidate for mayor. The candidate receiving the highest number of votes for that vacancy shall fill the vacancy for the

unexpired term. If, at the same time, a vacancy in council's other membership is also being filled by the voters, no candidate may run for both offices.

In cases in which a vacancy or vacancies on city council (other than mayor) is or are to be filled at a regular councilmanic election, the number of candidates equal to the number of seats to be filled for full terms receiving the highest number of votes shall be entitled to such full terms, and the candidate receiving the next highest number shall fill the unexpired term caused by such vacancy, and so on in similar fashion until the vacancies are filled. (1985, c. 349)

§ 2.2:5. Qualifying of appointees.

Any person appointed under § 2.2:2 of this charter, or by the circuit judges in the event the remaining members of council cannot agree or do not act, shall, within thirty days of their appointment, qualify before any judge of the Circuit Court of the City of Radford, or before the clerk of such court, in like manner as is required of such council member when elected by the voters. (1980, c. 590)

§ 2.3. Qualification of members.

Any person qualified to vote in the city shall be eligible to the office of mayor or councilman. (1968, c. 209; 1985, c. 349)

§ 2.4. (1968, c. 209; repealed 1980, c. 590)

§ 2.4:1. Oath of councilmen and mayor; compensation.

Members elected or appointed to council shall, before entering upon the performance of their duties, take the oath of office prescribed by law.

Members of council and the mayor shall receive as compensation such sums as council may determine within ranges provided by general law, and a reasonable differential between compensation paid to the mayor and other members shall be established consistent with the responsibilities of the mayor. No increase in salary shall take effect, however, for a given member of council or the mayor until after the end of the term for which such member or mayor was elected. Such compensation shall be paid in monthly or equal semi-monthly installments as council may direct. (1980, c. 590; 1985, c. 349)

§ 2.5. Votes for councilmen.

In any election for mayor and councilman, each elector shall be entitled to vote for the office of mayor and for as many persons as there are seats on council to be filled, and no more, and no elector shall cast more than one vote for the same person. The candidates at any regular municipal election for the election of councilmen, equal in number to the places to be filled, who shall receive the highest number of votes at such election shall be declared elected as council member, and, when the election is also for mayor, the candidate with the highest member of votes cast for that office shall be declared elected mayor. (1968, c. 209; 1985, c. 349)

§ 2.6. Limitation of the powers.

Neither the mayor, the council nor any of its members shall dictate the appointment of any person to office or employment by the city manager, or prevent him from exercising his own judgement in the appointment of officers or employees in the administrative service. Except for the purpose of inquiry, the mayor, the council and its members shall deal with the administrative service solely through the city manager and neither the mayor nor council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately. (1968, c. 209; 1985, c. 349)

§ 2.7. (1968, c. 209; 1973, c. 291; repealed 1985, c. 349)

§ 2.7:1. Ineligibility of the mayor and council members to hold other office.

No member of city council, including the mayor, shall be eligible during his or her term of office as such member to hold any office to be filled by the council, by election or by appointment, except that the mayor and other members of city council may be named as a member of such other boards, commissions, and bodies as may be permitted by general law; provided, however, that a member of the city council may be elected or appointed to fill a vacancy in the office of mayor. (1985, c. 349; 1997, c. 536)

§ 2.8. (1968, c. 209; repealed 1985, c. 349)

§ 2.9. (1968, c. 209; 1973, c. 291; 1974, c. 61; repealed 1980, c. 590)

§ 2.9:1. Appointment of boards and commissions, city attorney, city clerk, city physician.

Council shall appoint the members of such boards and commissions as are provided by this charter, by the general laws of the Commonwealth, or as are established by council. The council may further appoint a city attorney, city physician and city clerk, and fix their salaries, compensation and term of office. Such term may be established for a time certain, or at the will of council. (1980, c. 590; 2004, c. 632)

§ 2.10. (1968, c. 209; 1973, c. 291; repealed 1980, c. 590)

§ 2.11. All elections by the council shall be viva voce and the vote recorded in the journal of the council.

The council may determine its own rules of procedure. It shall keep a journal of its proceedings. A majority of all the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time. (1968, c. 209)

§ 2.12. Meetings of council.

On the first business day in July (or as soon thereafter as may be practicable) next following the regular municipal election, the council shall meet at the usual place for holding meetings of the legislative body of the city for the purpose of organizing for the ensuing term. Thereafter the council shall meet at such times as may be prescribed by ordinance, resolution or motion of its members. The mayor, any member of council, or the city manager may call special meetings of the council at any time upon reasonable notice to each member, or such meeting may be held at any time without notice, provided, all

members of the council attend. All meetings of the council shall be public, except where the public interest may require executive sessions, and any citizen may have access to the minutes and records of all public meetings at all reasonable times. The requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) of the Code of Virginia shall be observed in calling any meeting of council. (1968, c. 209; 1973, c. 291; 1985, c. 349; 2004, c. 632)

§ 2.13. Legislative procedure.

Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

The enacting clause of all ordinances passed by the council shall be "Be it ordained by the council of the City of Radford." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular or special meetings not less than three days apart, or the requirement of such reading has been dispensed with by the affirmative vote of four of the members of the council. Any ordinance may be amended at any reading without the necessity of again reverting to a first reading thereof, and council may then proceed to consider the ordinance as amended on the subsequent readings. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council. All readings of ordinances shall require an affirmative vote of the majority of the members present and voting to pass. In the event that an ordinance or resolution fails to gain an affirmative vote of the majority of the members present and voting on either the first or second reading, said ordinance or resolution shall fail. No member shall be excused from voting except on matters involving the consideration of his official conduct, or where his financial or personal interests are involved.

In authorizing the making of any public improvement or the acquisition of real estate or any interest therein, or authorizing the contracting of indebtedness, (except temporary loans in anticipation of taxes or revenues or of the sale of bonds), or authorizing the sale of any property or rights in property in the City of Radford, or granting any public utility franchise, privilege, lease or right of any kind to use public property or easement of any description or any renewal, amendment or extension thereof, the council shall act only by ordinances; provided, however, that after such ordinances shall have taken effect, all subsequent proceedings incident thereto, providing for the carrying out of the purposes of such ordinance may, except as otherwise provided in this charter, be taken by resolution of the council. (1968, c. 209; 2004, c. 632)

§ 2.14. Emergency measures.

All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by the affirmative vote of four of its members, pass emergency measures to take effect any time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility (unless the same be wholly owned by the City of Radford) shall be so passed. (1968, c. 209)

§ 2.15. Record of ordinances and resolutions.

Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose and shall be authenticated by the signature of the presiding officer and the city clerk. (1968, c. 209)

§ 2.16. Ordinances and resolutions, et cetera, as evidence.

A record of entry made by the city clerk of a copy of such record or entry duly certified by him shall be prima facie evidence of the terms of the ordinance, resolution, record or entry and its adoption. All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the city clerk or from the volume of ordinances printed by authority of the council. (1968, c. 209)

§ 2.17. Time of holding municipal elections.

A municipal election shall be held on the first Tuesday in May, 1974, and every second year thereafter, which shall be known as the regular election for the election of councilmen. (1968, c. 209; 1973, c. 291)

§ 2.18. General provisions relating to elections, elections, how conducted.

All elections provided for in this charter, except as otherwise provided herein, shall be conducted, and the result canvassed and certified by the regular selection of officials provided for by the general election laws of the Commonwealth and all such elections shall be governed by such general election laws. (1968, c. 209)

§ 2.19. Qualification of members of the council and other officials.

The members of the council before entering upon the duties of their respective offices shall each take the oath prescribed by the laws of this Commonwealth for state officers. Such oaths shall be administered as provided by general law and the certificate thereof shall be filed with the city clerk and entered upon the journal of the council. Every other person elected or appointed to any office under this charter or under any ordinance of the council, except clerks, and laborers, shall, before entering upon the duties of his office, take and subscribe said oath, together with such other oaths as may be required by ordinance, before any person authorized to administer an oath, and the certificate of the same shall be filed in the office of the said clerk.

The clerk of the circuit court of said city shall notify all persons elected by the people, under this charter, or their election and the city clerk shall notify all persons elected by the council of their election. If any person elected to any office in the said city shall, after receiving notice of election, fail to take such oaths and give such bonds, with security, as may be required by law or ordinance, prior to the day on which their term of office begins, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled according to the provisions of this charter. (1968, c. 209)

§ 2.20. Bonds of officers.

Except in the case of officers whose bonds are specially provided for by this charter, the council in fixing the salary of any officer, clerk or employee of the city, shall determine whether such officer, clerk or employee shall give bond and the amount of penalty thereof. All officers required by this charter to give bond, and all officers and employees and clerks of whom bond is required by the council shall, before entering upon their respective duties, give bond with surety to be approved by the council, conditioned for the faithful performance of the duties of their respective officers, which bond, unless otherwise specially provided by this charter or by general law, shall be payable to the said city and in such penalty as the council may by ordinance prescribe. The council shall accept as surety on any such official bond a good, solvent, surety, or fidelity company authorized to do business in this Commonwealth, and may provide by proper ordinance that bonds other than corporate surety may be accepted in which event the council may increase the penalty thereof to such sum as it may deem necessary and as provided in such ordinance. The council may provide that the premium on any such bond shall be paid by the city. The sureties on the bond of any such officer shall be equally liable for the acts of any deputy or deputies of such officer as for those of such officer himself. Unless otherwise specially provided in this charter, all such bonds shall be filed with and preserved by the city clerk. The parties to bond taken in pursuance of this section shall be subject to the same proceedings on said bonds for enforcing the conditions and terms thereof, by motion or otherwise, before the circuit court of said city, as are now or may hereafter be provided by law in the case of collectors of the county levy and the sureties on their bonds for enforcing payment of the county levies. (1968, c. 209)

§ 2.21. Compensation of fee officers.

The council may, by ordinance conformable to the general law, provide and fix annual compensation to be determined by the council, but not in excess of the compensation provided by general law, for the officers herein named, except the city attorney, which annual compensation shall be in lieu of all salary, fees, commissions and/or other emoluments of office, which but for this section would or could accrue to such officers, shall, unless accruing from said city, be collected and accounted for and paid into the city treasury by such officers.

In providing and fixing such annual compensation the council shall make proper allowance for the payment of deputies, assistants, clerical and/or stenographic help. In the event of a disagreement

between the officer and the council as to the proper allowance, then and in that event the same shall be determined by the State Compensation Board or such other boards or commissions, now or hereafter established, having authority in the premises.

The compensation of any of the officers herein named shall not be diminished during the term for which they are elected, except pursuant to general law. (1968, c. 209)

§ 2.22. Books, records, et cetera.

All books, records and documents used by any city officer in his office or pertaining to his duties shall be deemed to be the property of said city, and the chief officer in charge of such office shall be responsible therefor. Any such officer or person made by this section responsible for the keeping of such books, records and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, as the case may be, deliver to the city clerk all such records and documents. Any such officer or person failing to deliver such books, records, or documents, as required by this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than $100 and not more than $500, or imprisoned not exceeding six months, or both, in the direction of the court or jury before whom the case is tried. (1968, c. 209)

§ 2.23. General qualification.

The provisions of Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia relative to the disqualification of certain officers, agents, officials and employees from dealing with and claiming against the cities are hereby expressly adopted herein by reference, as now in effect and as said Article, Chapter and Title may be amended subsequent to the adoption of this charter, and the prohibitions, forfeitures and penalties are hereby adopted, as are the exceptions and exclusions. (1968, c. 209; 2004, c. 632)

§ 2.24. The city manager, appointment, qualifications, et cetera.

The city manager shall be administrative and executive head of the municipal government. He shall be chosen by the council without regard to his political beliefs and solely upon the basis of his executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office during the pleasure of the council, or for an initial term of two years, if the council so provides, unless sooner removed by the council upon proven charges preferred for malfeasance or misfeasance, neglect of duty or incompetency. The council may reappoint said city manager for a term not exceeding four years, but such appointee shall be subject at all times to be removed by the council on proven charges of malfeasance, misfeasance, neglect of duty or incompetency. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He shall be bonded as the council may deem necessary. During the absence or disability of the city manager, or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability or vacancy.

Powers and duties of the city manager. The city manager shall be responsible to the council for the efficient administration of all officers of the city elected, appointed or designated by council or by its authority. He shall have powers and it shall be his duty:

(a) To see that all laws and ordinances are enforced.

(b) Except as otherwise provided in this charter to appoint such city officials and employees, as the council shall determine and authorize, as are necessary for the proper administration of the affairs of the city, with the power to discipline and remove any such officer or employee. Any person so removed shall have right of appeal to the council within thirty days after his removal and after notice to the city manager and the action of the council on such appeal shall be final.

(c) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(d) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(e) To make reports to the council from time to time upon the affairs of the city and to keep the council fully advised of the city's financial condition and its future financial needs.

(f) To prepare and submit to the council a tentative budget for the next fiscal year as provided by general law and by the provisions of this charter.

(g) To perform such other duties as may be prescribed or requested by council. (1968, c. 209)

§ 2.25. Investigation.

The council, the city manager and any other officers, boards or commissions, authorized by them or either of them shall have power to make investigations as to city affairs and for that purpose to subpoena witnesses, administer oaths, and compel attendance and the production of books and papers. (1968, c. 209)

§ 2.26. Creation of departments.

The council may, by ordinance, create administrative departments, and when such departments are created, may define the functions which such departments are to administer, may provide for the appointment of heads for such departments and define their duties and responsibilities. (1968, c. 209)

§ 2.27. City clerk.

The city clerk shall be appointed at the time, in the manner and for the term provided by the provisions of this charter. He may, by and with the consent of the council, appoint one deputy and such number of assistants as may be provided for by ordinance or resolution. He shall be the clerk of the council, shall keep a record of its proceedings, and either he or his deputy shall attend all meetings thereof. He shall keep all books and papers which by the provisions of this charter or by discretion of the council, or by general law, are required to be kept by or filed with him. He shall be the custodian of the city

seal, and shall affix and attest the same when so directed by the council. He shall transmit copies of all ordinances or resolutions to such officers and persons as are particularly affected thereby. He shall give information to persons presenting communications or petitions to the council of the final action of the council thereon. He shall, except as otherwise expressly provided in this charter, publish or cause to be published, all reports, ordinances and other documents required by law to be published, and also such other reports as the council of the city may by ordinance or resolution direct. He shall perform such other duties as are required by this charter, and in general shall perform such acts and duties as the council shall by ordinance or resolution require of him. Any of the duties of said city clerk may be performed by his deputy. The city clerk and his deputy shall receive such compensation as the council may by ordinances or resolution provide and give such bond as the council may by ordinance require. (1968, c. 209; 2004, c. 632)

§ 2.28. Director of finance.

The city manager shall appoint a director of finance, who shall have such powers, duties and obligations in connection with the management and supervision of the fiscal affairs of the city as the city council shall direct by ordinance. (1968, c. 209; 1973, c. 291; 1974, c. 61; 2008, c. 312)

§ 2.29. City attorney.

The city attorney may be appointed or employed at the time, in the manner, and for the term provided by the provisions of this charter or by ordinance. The city attorney shall at the time of his appointment be a practicing attorney qualified in the Commonwealth of Virginia for the practice of law. The city attorney shall be the legal adviser of and the attorney and counsel for the city, and defend all suits, actions and proceedings against the same, and shall prepare all contracts, bonds and other instruments in writing, in which the city is interested or concerned, and shall endorse on each his approval of the form and correctness thereof, provided that in the case of bonds to be issued by the city, it shall be sufficient if the city attorney certify to the council his approval thereof as to form in a separate writing, to be filed and preserved with the records of the council.

The council, the city manager, or any officer, board or commission may require the written opinion of the city attorney upon any question of law involving their respective powers and duties.

The city attorney upon request of the council shall apply in the name of the city to a court of competent jurisdiction for such injunction or injunctions as may be necessary to restrain and prevent the misapplication and/or misuse of the funds or property of the city, or the evasion or abuse of its corporate powers, or the usurpation of authority by any city official, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

When an obligation or contract made on behalf of the city granting a right or easement or creating a public duty is being evaded or violated, the city attorney, when directed by council, shall institute and

prosecute such suit or suits as may be necessary to enforce the forfeiture thereof, or the specific performance thereof, as the nature of the case may require.

In case any officer, board or commission shall fail to perform any duty required by law the city attorney, upon request of the council, shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty. Wherever the city shall purchase or otherwise acquire real estate or any interest therein, unless other provision is made by the council, the city attorney shall examine and certify the title thereto before the purchase price thereof shall be paid. The city attorney shall perform such other duties as may be required by him by ordinance or resolution of the council, and shall be paid such salary or compensation as the council may from time to time prescribe, including earned fees above the retainer fee or salary established by council. (1968, c. 209; 2004, c. 632; 2008, c. 312)

Article III. Courts.

§ 3.1. (1968, c. 209; repealed 1973, c. 291)

§ 3.1:1. Courts.

The courts for the city shall be those provided for in the Constitution and general laws of the Commonwealth of Virginia. (1973, c. 291; 1980, c. 590)

§§ 3.2 through 3.7. (1968, c. 209; repealed 1980, c. 590)

Article IV. Police Force.

§ 4.1. Composition.

The police force shall be composed of a chief of police or such officers, patrolmen, and other employees as the city manager may determine and as may be authorized by the council, and they shall be appointed and may be removed by the city manager. The chief of police shall have immediate direction and control of the said force, subject however, to the supervision of the city manager as to such rules, regulations and orders as the city manager may prescribe. The chief of police shall issue all orders, rules, and regulations for the government of the whole force. (1968, c. 209)

§ 4.2. Powers and duties.

The members of the said police force of said city shall be, and they hereby are vested with all of the power and authority which pertains to the office of constable and sheriff at common law and as empowered by the laws of this Commonwealth in taking cognizance of and in enforcing criminal laws of the Commonwealth and the ordinances and regulations of said city. Such patrolmen shall have no power in civil matters, but shall execute any criminal warrant or warrants of arrest and summons in criminal cases that may be placed in his hands by any duly authorized person and make due return

thereof, and shall generally carry out the duties of the police force of the city as defined by state law. (1968, c. 209)

§ 4.3. Each member of the police force shall, before entering upon the duties of his office, take such oath as the council directs before the clerk of the circuit court, and should council by ordinance require, give bond with surety approved by said clerk. Uniforms, badges and arms shall be as prescribed by the city manager. (1968, c. 209)

Article V. Fire Force.

§ 5.1. The fire force shall be composed of a chief and such other officers, firemen and employees as the council may authorize. The fire chief shall have immediate direction and control of the said force, subject, however, to the supervision of the city manager, and to such rules and regulations and orders as the said city manager may prescribe. The city manager shall issue all orders, rules and regulations for the government of the whole force. The members of the fire force shall be appointed by the city manager and may be removed by him. In case of riot, conflagration, or emergency, the city manager may appoint additional firemen and officers for temporary service. (1968, c. 209)

The chief of the fire department and his assistants are authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire.

Whenever any building in said city shall be on fire it shall be lawful for the chief of the fire department to order and direct such building or any other building which he may deem hazardous and likely to communicate fire to other buildings, or in any part of such buildings, to be pulled down or destroyed; and no action shall be maintained against said chief or any other person acting under his authority or against the city therefor; provided, however, that any person interested in the property so destroyed may within one year thereafter apply in writing to the council to assess and pay the damages he has sustained. The council may thereupon pay to the claimant such sum as may be agreed upon between him and the council. If no agreement be effected, such claimant may give to the city attorney of said city ten days' written notice of his intention to apply to the circuit court of the city for relief in the premises, and if such court holds that liability exists, it may appoint five commissioners to ascertain and assess his said damage, who shall be freeholders and residents of the City of Radford, Any three or more of whom may act, for the purpose of ascertaining and assessing the amount of such damages. Nothing herein contained shall impose upon the City of Radford any liability greater than that provided by the general laws of this Commonwealth. (1968, c. 209)

Article VI. Budget, Taxation and Finance.

§ 6.1. Annual budget.

On or before the first day of April of each year, the city manager shall cause to be prepared and submitted to council an estimate of revenues and borrowings and a complete itemized and classified plan of all contemplated expenditures, based upon estimates furnished by the several officers of the city government, according to classification, and as nearly uniform as possible. The budget shall present the following information:

(a) An itemized statement of the appropriations recommended, with comparative statement of parallel columns, showing appropriations made for the then current and next preceding year.

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the then current and next preceding year, and of the increases or decreases estimated or proposed.

(c) An itemized and complete financial balance sheet for the close of the last preceding fiscal year, which may be incorporated with any other required item herein set forth.

(d) A statement of the contemplated revenue and disbursements, liabilities, reserves and surplus or deficit of the city as of the date of the preparation of the budget.

(e) A fund statement showing the conditions of the various appropriations, the amount of appropriations remaining unencumbered, and the amount of revenues remaining unappropriated.

(f) Explanatory text, relative to the conditions, reasons, et cetera, connected with the estimates for the ensuing year.

(g) Such other information as council may direct. (1968, c. 209)

§ 6.2. A public hearing shall be held by the council on any such proposed budget, for informative and fiscal planning purposes only, with notice thereof being published within the time and manner, and containing the information required by state law as now or hereafter provided. As contained in said budget as published, the contemplated expenditures shall be deemed to be for informative and fiscal planning only and shall not be deemed to be an appropriation. (1968, c. 209)

§ 6.3. Annual appropriation.

At least fourteen days before the end of the fiscal year, the council shall publish a brief synopsis of the proposed budget for the next ensuing fiscal year together with a notice of a public hearing thereon, which said hearing shall be held within the time required by law; thereafter, the council shall adopt a budget for the fiscal year and pass an annual appropriation ordinance which shall be based on the budget so adopted, and shall levy such tax for said year, to be based upon the evaluations of the properties subject to taxation as of January 1 of the then current year as in its discretion shall be sufficient to meet all just demands against the city on any account. (1968, c. 209; 1973, c. 291)

§ 6.4. Fiscal year, maturing of local levies, et cetera.

The council may determine when the fiscal year of the city, shall begin and end and may change the same from time to time. In the event the same begins other than on July 1, the budget shall be submitted as required by state law. The council may also, determine when city licenses, taxes and other local levies shall be payable, and assessable, and may by ordinances or resolution, make the same payable in equal installments, either monthly, quarterly, semiannually or annually, this provision including city license taxes aggregating fifty dollars or more per year, and may further prescribe penalties for nonpayment thereof on time. The said city shall have the power to allow a discount on taxes paid in advance, to be fixed by ordinance. (1968, c. 209; 1973, c. 291)

§ 6.5. Unencumbered balances.

At the close of each fiscal year, or upon the completion or abandonment, at any time within the year, of any work, improvement, or other object for which a specific appropriation has been made, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to further appropriation. No money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred except pursuant to appropriations made by the council. (1968, c. 209)

§ 6.6. Refunding bonds.

The council shall have the authority to issue bonds for the purpose of refunding, so far as is necessary, any bonds of the city at maturity, but no such refunding bonds shall be issued for a greater period than thirty years. Such refunding bonds shall be sold by the council, and the proceeds from such sale shall be used for the purpose of paying the maturing bonds and for no other purpose. Such refunding bonds shall be signed and executed in the same manner as other bonds. (1968, c. 209)

§ 6.7. (1968, c. 209; repealed 1980, c. 590)

§ 6.7:1. Issuance of bonds, notes and evidence of debt.

For the execution of its powers and duties the city council may, in the name and for the use of the city, contract loans and cause to be issued certificates of debts or bonds, provided no such certificate of debt or bonds shall be issued except by ordinance adopted in accordance with Section 7 of Article VII of the Constitution of Virginia, and otherwise in accordance with the requirements of the Virginia "Public Finance Act," Chapter 26 (§ 15.2-2600 et seq) of Title 15.2 of the Code of Virginia, but such bonds, certificates or loans shall not be irredeemable for a period greater than 40 years; provided, however, that the council shall not issue any such bonds, certificates of indebtedness or other interest bearing obligations which, including existing indebtedness, shall at any time exceed 10 per centum of the assessed valuation of the real estate in the City of Radford subject to taxation as shown by the last preceding assessment for taxes. In determining the debt limitation herein provided, there shall not be included the following classes of indebtedness:

(1) Certificates of indebtedness, revenue bonds, or other obligations issued in anticipation of the collection of the revenues by the city for the then current year; provided that such certificates, bonds, or other obligations mature within one year from the date of their issues, be not past due, and do not exceed the revenue for such year.

(2) Bonds pledging the full faith and credit of the city authorized by an ordinance enacted in accordance with Section 7 of Article VII of the Constitution of Virginia, and approved by the affirmative vote of the qualified voters of the city voting upon the question of their issuance, for a supply of water or other specific undertaking from which the city may derive a revenue; but from and after a period to be determined by the city council not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration, including interest on bonds issued therefor, the cost of insurance against loss by injury to persons or property, and an annual amount to be placed into a sinking fund sufficient to pay the bonds at or before maturity, all outstanding bonds issued on account of such undertaking shall be included in determining such limitation.

(3) Bonds of the city the principal and interest on which are payable exclusively from the revenues and receipts of a water system or other specific undertaking or undertakings from which the city may derive a revenue, or secured, solely or together with such revenues, by contributions of other units of government. (1980, c. 590; 2004, c. 632)

§ 6.8. Borrowing to meet current expenses.

To meet the current expenses of the city government the council is authorized and empowered to borrow on behalf of the city such sum or sums of money as in its judgment is required, not exceeding the estimated revenues to be received during the then current year, including the revenue derived from taxation or from the operation of its utilities, and may issue such obligations of the city as may be required, payable out of the current revenues of the city to be derived from taxation or the operation of its utilities, provided such obligations mature within one year from the date of their issue; provided further that nothing in this section or in the charter of the city shall be construed to require such obligation or obligations to be ratified by either the freehold or qualified voters of the city. (1968, c. 209; 1980, c. 590)

§ 6.9. Power and duty to assess taxes; purposes.

For the execution of its powers and duties, the city council may raise taxes annually by assessment in said city on all subjects taxable by the Commonwealth, the taxation of which by cities and towns is not forbidden by general law, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient (in accordance with the laws of the Commonwealth and the United States). It shall be the duty of the said city council to levy annually on taxable property in said city a tax sufficient to pay the interest on all bonds of the said city, as such interest falls due, and also sufficient to pay the principal of said bonds, as such principal falls due, or

to provide a sufficient sinking fund for the payment of said principal at maturity. (1968, c. 209; 2004, c. 632)

§ 6.10. Special assessments.

All local or special assessments shall be made and collected as council shall prescribe by ordinance and in accordance with law, and such special assessments shall have priority over all claims or liens whether prior or subsequent thereto. (1968, c. 209)

§ 6.11. Liens for taxes, et cetera.

There shall be a prior lien on all real estate and on each and every interest therein for the city taxes assessed thereon, from the commencement of the year for which they were assessed, and also for all local assessments which may be made thereon according to law. There shall also be a lien on any land or premises for the amount of expense incurred by said city in abating any nuisance thereon or cutting or removing weeds or rubbish therefrom, after notice to the owner thereof by publication or otherwise as may be provided by ordinance, to abate the same, to cut weeds and/or remove rubbish therefrom; provided, however, that the lien for the amount of any such local assessment or for the expense of abating any nuisance or cutting or removing weeds and rubbish from any premises shall not be good against a purchaser of such land or premises for value without notice except and until from the time that the same shall be docketed in the judgment lien docket in the office of the clerk of the Circuit Court of the City of Radford, and indexed in the name of the person or persons owning such estate or land by a "claim of lien" filed with the clerk by the city manager or his authorized representative, setting forth the amount, reason for, and time from which said lien is claimed. The council may require such real estate in the city, delinquent for the nonpayment of taxes, or assessments of expenses incurred as above provided, to be sold for said taxes or assessments or expenses, with interest thereon at the rate of six per centum per annum, and such percentage as may be prescribed for such charges; and the council may regulate the terms on which the real estate so delinquent may be sold or redeemed, provided, such sales shall be made subject to the prior lien of the Commonwealth for taxes, if any. The lien above mentioned may be enforced as provided by general law. (1968, c. 209)

§ 6.12. Levy for taxes.

All goods and chattels of any person against whom taxes for the city are assessed may be distrained and sold for state taxes.

A tenant by whom payment is made or from whom payment is obtained by distress or otherwise of taxes or levies due the city by a person under whom he holds, shall have credit for the same against such person out of the rents he may owe him, except when the tenant is bound to pay such taxes and levies by an express contract with such person. And where taxes or levies are paid to the city by a fiduciary on any estate in his hands or for which he may be liable, such taxes and levies shall be refunded out of the said estate. (1968, c. 209)

§ 6.13. License taxes.

(a) License taxes may be imposed by ordinance on business, trades, professions, and callings and upon the persons, firms, associations and corporations engaged therein and the agents thereof, except in cases where taxation by the localities shall be prohibited by the general law of the Commonwealth and nothing herein shall be construed to repeal, or amend any general law of the Commonwealth with respect to taxation.

(b) The council may require every person, firm or corporation using or operating a vehicle on the streets of the city to secure a license tag and to pay a tax therefor, whether such vehicle is used or operated for compensation or not, so long as such vehicle is principally parked or garaged in said city.

(c) The council may subject any person, firm or corporation who or which without obtaining a license therefor, shall follow any business, occupation, vocation, trade, pursuit, calling, or shall do any other act for which a license is required, to such fine or penalty as it is authorized to impose for any violation of its laws.

(d) The council may, in its discretion, determine whether or not the commissioner of the revenue shall receive fees for issuing and transferring city licenses, and it may fix the amount of such fees and change the same from time to time, provided, however, that no such fees shall be payable out of the city treasury, but shall be paid by the person obtaining the license or transfer, and such license or transfer may be withheld by the commissioner of the revenue until such fees are paid.

(e) Council may provide by ordinance for revoking any license for failure to comply with conditions upon which same is granted.

(f) In addition to other remedies provided by general law, or provided by ordinance enacted pursuant to general law, the city shall have a lien from January 1 of each tax year prior to any other lien except for other taxes, on any and all vehicles, fixtures, furniture, books of account and of the accounts therein, and all stock in trade, or effects used in, or in connection with, any business for which a license is required for the amount of such license or licenses, plus fees, interest, penalties and costs. The council may by ordinance provide for the enforcement of such lien by levy or otherwise as the council may determine. (1968, c. 209)

§ 6.14. Public finance.

By this charter, the Public Finance Act of 1991, and all acts amendatory thereof, as now in effect or as the same may be amended in the future, are incorporated in this charter by reference as permissive to the city and not be construed as limiting the financial and borrowing powers of the city in any way, all as the same is set forth in Chapter 26 (§ 15.2-2600 et seq.) of Title 15.2 of the Code of Virginia. (1968, c. 209; 2004, c. 632)

§ 6.15. The council may impose, levy and collect admission tax on any place of amusement, entertainment, sport, exhibition or athletic event held in the city and may require the same to be added to the admission price and remitted to the city by the sponsor or promoter of such event. (1968, c. 209)

§ 6.16. There shall be a prior lien on any and all vehicles, fixtures, furniture, books of account and of the accounts therein, and all stock in trade or effects used in or in connection with any business for the amount of all taxes assessed against such vehicles, fixtures, furniture and stock and for the amount of any license or licenses imposed thereon, plus fees, interest, penalties and costs. The foregoing liens may be enforced as council may prescribe by ordinance, and shall be in addition to any other remedies provided by general law. (1968, c. 209)

Article VII. Other Officers.

§ 7.1. Election of other officers.

There shall be elected by the qualified voters of said city, on the Tuesday after the first Monday in November, 1973, and quadrennially thereafter, the following officers: One attorney for the Commonwealth, one commissioner of revenue, one city treasurer and one city sheriff who shall hold their respective offices for a term of four years from the first day of January ensuing their election and until their successors are duly elected and qualified, unless sooner removed from office. (1968, c. 209; 1973, c. 291)

Article VIII. Treasurer.

§ 8.1. City treasurer.

The city treasurer, shall be elected at the time, in the manner and for the term provided in Article VII of this charter. He shall take the oath prescribed by law and shall give bond in such sum as the council may by ordinance prescribe, but not less than $30,000 nor more than $100,000, with surety to be approved by the council, conditioned for the faithful discharge of his official duties in relation to the revenues of the city, and of such other official duties as may be imposed upon him by general law and by this charter and the ordinances of the city. He shall collect and receive all city taxes, levies, assessments, license taxes, rents, school funds, fees and other revenue or moneys accruing to the city, except such as council shall by ordinance make it the duty of some other office to collect, and for that purpose shall be vested with any and all powers which are now or may hereafter be vested in said city treasurer as collector of state taxes. He shall be the custodian of all public money of the city, and all other money coming into his hands as city treasurer. He shall perform such other duties, have such powers and be liable to such penalties as are now or may hereafter be prescribed by general law or ordinance. For such service the city treasurer shall receive such compensation as may be fixed under the provisions of general law. (1968, c. 209)

Article IX. City Commissioner of Revenue.

§ 9.1. The commissioner of revenue shall be elected at the time, in the manner and for the term provided in Article VII of this charter. He shall give bond in such sum as the council may by ordinance prescribe, not to exceed $5,000, with surety to be approved by the council, conditioned for the faithful performance of all of his duties under the general law, and this charter, and under any ordinances of the city. He shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by general law or by the council in the assessment of licenses, taxes or other taxes for the city. He shall make such report in regard to the assessment of both property and licenses, or either, as may be fixed under the provisions of general law. (1968, c. 209)

Article X. Commonwealth Attorney and Sheriff.

§ 10.1. The attorney for the Commonwealth and the city sheriff shall be elected at the time, in the manner and for the terms provided in Article VII of this charter. Such officers shall perform such duties as may be required of them respectively by general law, and in addition shall perform such other duties as the city may require of them respectively by ordinance not in conflict with the laws of this Commonwealth. (1968, c. 209; 1973, c. 291)

Article XI. Clerk of Court.

§ 11.1. Clerk of Court; generally.

There shall be elected by the qualified voters of the City of Radford on the Tuesday after the first Monday in November, 1979, and every eight years thereafter, a clerk for the Circuit Court of the City of Radford, whose term shall begin on the first day of January following his election, and continuing for eight years thereafter. (1968, c. 209; 1973, c. 291; 2004, c. 632)

Article XII. Vacancies.

§ 12.1. Vacancies in the elective offices.

In case of any vacancy in office of the elective offices of the city, the same shall be filled as provided by general law. (1968, c. 209)

Article XIII. Miscellaneous.

§ 13.1. The city shall be composed of one ward only, to be divided into precincts as the council by ordinance may provide or as may be provided by general law. (1968, c. 209)

§ 13.2. The entire city shall comprise one school district. (1968, c. 209)

§ 13.3. (1968, c. 209; repealed 1980, c. 590)

§ 13.4. Wherever power is conferred upon said city by this charter to adopt ordinances, rules and/or regulations, and impose and enforce penalties for offenses committed thereon or for the protection of any property owned by the said city, but situated more than one mile beyond the corporate limits thereof, the county court wherein such property is located shall have exclusive jurisdiction of all offenses committed in such county against such ordinances, rules and regulations, imposing such penalties, unless otherwise specifically provided by general law, and jurisdiction of injunction suits for the protection of any such property shall be as is now, or may hereafter be, provided by general law. (1968, c. 209)

§ 13.5. Partial invalidity.

If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1968, c. 209)

§ 13.6. Incorporation of general law.

Any and all powers and rights set forth in Title 15.2 of the Code of Virginia as now in effect and as hereafter amended, are hereby conferred on and vested in the City of Radford unless the same be inconsistent with the provisions of the charter of the City of Radford or any amendment thereto. (1973, c. 291; 2004, c. 632)

Editor's note: Complete amendments listing for the City of Radford:

Current charter

Charter, 1968, c. 209.

Amendments to current charter

1973, c. 291 (§§ 1.2, 1.3, 2.2, 2.7, 2.9, 2.10, 2.12, 2.17, 2.28, 3.1 [repealed], 3.1:1 [added], 6.3, 6.4, Art. VII, Art. X, 11.1, 13.6 [added])

1974, c. 61 (§§ 2.9, 2.28)

1980, c. 590 (§§ 1.2 [repealed], 1.2:1 [added], 2.2, 2.2:1 through 2.2:4 [added], 2.2:5 [added], 2.4 [repealed], 2.4:1 [added], 2.9 [repealed], 2.9:1 [added], 2.10 [repealed], 3.1:1, 3.2 through 3.7 [repealed], 6.7 [repealed], 6.7:1 [added], 6.8, 13.3 [repealed])

1985, c. 349 (§§ 2.1, 2.2, 2.2:2 through 2.2:4 [repealed], 2.2:4.1 through 2.2:4.4 [added], 2.3, 2.4:1, 2.5, 2.6, 2.7 [repealed], 2.7:1 [added], 2.8 [repealed], 2.12)

1997, c. 536 (§ 2.7:1)

2004, c. 632 (§§ 1.1, 1.2:1, 2.9:1, 2.12, 2.13, 2.23, 2.27, 2.29, 6.7:1, 6.9, 6.14, 11.1, 13.6)

2008, c. 312 (§§ 2.28, 2.29)

County of Fauquier

History of incorporation
Formerly known as Millview (until 1850), Bowenville (until 1853), and Rappahannock Station (until 1890) (Heritage of Virginia).
Incorporation, charter and name change, 1890, c. 481.
Charter, 1932, c 182; repealed 1972, c. 793.

Current charter
Charter, 1972, c. 793.

Amendments to current charter
1977, c. 235 (§§ 6-1, 9-1 through 9-3 [repealed])

Article I. Creation.

§ 1-1. Incorporation.

The inhabitants of the territory comprised within the limits of the Town of Remington, as the same are now or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the Town of Remington and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (1972, c. 793)

§ 1-2. Boundaries.

The boundaries of the Town shall be the boundaries of the Town of Remington, its predecessor as established by Chapter 182, of the Acts of Assembly of 1932, approved March 22, 1932. (1972, c. 793)

Article II. Corporate Powers.

§ 2-1. General powers.

The Town of Remington shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and laws of the Commonwealth, and all other powers pertinent to the conduct of municipal government, the exercise of which is not prohibited by the Constitution and laws of the Commonwealth, and which in the opinion of the Council are necessary to promote the general welfare of the inhabitants of the Town. It is intended that the Town shall possess all powers which, under the Constitution, it would be competent for this Charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but in addition to this general grant.

The powers which are now or may hereafter be conferred upon or delegated to the Town under the Constitution and laws of the Commonwealth and this Charter shall be construed liberally when such

powers are exercised by the Town and in case of doubt as to the existence of a power such doubt shall be resolved in favor of the Town. (1972, c. 793)

§ 2-2. Financial powers generally.

The Town of Remington shall have the power to raise annually by taxes and assessments in said Town such sums of money as the Council thereof shall deem necessary for the purposes of the Town, and in such manner as the Council may deem expedient in accordance with the Constitution and general laws of the Commonwealth and of the United States, and to expend, the money of said Town for all lawful purposes. (1972, c. 793)

§ 2-3. Special assessments.

The Town of Remington shall have the power to impose special or local assessments for local improvements and to enforce the payment thereof, subject to the limitations prescribed by the Constitution and laws of the Commonwealth as may be in force at the time of the imposition of such special or local assessments. (1972, c. 793)

§ 2-4. Borrowing power.

The Town of Remington may incur indebtedness by issuing its negotiable bonds and notes for the purposes and in the manner provided in the Constitution and general laws of the Commonwealth. (1972, c. 793)

§ 2-5. Eminent domain.

The Town of Remington is hereby empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as Council deems expedient. (1972, c. 793)

§ 2-6. Enactment, etc., of ordinances.

The Town of Remington shall have the power to enact and enforce ordinances to carry into effect all powers granted by this Charter. (1972, c. 793)

§ 2-7. Adoption of certain provisions of Title 15.1, Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1972, are hereby conferred on and vested in the Town of Remington. (1972, c. 793)

Article III. The Council Generally.

§ 3-1. Composition; members to be qualified voters.

The Town of Remington shall be governed by a Town Council composed of the Mayor and six Councilmen who shall be residents and qualified voters of the Town. (1972, c. 793)

§ 3-2. Elections and terms of members.

The Councilmen shall be elected at large from the Town of Remington on the first Tuesday in May, 1972, and every two years thereafter.

The members of the Council in office at the effective date of this act shall continue in office for the terms for which they were elected, except that such terms of office shall end on June 30th rather than August 31st in such years.

All elections shall be conducted pursuant to and in accordance with the general laws of the Commonwealth governing the holding of elections in towns. (1972, c. 793)

§ 3-3. When Councilmen take office.

All Councilmen shall take office on the first day of July next following their election. (1972, c. 793)

§ 3-4. Compensation.

The Council may by ordinance authorize the payment of an annual salary to Councilmen, subject to such limitations as may be imposed by the general laws of the Commonwealth. (1972, c. 793)

§ 3-5. Filling vacancies.

Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the Council, within forty-five days after such vacancy. The Town Council may appoint any one eligible to fill such vacancy. (1972, c. 793)

§ 3-6. Appointment, etc., of Recorder.

The Council shall appoint a Recorder from the Council membership. The Recorder shall keep the journal of the proceedings of the Town Council and have charge of and preserve the records of the Town. (1972, c. 793)

Article IV. Councilmanic Procedures, Etc.

§ 4-1. Regular meetings.

The Council shall meet in regular session at least once each month. (1972, c. 793)

§ 4-2. Special meetings.

The Council shall provide for the calling of special meetings by the Mayor or any four members of the Council, and shall prescribe the method of giving notice thereof, provided such notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meetings except by the unanimous consent of all the members of Council; provided, however, that a special meeting may be held at any time without notice if all members of the Council attend said meeting or waive notice thereof. (1972, c. 793)

§ 4-3. Quorum.

A majority of the voting members of the Council shall constitute a quorum for the transaction of business. (1972, c. 793)

§ 4-4. Prerequisite to passage of ordinances, etc.

No ordinance, resolution, motion or vote shall be adopted by the Council except at a meeting open to the public and unless it shall have received the affirmative votes of the majority of the members present. (1972, c. 793)

§ 4-5. Reconsideration, etc., of vote at special meeting.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken. (1972, c. 793)

§ 4-6. Financial interest as limitation on voting power.

No member of the Council shall participate in the vote on any ordinances, resolutions, motions or other proceedings in which he, or any person, firm, or corporation for which he is attorney, officer, director, employee, or agent has a financial interest other than as a minority stockholder of a corporation or as a citizen of the Town. (1972, c. 793)

Article V. The Mayor.

§ 5-1. Election and term.

The Mayor in office at the effective date of this act shall continue in office for the term for which he was elected except that such term of office shall end on June 30th rather than August 31st of such years. On the first Tuesday in May, 1972, and every two years thereafter, there shall be elected from the Town at large a Mayor, who shall be a qualified voter of the Town and who shall serve for a term of two years. The Mayor shall take office on the first day of July next following his election. (1972, c. 793)

§ 5-2. Duties generally.

The Mayor shall preside over the meetings of the Council and shall have the same right to speak therein as Councilmen, however, he shall not have the right to vote except in the case of a tie, in which event he shall be entitled to cast one vote. He shall be recognized as the head of the Town Government for all ceremonial purposes, the purposes of military law and the service of civil process. (1972, c. 793)

§ 5-3. Compensation

The Council may by ordinance authorize the payment of an annual salary to the Mayor, subject to such limitations as may be imposed by the general laws of the Commonwealth. (1972, c. 793)

Article VI. Appointive Officers.

§ 6-1. Appointment.

The Town Council may appoint such officers of the Town as they may deem necessary. Such officers may include, but shall not be limited to Town Attorney, Town Treasurer, Town Assessor, Town Sheriff,

Building Inspector and Zoning Administrator. The enumeration of officers in this section shall not be construed to require the appointment of any such officer herein named. Officers appointed by the Town Council shall perform such duties as may be specified in this Charter or by the Town Council.

The Town Council shall appoint a vice or deputy mayor from its membership immediately upon assuming office. The vice or deputy mayor shall preside over the meetings of the council during the absence of the mayor and while serving in this capacity, he shall be subject to the provisions of § 5-2 of this Charter. (1972, c. 793; 1977, c. 235)

§ 6-2. Deputies and Assistants.

The Town Council may appoint such Deputies and Assistants to appointive offices as the Council may deem necessary. (1972, c. 793)

§ 6-3. Term of office.

Officers, Deputies and Assistants appointed by the Council shall be appointed for a term of two years, unless otherwise provided by this Charter or by ordinance of the Town Council. Such term shall begin on the first day in July in each even-numbered year. (1972, c. 793)

§ 6-4. Vacancies in office.

The Town Council shall fill any vacancy in any appointive office for the remainder of the unexpired term. (1972, c. 793)

§ 6-5. Appointment of one person to more than one office.

The Town Council may appoint the same person to more than one appointive office. (1972, c. 793)

Article VII. Appointment, etc., of Treasurer.

§ 7-1. Treasurer.

The Council shall appoint a Town Treasurer, who shall serve at the pleasure of the Council. The Treasurer shall receive such compensation and give such bond as may be prescribed by the Council, and perform such duties as may be prescribed by the general laws. The Town Treasurer need not be a resident of the Town of Remington. (1972, c. 793)

Article VIII. Financial Administration Generally.

§ 8-1. Fiscal year.

The fiscal year for the Town of Remington shall begin on July 1st, and end June 30th of the following year. (1972, c. 793)

§ 8-2. Procedure as to budget, etc.

Not later than the first day of May annually, the Town Treasurer shall prepare and submit to the Council a budget presenting a financial plan for conducting the affairs of the Town for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information

as the Council by ordinance or resolution may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with the general laws of the Commonwealth, provided that the tax levy for each fiscal year shall be made, and the budget for each fiscal year shall be adopted prior to the first day of the fiscal year for which made or adopted. (1972, c. 793)

§ 8-3. Annual audit.

Prior to the end of each fiscal year, the Council shall designate a qualified auditor, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the Town Government and shall present copies of the report to each member of the Town Council. (1972, c. 793)

Article IX. Municipal Court. (Repealed)

§ 9-1. (1972, c. 793; repealed 1977, c. 235)

§ 9-2. (1972, c. 793; repealed 1977, c. 235)

§ 9-3. (1972, c. 793; repealed 1977, c. 235)

Article X. Continuation and Repeal Provisions.

§ 10-1. Repeal of former charters.

All former Charters and amendments thereto for the Town of Remington, Virginia, are hereby repealed. (1972, c. 793)

§ 10-2. Succession of town to rights and duties.

The town of Remington shall succeed to all the rights, duties, obligations and contracts of the former Town of Remington. (1972, c. 793)

§ 10-3. Continuance in force of ordinances.

All ordinances of the former Town of Remington not inconsistent with this Charter shall remain in full force and effect until amended or repealed by the Town Council. (1972, c. 793)

§ 10-4. Continuity of terms of officers.

The appointive officers of the Town of Remington who were in office immediately prior to the adoption of this Charter shall remain in office until the expiration of their several terms and until their successors have been duly appointed and qualified. (1972, c. 793)

§ 10-5. Severability.

In the event that any portion, section or provision of this Charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction such judgment shall not invalidate any other portion, section or provision hereof, but all parts of this Charter not expressly held to be invalid shall remain in full force and effect. (1972, c. 793)

Rich Creek, Town of

County of Giles

History of incorporation

Incorporated by Circuit Court of Giles County, April 17, 1946.

Current charter

Charter, 1947, Extra Session, c. 57.

Amendments to current charter

1970, c. 210 (§§ 2,3)
1973, c. 81 (§§ 2,3)
1990, c. 37 (§ 3)
2011, c. 778 (§§ 1, 2, 3, 6, 7, 9, 14, 19, 20 [repealed], 22)

§ 1. The inhabitants of the territory embraced within the present limits of the town of Rich Creek, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Rich Creek, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though all such powers were specifically enumerated herein. The present boundaries of the town are as recorded in the Clerk's office of the Circuit Court of Giles County, Virginia, in the Common Law Order Book 7, at Pages 151 through 153, or as the same may be hereafter altered as provided by law. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 2. The administration and government of the town shall be vested in a council which shall consist of six members, five of whom shall be denominated the councilmen and one to be denominated the mayor, all of whom shall be residents and qualified voters of the town. The council may determine the annual salary of its members by ordinance or resolution in accordance with the Code of Virginia. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. (1947, Ex. Sess., c. 57; 1970, c. 210; 1973, c. 81; 2011, c. 778)

§ 3. Pursuant to § 24.2-222.1 of the Code of Virginia and notwithstanding the provisions of § 24.2-222 of the Code of Virginia, the election of town council and the mayor shall be held on the general election date in November of odd-numbered years, beginning in November 2013, and biennially thereafter, in accordance with the following cycles: (i) the election for the town council seats filled by the council election of May 2008 shall be held on the November 2011 general election date and every four years thereafter; and (ii) the election for the town council seats and the office of mayor filled by the council election of May 2010 shall be held on the November 2013 general election date and every four years thereafter.

In accordance with the provisions of subsection D of § 24.2-222.1 of the Code of Virginia, members of town council elected at the May general elections in 2008 and 2010 shall have their terms of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have qualified to serve. (1947, Ex. Sess., c. 57; 1970, c. 210; 1973, c. 81; 1990, c. 37; 2011, c. 778)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' written notice shall be given to the other members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. (1947, Ex. Sess., c. 57)

§ 5. The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1947, Ex. Sess., c. 57)

§ 6. There shall not be a town sergeant in the town. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 7. Except as otherwise authorized by law, a member of council or the mayor elected or appointed after May 1, 2011, shall not be eligible during his or her tenure of office as such member, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, he or she may be compensated as a member. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 8. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the town of Rich Creek and its council shall have the powers set forth in the following sections of this charter. (1947, Ex. Sess., c. 57)

§ 9. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the Council prescribes, provided that the rates charged consumers without the corporate limits shall not be less than, nor more than double, the rates charged consumers within the town for similar services, any or all of which rates the council may alter at any time without notice except for the notice required by the Code of Virginia.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 10. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the town which fronts or abuts on any such sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer service, of the reasonableness of which the council shall be the sole judge; and sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues.

The town is empowered to acquire by condemnation or otherwise. such properties or interests or estate therein, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining or operating any such sewer line or lines. (1947, Ex. Sess., c. 57)

§ 11. The town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, golf courses and other recreational facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights of way from the town to any property acquired by it under any of the provisions of this charter, which lies without its corporate limits, and to construct and maintain upon such rights of way, such roads or bridges as may be reasonably necessary for the full enjoyment thereof, and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so. (1947, Ex. Sess., c. 57)

§ 12. In so far as not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation upon its streets and alleys of motor vehicles carrying passengers or freight for hire, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as meets with the approval of the council; and (c) to prescribe rules and regulations with respect to motor traffic of all kinds within the town, and the parking of motor vehicles on its streets and alleys. (1947, Ex. Sess., c. 57)

§ 13. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to impose and collect a license tax for the privilege of doing within the town, anything upon which the State imposes a license tax; provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such thing than that imposed by the State on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council. (1947, Ex. Sess., c. 57)

§ 14. The town is empowered (a) to provide a building code for the town; to provide for the orderly and safe construction of houses and other buildings; to prescribe setback lines on designated streets; to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections; and (b) to adopt a comprehensive plan concerning the subdivision of lands within the corporate limits of the town; and to require that plats of all such subdivisions shall, after having been approved by the council as hereinafter provided, be recorded in the clerk's office of Giles County. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 15. The town is empowered (a) to prohibit, and to punish for mischievous or wanton damage to school property or any other property, either public or private, within the town; (b) to prohibit minors from frequenting or loitering in public pool rooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same; (c) to compel persons sentenced to confinement in jail for violations of town ordinances, to work on the streets or other public places of the town. (1947, Ex. Sess., c. 57)

§ 16. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town, by any fence, building, porch, or other projection, and to require the removal of any such encroachment heretofore or hereafter made, unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town no statute of limitation shall run. (1947, Ex. Sess., c. 57)

§ 17. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed, to be placed in suitable conduits underground, in the

discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1947, Ex. Sess., c. 57)

§ 18. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and by-laws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances, by-laws, and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, by-laws and resolution, upon which the same shall become effective. (1947, Ex. Sess., c. 57)

§ 19. Town manager.

(a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering. The town manager shall serve without definite term.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 20. (1947, Ex. Sess., c. 57; repealed 2011, c. 778)

§ 21. All ordinances now in force in the town of Rich Creek, not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this act. (1947, Ex. Sess., c. 57)

§ 22. The charter herein is in lieu of and a complete substitute for the charter of the town of Rich Creek granted by the circuit court of the county of Giles on April 17, 1946, and as enacted and amended by the General Assembly in 1947, Ex. Session, c. 57; in 1970, c. 210 (§§ 2, 3); in 1973, c. 81 (§§ 2, 3); and in 1990, c. 37 (§ 3). (1947, Ex. Sess., c. 57; 2011, c. 778)

County of Tazewell

History of incorporation
Charter, 1934, c. 289; repealed 1954, c. 276.
Charter, 1954, c. 276; repealed 1992, c. 271, except § 1.3 (boundaries).
Charter, 1992, c. 271; repealed 2013, c. 519.

Current charter
Charter, 2013, c. 519.

Article I. Incorporation.

§ 1.1. Body politic and corporate; corporate powers.

The inhabitants of the territory embraced within the present limits of the Town of Richlands, as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Richlands, and as such shall have perpetual succession, may sue and be sued, plea and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure, and shall have and exercise all the powers conferred by and be subject to all the laws of the Commonwealth of Virginia for the government of towns within the Commonwealth of Virginia. (2013, c. 519)

§ 1.2. Form and vesting of government; powers and duties of council generally.

The municipal government provided by this Charter shall be known as the "town manager plan." Pursuant to its provisions and subject to the Constitution and general laws of the Commonwealth, all powers of the town shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint the town manager, who shall execute the laws and administer the government of the town. (2013, c. 519)

§ 1.3. Boundaries of the town.

The boundaries of the town shall be as set out in § 1.3 of Chapter 276 of the Acts of Assembly of 1954 and amended by order of the Circuit Court of Tazewell County, Virginia, entered on October 31, 1975, found of record in Deed Book 421, page 288, Plat Book 5, page 25, and Plat Card No. 2767. (2013, c. 519)

Article II. Powers of the Town.

§ 2.1. General grant.

The powers set forth in §§ 15.2-1100 through 15.2-1126, inclusive, of Article 1 of Chapter 11 of Title 15.2 of the Code of Virginia as now existing and hereafter amended are hereby conferred on and vested in the Town of Richlands, Virginia, together with all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and the laws of the Commonwealth,

as fully and completely as though such powers were specifically enumerated herein, and all other powers pertinent to the conduct of a town government the exercise of which is not in conflict with the Constitution and laws of the Commonwealth of Virginia and which, in the opinion of the council, are necessary or desirable to secure and promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of its inhabitants, as fully and completely as though such powers were specifically enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive or as a limitation upon any general grant of power but shall be held to be in addition to this general grant of powers. (2013, c. 519)

§ 2.2. Financial powers.

In addition to the powers granted by other sections of this Charter, the town is empowered:

1. To require the owner of every motor vehicle kept or habitually used in town, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license to operate the same by making application to the town treasurer, or such other person as may be designated by the council to issue such license, and to require the vehicle owner to pay an annual fee therefor to be fixed by the council provided that the license fee shall not exceed the amount charged by the Commonwealth on the vehicle;

2. To establish, levy, and collect, except when prohibited by general law, a tax or license on any person, firm, or corporation pursuing or conducting any trade, business, profession, occupation, employment, or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the Commonwealth or not, provided that such license fee therefor shall not exceed the amount charged by the Commonwealth for such license if the Commonwealth requires a license for such trade, business, profession, occupation, employment, or calling, and may provide penalties for the nonpayment thereof, which penalties may include, among other things, the right to prohibit such person, firm, or corporation from pursuing or conducting such trade, business, profession, occupation, employment, or calling within the boundaries of the town unless and until such license shall have been paid;

3. To establish, levy, and collect taxes upon the amount paid for the use of water, sewage facilities, electricity, gas, telephone, or other public utility service used within the town, which taxes may be added to and collected with the bills rendered the purchasers of such service;

4. To establish, levy, and collect a tax on all subjects of taxation not prohibited to it by, nor exempted in, the Constitution and general laws of Virginia;

5. To establish, levy, and enforce the collection of water and sewage rates and charges, and rates and charges for public utilities, products, or conveniences operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners of the

buildings or against the proper tenant or tenants. In the event such rates and charges are assessed against the owner or owners, such rates and charges together with such penalties and interest not to exceed ten percent, as the council may by ordinance prescribe, shall constitute and be a lien against the real estate and buildings in or on which such service is rendered and may be filed in the Treasurer's Office of Tazewell County and collected in the same manner as delinquent taxes are filed and collected; in the event such rates and charges shall be assessed against a tenant, the council may, by ordinance, require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant. The town shall have the right and power to charge a different rate for water or sewage service rendered or furnished to citizens outside the corporate limits from the rates charged for similar services furnished to citizens within the corporate limits;

6. To charge and to collect fees for permits to use public facilities and for public services and privileges. The town shall have the power and right to charge a different rate for any service, facility, or privilege rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar services to citizens within the corporate limits; and

7. To borrow money, contract debts, and make and issue or cause to be made and issued, as evidence thereof, bonds, notes, or other obligations, within the limitations prescribed by the Constitution, and in accordance with the provisions of the law concerning bond issues by towns, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property, facilities, or services used in connection with any public utility owned or operated by the town. (2013, c. 519)

§ 2.3. Powers relating to public works, utilities, and properties.

In addition to the powers granted by other sections of this Charter, the town is empowered:

1. To acquire by purchase, gift, devise, condemnation, or otherwise, property real or personal, or any estate therein within or without the town for any of the purposes necessary in carrying out any of the functions of the town; and to hold, improve, sell, lease, mortgage, pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town;

2. To own, operate, and maintain waterworks; to acquire in any lawful manner in any county of the Commonwealth, such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing an adequate water supply to the town and of piping and conducting the same; to lay, erect, and maintain all necessary mains and service lines, either within or without the corporate limits of the town for the distribution of water to its customers and consumers, both within or without the corporate limits of the town and to charge and collect water rates therefor; to erect and maintain all necessary dams, pumping stations, and other works and connections therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for

protecting the same from pollution; for this purpose, to exercise full police powers and sanitary control over all land owned or leased by the town within the limits of the watershed tributary to any such water supply wherever such lands may be located in this Commonwealth; to impose and enforce adequate penalties for the violation of any such rules and regulations; to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the town may exercise within the Commonwealth all powers of eminent domain provided by the laws of the Commonwealth;

3. To survey, establish, enter, open, widen, extend, grade, construct, pave, maintain, light, sprinkle, and clean public streets, highways, alleys, sidewalks, parkways, or parks and to relocate, alter, or close the same; and in relocating, altering, or closing any public street or alley to have power to agree to a substitution of a new location, in whole or in part, in the place of the street or alley, or portions thereof, relocated, altered, or closed, and to execute such agreements, releases or deeds in connection therewith as may be deemed expedient and proper in carrying the same into effect, and also to have power to ratify and approve the substitution of new locations, in whole or in part, in the place of a public street or alley, or portions thereof, previously relocated, altered, or closed, in whole or in part, and of approving and ratifying agreements, releases, or deeds previously executed by the town in connection therewith and in carrying the same into effect at the time thereof, if deemed expedient and proper; to regulate the weight of loads to be hauled or carried over and upon the streets, alleys, sidewalks, and parkways insofar as such regulations of weights of loads do not conflict with general state laws relating to load limits to be carried or transported over state highways; to regulate the use of all such highways, parks, streets, alleys, parkways, and public places; to prevent the obstruction, destruction, or injury of any such streets, alleys, or highways; in conformity with and subject to the provisions of Articles 3 and 6 of Chapter 13 of Title 56 of the Code of Virginia, to require any railroad company operating a railroad at the place where any highway or street is crossed within the limits of the town to construct and maintain adequate crossings and to erect and maintain at such crossing any style of gate or warning signal deemed proper by the council; to regulate the operation and speed of all cars, motorcycles, bicycles, or vehicles of any nature whatsoever upon the streets or highways as well as the speed of all engines, cars, or railroad trains within the town; to permit or prohibit towers, poles, conduits, cables, or wires for electric, telephone, telegraph, radio, or television purposes to be erected or wired or constructed; to change the location or remove the same; to construct, maintain, and operate bridges, viaducts, subways, tunnels, sewers, and drains or to permit the construction, maintenance, repair, and operation thereof; to plant, maintain, or remove shade trees along the streets and upon public grounds; and to do all other things whatsoever to make the streets and highways safe, convenient and attractive;

4. To establish, maintain, and regulate the use of parks, golf courses, playgrounds, stadia, recreation areas, and public grounds, and to keep them lighted and in good order; to construct in such

parks, playgrounds, and public grounds, as the town may maintain, or upon any town property, stadia, swimming pools, gymnasia, and recreation or amusement buildings, structures or enclosures of every character, refreshment stands, restaurants, and the like; to charge admission for use of the same, and to rent out or lease the privileges of constructing or using such stadia, swimming pools, recreation or amusement buildings, structures or enclosures of every character, refreshment stands or restaurants, and the like;

5. To establish, construct, and maintain sanitary sewers, sewer lines, and systems, and to require all property owners within the town to connect therewith; to establish, construct, maintain, and operate sewage disposal plants; to acquire by condemnation or otherwise, within or without the town, all lands, rights of way, riparian and other rights, and easements necessary for the purposes aforesaid; and to charge, assess, and collect reasonable fees, tap fees, rentals, assessments, or costs of service for connection with and using the same;

6. To grant franchises for public utilities subject to the provisions of the Constitution and general laws of Virginia and this Charter; however, the town shall at any time have the power to contract for, own, operate, manage, sell, lease, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town and to sell the services thereof, subject to existing franchises, but no utility shall be sold except by an expressed consent of the citizens by referendum;

7. To own, operate, and maintain electric light and gas works, either within or without the corporate limits of the town and to supply electricity and gas whether the same be generated, produced, or purchased by the town, to its customers and consumers both within or without the corporate limits of the town, at such price and upon such terms as it may prescribe, and to that end it may contract and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient. The town shall have the right and power to charge a different rate for any service rendered for electricity or gas furnished to citizens outside of the corporate limits from the rates charged for similar services, electricity, and gas to citizens within the corporate limits;

8. To establish, maintain, and operate landing fields or airports without the town and for such purposes to acquire real estate by gift, lease, purchase, or condemnation; to lease such landing fields or airports to others to be used for any lawful purposes; to erect and maintain buildings and appurtenances necessary for the use of such landing fields or airports and prescribe and enforce rules and regulations not in conflict with the laws, rules, and regulations prescribed by the Commonwealth of Virginia and the federal government, for the use and protection of the citizens and for such landing fields or airports;

9. To give names to or alter the names of streets and to change and alter the names of streets and alleys;

10. To acquire, construct, own, maintain, and operate, within and without the town, places for parking or storage of vehicles by the public which shall include but shall not be limited to parking lots, garages, buildings and other lands, structures, equipment, and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; to provide for their management and control by a department of the town government or by a board, commission or agency specially established by ordinance or resolution for the purpose; to authorize or permit others to use, operate, or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and to charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places;

11. To accept or to refuse, by ordinance or resolution, the dedication of streets, roads, parks, parkways and alleys, easements, or lands for other public use or purpose unless the title to the same be acquired in fee simple in accordance with any subdivision regulations adopted under the provisions of Article V of this Charter; and

12. To exercise the power of eminent domain within the town for any lawful purpose of the town, and without the town limits for any property required for any of the public services or utilities of the town, including the power to issue certificates pursuant to §§ 33.1-119 through 33.1-132 of general law. (2013, c. 519)

§ 2.4. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals, and welfare of the town and its inhabitants.

In addition to the powers granted by other sections of this Charter, the town shall have power to pass and enforce bylaws, rules, regulations, and ordinances, not in conflict with this Charter or prohibited by the general laws of the Commonwealth for the preservation of the safety, health, peace, good order, comfort, convenience, morals, and welfare of the town and of its inhabitants and among such powers, but not in limitation thereof, the town is empowered:

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

2. To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect the expense by suit or motion or by distress and sale; to require all lands, lots, and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, junk, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof; to control and regulate junk yards and automobile parts yards or require that automobile parts yards be so fenced or screened that the same will be hidden from public view; and in the event it is necessary for the

town, to do any work in connection with keeping the property or lands sanitary and free from stagnant water, weeds, filth, junk, or other unsightly deposits or controlling such junk yards or automobile parts yards as above set forth, the town shall have the right to collect money expended by it from the owner or operator by suit or motion or by distress and sale; to pass and enforce any ordinance that may be necessary for the public safety for the control of dogs, cats, and other pets; to regulate or prevent slaughter or other noisome or offensive business within the town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through and upon the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, and advertising; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetic sensibilities, safety, convenience, and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary and free from all weeds, filth, junk, unsightly deposits, ice, and snow;

3. To extinguish and prevent fires, and to establish, regulate, and control a fire department or division; to regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure, or addition thereto which by reason of dilapidation, defect of structure or other causes may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged, or repaired and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, steel, or other fireproof materials; and to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements;

4. To provide for regular and safe construction of houses in the town for the future; and to provide a building code for the town and setback lines on the streets;

5. To provide for the preservation of the general health of the inhabitants of the town, make regulation to secure the same, inspect all foodstuffs, and prevent the introduction and sale in the town of any article or thing intended for human consumption, which is adulterated, impure, or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally, to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the

removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; and to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the use of the people of the town;

6. To prevent fowls and animals being kept in or running at large in the town, or any thickly populated portion thereof, and the owners of which are subject to such taxes, regulations, and penalties as the council may think proper;

7. To control, regulate, limit, and restrict insofar as not prohibited by general law, the operation of motor vehicles carrying passengers for hire upon the streets and alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through the town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally, to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare;

8. To exercise full police powers and establish and maintain a department or division of police;

9. To offer and pay rewards for the apprehension and conviction of criminals; to compel persons sentenced to confinement in the county jail for any misdemeanor or other violation of the laws or ordinances of said town to work on the public streets, parks, or other public works of the town; and on the requisition of the judges of the General District and Circuit Courts, it shall be the duty of the police of the town to deliver such person to the duly authorized agent of the town for such purposes from day to day as he may be required. For the purpose of carrying into effect the police regulations of the town, the town may, subject to the provisions of general law, be allowed the use of the facilities of the Southwest Virginia Regional Jail Authority, or the jails of other counties or municipalities, or the use of the facilities of Bland Correctional Farm, for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the town;

10. To prohibit begging, and to prohibit or regulate the soliciting by any person, group of persons, firm, corporation, charitable organization, and the like and the peddling or hawking of any article for sale within the town, provided that such prohibition or regulation shall not be applied with respect to persons duly licensed and regulated exclusively by the Commonwealth of Virginia; the town, however, shall have the right to require the purchase of a local license by any person, firm, or corporation hawking or peddling any article for sale within the town;

11. To provide for the protection of the town's property, real and personal, the prevention of the pollution of the town's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, cemeteries, airports, and other public property, whether located within or without the town. For the purpose of enforcing such regulations, all town property wherever located

shall be under the police jurisdiction of the town. Any member of the police force of the town or employee thereof appointed as a special policeman shall have power to make arrests for violation of any ordinance, rule, or regulation adopted pursuant to this section; and the General District Court of the county wherein the offense occurs shall have the jurisdiction of all cases arising thereunder without the town;

12. To prevent any obstruction of or encroachment on, over, under, or in any street, alley, sidewalk, or other public place; to provide penalties for maintaining any such obstruction or encroachment; to remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and to collect the sum charged in any manner provided by law for the collection of taxes; to require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; to authorize encroachments upon streets, alleys, sidewalks, or other public places, subject to such terms and conditions as the council may prescribe; and to recover possession of any street, alley, sidewalk, or other public place or any other property of the town by suit of action;

13. To regulate, in the interest of public health, the production, preparation, distribution, and sale of milk, other beverages and foods for human consumption, and the places within the town in which they are produced, prepared, distributed, sold, served, or stored; to regulate the construction, installation, maintenance, and condition of all water and sewer pipes, connections, toilets, water closets, and plumbing fixtures of all kinds; to regulate the construction and use of septic tanks and dry closets, and the sanitation of swimming pools; to compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; to regulate or prohibit connections to and use of sewers; to prevent the connecting of roof drains and storm sewers to the sanitary sewer system; to regulate or prohibit the use of garbage disposal units connected to the sanitary sewer system; and to make and enforce all regulations necessary to preserve and promote public health and sanitation to protect the inhabitants of the town from contagious, infectious, or other diseases;

14. To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided for conviction of such violation;

15. To prescribe penalties for the violation of any town ordinance, rule, or resolution, not exceeding the penalty provided by general law for the violation of a Class 1 misdemeanor;

16. To make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within the town into streets, alleys, roads, and lots or tracts shall be submitted to and approved by the council or such official or board, including the Richlands planning commission, as the council designates in any regulations controlling the orderly sub-

division of land it may adopt before such plats or replats are filed for record or recorded in the office of the Clerk of Tazewell County, Virginia;

17. To declare the practice of going in and upon private residences in the Town of Richlands by solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupant or occupants of such private residences, for the purpose of (i) soliciting orders for the sale of goods, wares, and merchandise; (ii) disposing of similar items; (iii) peddling; or (iv) hawking to be a nuisance and punishable as such as a misdemeanor, provided that the power referred to in this section shall not apply with respect to persons duly licensed and regulated by the Commonwealth of Virginia; and

18. To create a sinking fund commission to have full power and control over and administration of a sinking fund or funds for the redemption of bonds, issued heretofore or issued hereafter, in conformity with general law. (2013, c. 519)

Article III. The Council.

§ 3.1. Composition; qualifications of members.

The governing body of the Town of Richlands shall consist of a mayor and six council persons elected at large. All of them shall be residents and qualified voters of the town. (2013, c. 519)

§ 3.2. Nominations and elections.

The mayor and members of council in office on the effective date of this act shall serve until their successors have been elected and qualified. Municipal elections within the Town of Richlands shall take place on the first Tuesday after the first Monday in November of each even numbered year and shall coincide with the November general elections. At each such regular municipal election, three council members shall be elected for terms of four years each and a mayor shall be elected for a term of two years. The terms of office for the council members and mayor so elected shall commence on January 1, immediately following such election, and shall continue until their successors have been elected and qualified. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of the term or removal of any of its members. (2013, c. 519)

§ 3.3. Vacancies.

Vacancies in the council shall be filled as provided by general law. (2013, c. 519)

§ 3.4. Powers.

All powers of the town and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this Charter, the council is empowered to:

1. Appoint and remove the town manager, the town clerk, and the town attorney; and authorize the execution of written contractual employment agreements between the town and certain key

personnel thereof, including, but not limited to, the foregoing, in lieu of their appointment, notwithstanding the provisions of item 1 g of § 3.9;

2. Adopt the budget of the town;

3. Inquire into the conduct of any office, department, or agency of the town and make investigations as to municipal affairs;

4. Appoint members of the planning commission, the board of zoning appeals, the recreation commission, and the members of any and all other boards, agencies, and commissions authorized by this Charter or by general law, and fill any vacancies thereon; approve and confirm appointments recommended by the town manager for police chief, sergeant of police, and animal control officer; and determine the desirability and necessity for committees comprised of any of its own members, the feasibility of citizen membership thereon, and approve and confirm appointments thereto recommended by the mayor;

5. Create a housing authority;

6. Adopt and modify the official map of the town;

7. Pass all laws and ordinances relating to its municipal affairs subject to the Constitution and general laws of the Commonwealth and this Charter and may from time to time amend, re-amend, or repeal any or all of its ordinances for the proper regulation, management, and government of the town and impose fines and penalties for the violation or nonobservance thereof;

8. Compel the attendance of its members and punish its members for disorderly behavior by an affirmative vote of five members of the council, and expel a member;

9. Require and secure such bonds for any of the town employees as it may deem necessary;

10. Keep a journal of its proceedings, which journal shall be open to public inspection; and

11. Fix the salaries and wages of all officers and employees of the town as herein otherwise specifically provided. (2013, c. 519)

§ 3.5. Mayor.

The mayor shall preside over the meetings of the council, but is not a member thereof, have the same right to speak therein as members, and vote only in case of a tie, but shall have no veto. The mayor shall be recognized as the head of the town government for all ceremonial purposes, the purpose of military law, and the service of civil process. At the regular meeting of the council held in the month of January following a municipal election, the council shall choose, by a majority vote of all the members thereof, one of their number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor and, if a vacancy shall occur in the office of mayor, shall become mayor for the unexpired portion of the term. In the absence or disability

of both the mayor and vice-mayor, the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor. (2013, c. 519)

§ 3.6. Fixing compensation of mayor, council, and clerk.

The council may from time to time fix and adjust the compensation for the services of the mayor, council, and clerk. (2013, c. 519)

§ 3.7. Rules of procedure.

The council is empowered, subject to the provisions of this Charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall not be less frequently than once each month. They shall also provide for the calling of special meetings by the mayor or any three members of the council and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council. The meetings of the council shall be open to the public, and executive or closed meetings shall only be held for those express purposes set out in the Virginia Freedom of Information Act. A majority of the council shall constitute a quorum for the transaction of business. (2013, c. 519)

§ 3.8. Ordinances.

A. Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or resolution, and all ordinances, except ordinances making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

B. The enacting clause of all ordinances passed by the council shall be: "Be it ordained by the council of the Town of Richlands." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than seven days apart, unless the requirement of such reading has been dispensed with by the affirmative vote of four of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council, and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the members.

C. All ordinances and resolutions passed by the council shall be in effect from and after 30 days from the date of their passage, except that the council may, by the affirmative vote of two-thirds of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing

for the sale or lease of town property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed. No measure increasing a tax or license, or providing for any new form of tax, shall be adopted until notice has been published 30 days previous to its passage in a paper of general circulation in the town.

D. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the town clerk.

E. Every member, when present when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. (2013, c. 519)

§ 3.9. Appointees.

At the first meeting in January following each council election, or as soon thereafter as practicable, the council shall:

1. Appoint a town manager who shall be the administrative and executive head of the municipal government. The town manager shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment, the town manager need not be a resident of the town or the Commonwealth but during the tenure of office shall reside within the town. The town manager shall be appointed for an indefinite period and shall hold office during the pleasure of the council. Compensation shall be provided by the council by ordinance or resolution. The town manager may be bonded as the council may deem necessary. During the absence or disability of the town manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No council person shall receive such appointment during the term for which he or she shall have been elected, nor within one year after the expiration of his or her term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the town manager or by any of the town manager's subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. The town manager shall have the authority duties as follows:

   a. To ensure that all laws, ordinances, resolutions, and by-laws of the council are faithfully enforced;

   b. To appoint such officers and employees, as the council shall determine and authorize as are necessary for the proper administration of the affairs of the town with the power to discipline and remove any such officer or employee, but the town manager shall report each appointment of any

officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the town manager and confirmed by the council shall have the power to discipline subordinates for just cause;

c. To attend all meetings of the council, with the right to take part in the discussion, but having no vote;

d. To recommend to the council for adoption of such measures as the town manager may deem necessary or expedient;

e. To make reports to the council from time to time upon the affairs of the town and to keep the council fully advised of the town's financial condition and its future financial needs;

f. To prepare and submit to the council a tentative budget for the next fiscal year as provided by general law and by this Charter;

g. To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent;

h. To supervise and control all encumbrances, expenditures, and disbursements; to insure that budget appropriations are not exceeded and to appoint, or upon resolution of the council to act as, the town treasurer with the following duties:

(1) To be the collector and custodian of all funds belonging to the town and to deposit such funds in such depositories as may be designated by the council;

(2) To have custody of all investments and invested funds of the town in a fiduciary capacity;

(3) To disburse by check all money payable by the town. If the treasurer is a person other than the town manager, all checks shall be countersigned by the town manager;

(4) To protect the interest of the town by withholding the payment of any claim or demand by any person, firm, or corporation against the town until any indebtedness or other liability due from such person, firm, or corporation shall first have been settled and adjusted; and

(5) To perform such other duties as may be prescribed or requested by council.

2. Appoint a town clerk, who also may be the town manager, for an indefinite term. The town clerk shall receive such compensation as shall be provided by the council by ordinance or resolution and shall have the following duties:

a. To be custodian of the corporate seal;

b. To give notice of council meetings;

c. To keep a journal of council proceedings;

d. To authenticate by the town clerk's signature and record in full in a book kept for the purpose of all ordinances and resolutions; and

e. To perform such other duties as may be prescribed or requested by council.

3. Appoint a town attorney, for an indefinite term who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth. The town attorney shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. The town attorney shall have the following powers and duties:

a. To be legal advisor of the council, the town manager, and all departments, boards, commissions, and agencies of the town, in all matters affecting the interest of the town and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties;

b. To prepare, at the request of the town manager or any member of the council, ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his or her opinion as to the form and legality thereof;

c. To draw or approve all bonds, deeds, leases, contracts, or other instruments to which the town is a party or in which it has an interest; and

d. To represent the town as counsel in any civil case in which it is interested and in criminal cases when so required by the town council. (2013, c. 519)

Article IV. Financial Administration.

§ 4.1. Budgets and appropriations.

A. The fiscal year of the town shall begin on July 1 and end on June 30 of the succeeding year.

B. The time for preparation and approval of the budget and the contents thereof, along with publication, notice, public hearing, amendments, and report-filing requirements with the Auditor of Public Accounts, etc., shall be accomplished in accordance with the provisions of Chapter 25 of Title 15.2 of the Code of Virginia, mutatis mutandis.

C. Any portion of an annual appropriation, except for capital expenditures, remaining unexpended and unencumbered at the close of the fiscal year, shall lapse.

D. The town council may originate or initiate capital improvements and obtain input as to projects from the town planning commission and town manager as to feasibility and means of financing for the ensuing fiscal year. The council shall have the power to accept, reject, or amend any proposed program and means of financing, but except in the case of emergency as provided in item B of § 3.8 of this Charter, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation be included in the budget adopted by it. No appropriation for a

capital improvement project shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and then retained for use on other capital improvement projects or returned to the general fund, as council may deem appropriate. (2013, c. 519)

§ 4.2. Bids and purchases.

The council may fix the requirements under which purchases of equipment, materials, and supplies are to be made in accordance with the provisions of the Virginia Public Procurement Act (Title 2.2, Chapter 43 of the Code of Virginia). (2013, c. 519)

§ 4.3. Independent audit.

Prior to the end of each fiscal year, the council, in accordance with § 15.2-2511 of the Code of Virginia, shall designate one or more qualified certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the town government and shall mail a copy of their report to each member of the town council and to the town manager. The auditors shall post-audit the books and documents kept by the treasurer and any separate or subordinated accounts kept by any other office, department, or agency of the town government. (2013, c. 519)

§ 4.4. Liens.

A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, together with all penalties and interest at the rate established by ordinance adopted pursuant to § 58.1-3916 of the Code of Virginia. The procedure for collecting taxes, for selling real estate for town taxes, and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the Commonwealth to the same extent as if the provisions of general law were herein set out at length. The town and its treasurer shall have the benefit of all other additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under general law. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession. (2013, c. 519)

Article V. Planning, Zoning, and Subdivision Control.

§ 5.1. Power to adopt a comprehensive plan.

In addition to the powers granted elsewhere in this Charter, the council shall have the power to adopt by ordinance a comprehensive plan for the physical development of the town to promote health,

safety, morals, comfort, prosperity, and the general welfare. The comprehensive plan may include but shall not be limited to the following:

1. The general location, character, and extent of all streets, highways, avenues, boulevards, roads, lanes, alleys, walks, parks, squares, playfields, playgrounds, recreational facilities, stadia, swimming pools, airports, and other public places or ways, change of use, or extension thereof;

2. The general location, character, and extent of all public buildings, schools, and other public property and of utilities, whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration, or extension thereof; and

3. A comprehensive zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. (2013, c. 519)

§ 5.2. Town planning commission generally.

There shall be a town planning commission consisting of seven members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with that person's term of office. One member shall be the town manager appointed for a term concurrent with that person's term in such capacity. There shall be five citizen members, who shall be qualified voters of the town, appointed for a term of four years, one of whom may be a member of the board of zoning appeals. Citizen members appointed previous to the effective date of this Charter shall continue to serve as members of the commission until the expiration of the terms for which they were appointed. A vacancy on the commission shall be filled by the council by appointment for the unexpired term only. Members may be removed for malfeasance in office. Members of the planning commission may be reimbursed for actual expenses they may incur but shall otherwise serve without compensation. (2013, c. 519)

§ 5.3. Organization and expenditures of planning commission.

The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for reelection, and shall appoint a secretary. The commission shall hold at least one regular meeting once a year, so long as the town's population does not exceed 7,500. Other regular meetings may be held when desired by the commission. Special meetings of the commission may be (i) called by the chairman or by two members upon written request to the secretary and (ii) held upon referral of a matter pursuant to the town's zoning ordinance, by either the council or the zoning administrator. The commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Four members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects, and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor. (2013, c. 519)

§ 5.4. Powers and duties of the planning commission.

The town planning commission when requested by the council, shall make and approve a comprehensive plan which, with accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the town and its environs which will in accordance with existing and future needs and best promote health, safety, morals, comfort, prosperity, and general welfare, as well as efficiency and economy in the process of development. The comprehensive plan shall recommend methods of implementation, which may include but need not be limited to an official map, a capital improvements program, a subdivision ordinance, a zoning ordinance, and zoning district maps. (2013, c. 519)

§ 5.5. Approval of comprehensive plan by the planning commission.

The planning commission may approve the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, the parts corresponding to major geographical sections or geographical or topographical divisions of the town or with functional subdivisions of the subject matter of the plan, and may approve any amendment or extension thereof or addition thereto. Before the approval of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one public hearing thereon, which may be a joint meeting with council, as provided for by general law following giving of notice in the manner required by general law. The approval of the plan or of any such part, amendment, extension, or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan approved, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was approved thereby, and each amendment, alteration, extension, or addition thereto approved thereby shall be certified to the council. (2013, c. 519)

§ 5.6. Legal status of comprehensive plan.

Whenever the planning commission shall have approved a comprehensive plan for the town or one or more parts thereof, geographical, topographical, or functional, and the comprehensive plan or such part or parts thereof shall have been approved by the council, it shall be certified and filed in the office of the clerk of the Circuit Court of Tazewell County, then and thereafter no street, square, park or other public way, ground, open space, public building, or structure shall be constructed or authorized in the town or in the planned section or division thereof until and unless the general location, character, and extent thereof has been submitted to and approved by the commission. No public utility, whether publicly or privately owned, shall be constructed or authorized in the town or in the planned section or

division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission. Such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground, or open space, the location of which has been approved by the commission. No ordinance giving effect to or amending the comprehensive zoning plan as provided in § 5.7 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within 60 days from the date of the official submission to it shall be deemed approval. (2013, c. 519)

§ 5.7. Zoning.

A. Powers of council. In addition to the powers granted elsewhere in this Charter, the council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets; secure safety from fire, panic, and other danger; promote health, sanitation, and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate public and private transportation and the supplying of public utility services and sewage disposal; and facilitate provision for schools, parks, playgrounds, and other public improvements and requirements. The comprehensive zoning plan shall include the division of the town into districts with such boundaries as the council deems necessary to carry out the purposes of this Charter and shall provide for the regulation and restriction of the use of the land, buildings, and structures in the respective districts and may include but shall not be limited to the following:

1. It may permit specified uses of land, buildings, and structures in the districts and prohibit other uses;

2. It may restrict the height, area, and bulk of buildings and structures in the districts;

3. It may establish setback building lines and prescribe the area of land that may be used as front, rear, and side yards and courts and open spaces;

4. It may restrict the portion of the area of lots that may be occupied by buildings and structures;

5. It may prescribe the area of lots and the space in buildings that may be occupied by families;

6. It may require that space and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles; and

7. It may provide that land, buildings, and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be

continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed, or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event within a reasonable period of time to be specified in the ordinance.

B. The regulations and restrictions shall be uniform and shall apply equally to all land, buildings, and structures and to the use and to each class or kind thereof throughout such district, but the regulations and restrictions applicable in one district may differ from those provided for other districts.

C. The council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after full compliance with the provisions of §§ 15.2-2204 and 15.2-2286 of the Code of Virginia.

D. The town planning commission acting as the zoning commission shall recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report or reports and hold a public hearing thereon before submitting its final report, and the council of the Town of Richlands shall take such action on the preliminary report or reports, and also on the final report of the commission, as its shall deem necessary.

E. The council may appoint a board of zoning appeals and in the regulations and restrictions adopted pursuant to the authority of this Charter may provide that the board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary in the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general purpose and intent and in accordance with general or specific rules therein contained.

The board of zoning appeals shall consist of five members, each to be appointed for a term of five years and removable for cause by the appointing authority, upon written charges and after public hearing. Vacancies shall be filled by the council for the unexpired term of any member whose term becomes vacant after the effective date of this Charter. Members of the board of zoning appeals in office on the effective date of this Charter shall continue to hold office until expiration of their present terms. Members may be reappointed to succeed themselves. Members shall hold no other public office in the town except that one member may be a member of the planning commission. The board shall select a chairman, a vice-chairman, and a secretary and shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Charter.

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the town affected by any decision of the zoning administrator in accordance with the provisions of the zoning ordinance.

F. The board of zoning appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Charter or any ordinance adopted pursuant thereto;

2. To hear and decide uses permissible on appeals and other special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance; and

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in exceptional and peculiar hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

G. In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as should be made and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative officer or to decide in favor of the applicant in any matter over which it has jurisdiction. The board shall act by formal resolution which shall set forth the reason for its decision and the vote of each member participating therein which shall be spread upon its records and shall be open to public inspection. The board may, upon the affirmative vote of three members, reconsider any decision made and, upon such reconsideration, render a decision by formal resolution. Every decision of the board shall be based upon a finding of fact which may be based on sworn testimony, which finding of fact shall be reduced to writing and preserved among its records.

H. Any person or persons, jointly or severally, aggrieved by a decision of the board of zoning appeals, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying grounds of the illegality. The procedure for such judicial review shall be in accordance with the provisions of the zoning ordinance.

I. Whenever any building or structure is erected, constructed, reconstructed, altered, repaired, or converted, or whenever any land, building, or structure is used in violation of any ordinance adopted in accordance with subsection B of § 5.7, the town may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct, or abate such violation or to prevent any unlawful act, conduct, or use of such property.

J. The enforcement of the zoning ordinance provisions, and penalties for violations thereof, shall be as set forth herein. (2013, c. 519)

§ 5.8. Subdivision control.

A. In order to provide for the orderly subdivision of land within the town, there is hereby conferred upon the town the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: the location, size, and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment, and arrangement of streets and sidewalks with relation to other existing streets, planned streets, and the comprehensive plan; access for fire-fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks, and playgrounds, and planting of shade trees and shrubs; naming and designation of streets and other public places; laying out and constructing sidewalks; procedure for making variations in such regulations and restrictions; requirements for plats of subdivisions and their size, scale, contents, and other matters; the erection of monuments of a specified type for making and establishing property and street, alley, sidewalk, and other lines; the extent to which and the manner in which new streets shall be graded, graveled, or otherwise improved; and water, sewer, and other utility mains, piping, connections, or other facilities installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the council or its designated agents may accept a bond in an amount and with surety or conditions satisfactory to the council or its designated agents, providing for such securing to the council for the actual construction and installation on such improvements and utilities within a period specified by the council or its designated agents.

B. The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been published in accordance with general law. The notice shall specify the time, and the place at which persons affected may appear before the council and present their views.

C. After the hearing as provided in subsection A of § 5.8 the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the town and may adopt such regulations and restrictions applicable in an area outside such limits, provided that such regulations and restrictions shall not be adopted or become effective or applicable except in the manner and to the extent provided by the general laws of the Commonwealth.

D. When such regulations have been adopted, a certified copy thereof and all amendments thereto shall be filed in the office of the building and zoning inspector and in the office of the clerk of the Circuit Court of Tazewell County.

E. Any owner or any proprietor of any tract of land situated within the corporate limits of the Town of Richlands, who subdivides the same, shall cause a plat of such subdivision with reference to known or permanent monuments to be made and recorded in the office of the clerk of the Circuit Court of Tazewell County. No such plat of the subdivision shall be recorded unless and until it shall have been submitted and approved by the town council or its designated agent in accordance with regulations adopted under this Charter and so certified by the person authorized to make such certificate.

F. From and after the date on which such regulations and restrictions become effective in the town or in any area outside the town but within two miles thereof, no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in subsection D of § 5.8. No owner of land in the town or outside area in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided in the office of the clerk of the Circuit Court of Tazewell County.

G. The recordation of the plat shall operate to transfer in fee simple to the town or the county in which the land lies, such portion thereof as is on the plat set apart for streets, alleys, easements, or other public use or purpose and to create a public right of passage over or use of the same. The owner or owners of the land subdivided may construct, reconstruct, operate, and maintain with the consent of the town or the county where the land lies, sewers, gas and water pipes, or electric lines along or under the streets, alleys, easements, or other land devoted to public use, provided that it shall not obstruct or hinder the passage over the streets, alleys, or other property devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate, and maintain such works.

H. Any plat or part thereof recorded may be vacated, with the consent of the council or of the governing body of the county wherein the land lies, or both where the plat has been approved by both, by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated which shall be duly executed, acknowledged, and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements, and other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat or part thereof may be vacated upon the application of the owners of the lots in the plat and with the approval of the council or governing body of the county, or both where the plat has been approved by both, and shall not be vacated otherwise. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated" and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded.

I. In case of any violation or attempted violation of the provisions of this Charter, or of any of the provisions of the regulations adopted as authorized in this Charter, the council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such violation or attempted violation, to restrain, correct, or abate such violation or attempted violation, or to prevent any act which would constitute such violation. Any owner or proprietor of any tract of land who subdivides such tract of land and who violates any of the provisions of the regulations adopted under the authority of this Charter shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars and not more than $200, and each day after the first, during which the violation continues, shall constitute a separate violation. (2013, c. 519)

§ 5.9. Present comprehensive plan; comprehensive zoning plan; subdivision regulations.

Portions of the comprehensive plan, and the comprehensive zoning plan as heretofore adopted, approved, and filed, with all amendments thereto, and the subdivision control regulations as heretofore adopted, approved, and filed, with all amendments thereto, are hereby validated and confirmed as if the same had been prepared, adopted, approved, and filed in accordance with the provisions of this article. Every amendment or addition thereto or extension thereof and every other comprehensive plan or portion thereof, comprehensive zoning ordinance, or subdivision control ordinance henceforth adopted shall be in accordance with the provisions of this article. Where existing ordinances are at variance with the provisions of this article, they shall be deemed to be amended in accordance with the provisions of this article. (2013, c. 519)

Article VI. General Provisions.

§ 6.1. Officers to hold over until their successors are appointed and qualified.

Whenever under the provisions of this Charter any officer of the town or member of the board or commission is elected or appointed for a fixed term except the mayor and vice-mayor, such officer, or member shall continue to hold office until his successor is appointed and qualified. (2013, c. 519)

§ 6.2. Present ordinances and rules and regulations continued in effect.

All ordinances of the town and all rules, regulations, and orders legally made by any department, board, commission, or officer of the town in force at the effective date of this Charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this Charter. (2013, c. 519)

§ 6.3. General powers.

The Town of Richlands and all the officers thereof elected or appointed in accordance with the provisions of this Charter shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this Charter. (2013, c. 519)

§ 6.4. Severability.

If any clause, sentence, paragraph, section, or part of this Charter shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not affect, impair, or invalidate the remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which judgment shall have been rendered. (2013, c. 519)

§ 6.5. Validation of contracts, etc.

All contracts and obligations heretofore or hereafter made by the council of the Town of Richlands, while in office, not inconsistent with this Charter or the Constitution or the general laws of this Commonwealth shall be and are hereby declared to be valid and legal. (2013, c. 519)

§ 6.6. Citation of act.

This act may for all purposes be referred to or cited as the Town of Richlands Charter of 2013. (2013, c. 519)

Richmond, City of

History of incorporation

Town of Richmond established, 1742, c. XX (Hening's Statutes at Large).
Designated Capitol of Virginia, 1779, c. XXI (Hening's Statutes at Large).
Town incorporation "to be stiled the city of Richmond," 1782, c. XXV (Hening's Statutes at Large).
City incorporation and charter, 1842, c. 197; repealed 1870, c. 101.
Charter, 1870, c. 101; repealed 1926, c. 318.
Manchester, Barton Heights, Fairmount, and Highland Park annexed, 1910 - 1914.
Charter, 1926, c. 318; repealed 1948, c. 116.

Current charter

Charter, 1948, c. 116.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

Chapter 1. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the city of Richmond, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the city of Richmond and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure. (1948, c. 116)

§ 1.02. Boundaries.

The boundaries of the city shall be as described in the act of the General Assembly approved March 24, 1926, found in Chapter 318 at page 533 of the Acts of Assembly of 1926 as modified and enlarged by the decree of the Circuit Court of Henrico County entered February 1, 1940, in the annexation proceedings styled City of Richmond versus County of Henrico, which decree was modified, amended and enlarged by decrees of the Supreme Court of Appeals entered June 9, 1941, in accordance with the written opinion of that court in the case styled County of Henrico, Windsor Farms, Incorporated, and others versus City of Richmond, officially reported in volume 177 of the Virginia Reports at page 754, all of which decrees are recorded in the clerk's office of the Circuit Court of the City of Richmond, Division I, in Deed Book 430-C at pages 275 and 292, and as modified and enlarged by the decree of the Circuit Court of Chesterfield County entered November 6, 1941, in the annexation proceeding styled City of Richmond versus County of Chesterfield, which decree is recorded in the clerk's office of the Circuit Court of the City of Richmond, Division I, in Deed Book 429-C, page 421, and in the clerk's office of the Circuit Court of the City of Richmond, Division II, in Deed Book 86-B, page 358, and as modified and enlarged by an order of annexation entered by the Circuit Court of Chesterfield County on July 12, 1969, which order is recorded in the clerk's office of the Circuit Court of Chesterfield County in Chancery Order Book 49, page 210. (1948, c. 116; 1975, c. 112; 1976, c. 633; 1998, c. 711)

Chapter 2. Powers.

§ 2.01. General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by the said Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1948, c. 116)

§ 2.02. Financial powers.

In addition to the powers granted by other sections of this charter, the city shall have power:

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power, the city shall, when not prohibited by the laws of the Commonwealth, have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools, to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition,

sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to levy on and collect taxes from purchasers of any public utility service and from subscribers to franchised cable antenna television service used within the city, which taxes may be added to and collected with the bills rendered purchasers of such service; to require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys, and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such licenses; provided, however, that nothing herein contained shall be construed as permitting the city to levy and collect directly or indirectly a tax on payrolls.

(b) To borrow money for the purposes and in the manner provided by Chapter 7B of this charter.

(c) To make appropriations, subject to the limitations imposed by this charter, for the support of the city government, and any other purposes not prohibited by this charter and the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this charter, funds for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require at least seven affirmative votes in the council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government.

(f) To provide, or aid in the support of, public libraries and public schools.

(g) To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth, and to charitable or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the city.

(h) To establish a system of pensions for injured, retired or superannuated city officers and employees, members of the police and fire departments, teachers and other employees of the school board, judges, clerks, deputy clerks, bailiffs and other employees of the municipal courts, and to establish a fund or funds for the payment of such pensions by making appropriations out of the treasury of the city, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by any combination of these methods or by any other method not prohibited by law, provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be paid therefrom; and provided

further, that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever nor shall any assignment of such benefits be enforceable in any court.

(i) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof. (1948, c. 116; 1972, c. 336; 1984, c. 163; 1990, c. 401; 1992, c. 850; 1993, c. 613; 1998, c. 711)

§ 2.03. Powers relating to public works, utilities and properties.

In addition to the powers granted by other sections of this charter, the city shall have power:

(a) To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, including limited access or express highways, alleys, bridges, viaducts, subways and underpasses, and make and improve walkways upon streets and improve and pave alleys within the city; and the city shall have the same power and authority over any street, alley or other public place ceded or conveyed to the city or dedicated or devoted to public use as over other streets, alleys and other public places.

(b) To acquire, construct, own, maintain and operate, within and without the city, public parks, parkways, playfields and playgrounds, and to lay out, equip and improve them with all suitable devices, buildings and other structures.

(c) To collect and dispose of garbage and other refuse and to construct, maintain and operate, within and without the city, incinerators, dumps or other facilities for such purposes.

(d) To construct, reconstruct, improve, maintain and operate, within and without the city, sewers, drains, culverts and sewage disposal works, and stormwater control facilities.

(e) To assess the whole or part of the cost of making and improving walkways on then existing streets, improving or paving existing alleys, or constructing sewers, culverts and drains, upon the owners of land abutting thereon or on the street or alley in which such sewer, culvert or drain is laid in the manner provided in § 12.06 of this charter, provided that the amount of such assessment shall not exceed the peculiar benefit resulting to the landowner from the improvement; provided further, that in lieu of any such assessment for the construction of a sewer, culvert or drain, the city may assess and collect an annual sewer tax as compensation for the use thereof, and may provide for the commutation thereof upon such terms and conditions as the council may provide by ordinance, but such assessment shall not be in excess of the peculiar benefit resulting therefrom to such abutting landowners; and provided further, that the city may acquire by condemnation or otherwise any interest or right of

any owner of abutting property in the use of any sewer, culvert or drain, and thereafter charge such landowner for the use of such sewer, culvert or drain. The city may order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the city and the abutting landowners.

(f) To construct, maintain and equip all buildings and other structures necessary or useful in carrying out the powers and duties of the city. The city may contract as provided by law with a private party or parties to provide the financing, site selection, acquisition, construction, maintenance, and leasing, or any of them, for a jail, juvenile detention facility, or other correctional facility. Nothing herein shall be interpreted to preclude operation of correctional facilities by private parties.

(g) To sell, lease or dispose of, except as otherwise provided in this charter and in the Constitution and laws of the Commonwealth, land, buildings and other property of the city, real and personal.

(h) To control and regulate the use and management of all property of the city, real and personal.

(i) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under the James River or any other stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned; provided that no tolls or compensation shall ever be imposed or collected for the use of "Robert E. Lee Bridge" by any vehicle or pedestrian.

(j) To authorize by ordinance, in accordance with the Constitution and laws of the Commonwealth, the use of the streets for the laying down of street railway tracks and the operation of street railways therein under such conditions and regulations as may be prescribed by such ordinance or by any future ordinance, or to acquire by agreement or condemnation any such street railway and maintain and operate the same.

(k) To acquire, construct, own, maintain and operate, within and without the city, places for the parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.

(l) To acquire, construct, own, maintain and operate, within and without the city, airports and all the appurtenances thereof; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease any appurtenance of any such airport or any concession incidental thereto or, in the discretion of the council, lease any such airport and its appurtenances with the right to all concessions thereon to, or enter into a contract for the management and operation of the same with, any person, firm or corporation on such terms and conditions as the council may determine by ordinance.

(m) To acquire, construct, own, maintain and operate, within and without the city, stadia, arenas, swimming pools and other sport facilities; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of or admission to such stadia, arenas, swimming pools and other sport facilities, including charges for any services incidental thereto; and lease, subject to such regulations as may be established by ordinance, any such stadium, arena, swimming pool or other sport facility or any concession incidental thereto, or enter into a contract with any person, firm or corporation for the management and operation of any such stadium, arena, swimming pool or other sport facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine by ordinance.

(n) To acquire, construct, own, maintain and operate, within and without the city, water works, gas plants and electric plants with the pipe and transmission lines incident thereto, to be managed and controlled as provided in Chapter 13 of this charter, for the purpose of supplying water, gas and electricity within and without the city, and to charge and collect compensation therefor and to provide penalties for the unauthorized use thereof.

(o) To acquire, construct, own, maintain and operate, within and without the city, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the landings, wharves, and docks, and from persons using any of the facilities above described; provide for the management and control of such facilities or any of them by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; lease any or all of such facilities or any concessions properly incident thereto to any person, firm or corporation, or contract with any person, firm or corporation for the maintenance and operation of any or all of such facilities on such terms and conditions as the council may determine by ordinance; apply to the proper authorities of the United States

to grant to the city the privilege of establishing, maintaining and operating a foreign trade zone within or without the city; regulate the use of other landings, wharves and docks located on the James River within and without the city; prevent and remove obstructions from the harbor of the James River and in, upon or near the landings, wharves, docks or canals adjacent thereto, and collect from the person or persons responsible for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing, dock or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation theretofore imposed by reason of such public use or easement by statute or otherwise, provided that the dock or any part thereof conveyed by the Chesapeake and Ohio Railway Company to the William R. Trigg Company, by deed dated June 1, 1901, in accordance with the provisions of the act of assembly approved February 15, 1901, and which dock is now owned by the city may be maintained and operated by the city for such other public purposes as authorized by the city council, but further provided if said dock shall be closed by the city to such public use and purpose and filled in, the city shall make provision for disposing of the water required by said dock and shall at its own cost and expense maintain the provision so made and the city shall have the right to use or dispose of the land upon which the said landing, wharf, dock or canal may be located, together with all lands or other rights appurtenant thereto, to the same extent as if the said landing, wharf, dock, canal or lands, or right thereto belonging, had never been charged with any public use or easement; improve and keep in good, safe and navigable condition the James River in the corporate limits and within twenty miles thereof, and may hold, lease, sell or otherwise dispose of all lands or interest therein acquired for the improvement of the James River and navigation and for the construction of canals or widening the river; and provide and operate such connections by ferries, bridges, or otherwise, as may be necessary for transportation between the section of land divided by such canals.

(p) To construct, own, maintain, operate and equip a visitors center and incidental parking, playgrounds and facilities. (1948, c. 116; 1950, c. 251; 1987, c. 230; 1988, c. 269; 1992, c. 850; 1994, c. 215; 1998, c. 711)

§ 2.03:1. Powers relating to certain other public works, utilities and properties.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To construct, maintain and operate limited or controlled access or express highways within the city and to fix and revise from time to time and charge and collect tolls for transit over such highways and compensation for other uses that may be made thereof. (1958, c. 185)

§ 2.03.2. Use of buildings or structures acquired or constructed for municipal purposes.

In addition to the powers granted by other sections of this charter, the city shall have the power to permit any building or structure acquired or constructed for any municipal purpose, or any part thereof or any space therein, which is not needed for such purpose, to be used for private purposes upon such

terms and conditions as shall be prescribed by the council until such building or structure or part thereof or space therein is needed for a municipal purpose, when in the opinion of the council it is deemed proper to do so. (1964, c. 120)

§ 2.03.3. Powers relating to public transportation.

In addition to the powers granted by other sections of this charter, the city shall have the power to acquire, operate, lease, or otherwise provide for the operation of a public transportation system, including, by way of illustration but not limitation, the operation of passenger buses, both within and outside the City of Richmond, including providing for transportation for pupils attending public schools operated by the school board of the City of Richmond; provided, however, that the operation of any such system outside the City of Richmond shall only be with the consent of the governing body of the political subdivision in which such operation is to occur. (1973, c. 348)

§ 2.03.4. Riverfront development agreements.

(a) The city shall have the power, in the area bounded by the James River, 2nd Street, the Downtown Expressway, and 21st Street, and also including Mayo's Island, to enter into binding development agreements with any persons owning legal or equitable interests in real property there.

(b) Such an agreement between a property owner and the city shall be for the purpose of stimulating and facilitating economic growth along the Richmond riverfront, shall not be inconsistent with the master plan, and shall not authorize any use or condition not permitted by the zoning ordinance and other ordinances in effect at the time the agreement is made. It shall be authorized by ordinance. It shall be for a term not to exceed ten years and may be renewed by mutual agreement of the parties. It may provide for: uses, the density or intensity of uses; the maximum height, size, setback and/or location of buildings; the number of parking spaces required; the measures required to control stormwater; and other land use matters. It may authorize the property owner to transfer to the city land, public improvements, money, or anything of value to further the purposes of the agreement or other public purposes set forth in the city's master plan, but not as a condition to obtaining any permitted use or zoning. A property owner may agree to accept land use controls that are more restrictive than the zoning applicable to the property, conditioned on the city making public improvements, including parking, which also benefit the property; provided, however, that any agreement of the city to make such improvements shall be subject to the availability and appropriation of funds.

(c) If a property owner who is a party to such an agreement and is not in breach of the agreement dedicates or is required to dedicate real property of substantial value to the city, makes or is required to make substantial cash payments to the city, or makes or is required to make substantial public improvements for the city, then during the term of that agreement neither any amendment to the zoning map for the subject property nor any amendment to the text of the zoning ordinance with respect to the zoning district applicable to the property which eliminates or materially restricts, reduces, or modifies: the density or intensity of uses; the maximum height, size, setback or location of a building; the

number of parking spaces required; or the measures required to control stormwater shall be effective with respect to such property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety or welfare. (1992, c. 850)

§ 2.04. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.

In addition to the powers granted by other sections of this charter, the city shall have power to adopt ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth, for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, and among such powers, but not in limitation thereof, the city shall have power:

(a) To provide for the prevention of vice, immorality, vagrancy and drunkenness; prevention and quelling of riots, disturbances and disorderly assemblages; suppression of houses of ill fame and gambling places; prevention of lewd and disorderly conduct or exhibitions; and prevention of conduct in the streets dangerous to the public.

(b) To regulate the construction, maintenance and repair of buildings and other structures and the plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health.

(c) To provide for the protection of the city's property, real and personal, and prevention of the pollution of the city's water supply, and the regulation of use of parks, playgrounds, playfields, recreational facilities, landings, docks, wharves, canals, airports and other public property, whether located within or without the city. For the purpose of enforcing such regulations all city property wherever located shall be under the police jurisdiction of the city. Any member of the police force of the city or employee thereof appointed as a special policeman shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section and the district court, criminal division, shall have jurisdiction in all cases arising thereunder within the city and the district court of the county wherein the offense occurs shall have jurisdiction of all cases arising thereunder without the city.

(d) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city by railroads, street railways, buses, taxicabs and other vehicles for hire; prescribe the location in, under or over, and grant permits for the use of, streets, alleys and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, areas and cellars; require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted; and prohibit such use of the streets, alleys and other public places of the city, and no such use shall be made of the streets, alleys, or other public places of the city without the consent of the council.

(e) To prevent any obstruction of or encroachment over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment; remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes; require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; pending such removal charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching, and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, but such authorization shall not relieve the owner or owners, occupant or occupants of the property encroaching, of any liability for negligence on account of such encroachment; and recover possession of any street, alley, sidewalk or other public place or any other property of the city by suit or action in ejectment.

(f) To prescribe the route and grade of any railroad laid in the city, regulate the operation of locomotives and cars, and exclude such locomotives and cars from the city; provided, no contract between the city and the corporation operating such locomotives or cars is violated by such action.

(g) To regulate the operation of motor vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations; provided, that ordinances or administrative regulations adopted by virtue of this subsection shall not be inconsistent with the provisions of the Motor Vehicle Code of Virginia. All fines imposed for the violation of such ordinances and regulations shall be paid into the city treasury.

(h) To regulate, in the interest of public health, the production, preparation, distribution, sale and possession of milk, other beverages and foods for human consumption, and the places in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, where sewers are not available, and the sanitation of swimming pools and lakes; provide for the removal of night soil, and charge and collect compensation for the removal thereof; compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; provide for the quarantine of any person afflicted with a contagious or infectious disease, and for the removal of such person to a hospital or ward specially designated for contagious or infectious diseases; inspect and prescribe reasonable rules and regulations, in the interest of public health, with respect to private hospitals, sanatoria,

convalescent homes, clinics and other private institutions, homes and facilities for the care of the sick, of children, the aged and the destitute; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.

(i) To regulate cemeteries and burials therein, prescribe the records to be kept by the owners of such cemeteries, and prohibit all burials except in a public burying ground.

(j) To regulate or prohibit the exercise of any dangerous, offensive or unhealthful business, trade or employment, and the transportation of any offensive or dangerous substance.

(k) To regulate the light, ventilation, sanitation and use of occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same.

(l) To regulate the emission of smoke or the construction, installation, operation and maintenance of fuel burning equipment, internal combustion engines or any other equipment or source of air pollution.

(m) To compel the removal of weeds from private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public; and to compel the abatement or removal of any and all other nuisances whatsoever including the removal of inoperative or unlicensed motor vehicles or parts thereof from public or private property. If after such reasonable notice as the council may prescribe by ordinance the owner or owners, occupant or occupants of the property or premises affected by the provisions of this subsection shall fail to abate or obviate the condition or nuisance, the city may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of taxes.

(n) To regulate or prohibit the manufacture, storage, transportation, possession and use of explosive or inflammable substances and the use and exhibition of fireworks and discharge of firearms.

(o) To regulate or prohibit the making of fires in the streets, alleys and other public places in the city and to regulate the making of fires on private property.

(p) To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations.

(q) To prevent cruelty to and abuse of animals.

(r) To regulate the sale of goods, wares or merchandise at auction; regulate the conduct of and prescribe the number of pawnshops and dealers in secondhand goods, wares and merchandise; regulate or prohibit the peddling or hawking of any article for sale on the streets of the city; prevent fraud or deceit in the sale of goods, wares and merchandise; require the weighing, measuring, gauging and inspection of goods, wares and merchandise offered for sale; require weights and measures to be sealed and subject to inspection; and provide for the appointment of a sealer and one or more weightmasters who shall perform such duties and functions as may be prescribed by ordinance. (1948, c. 116; 1968, c. 644; 1972, c. 336; 1975, c. 112)

§ 2.04.1. Human rights commission.

The city shall have the power to establish a human rights commission consistent with the provisions of § 15.2-965 of the Code of Virginia. (1972, c. 333; 1989, c. 349; 1998, c. 711)

§ 2.05. Miscellaneous powers.

The city shall also have power:

(a) To establish, maintain and operate public employment bureaus, public markets and public baths.

(b) To establish, maintain and operate, within and without the city, public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute.

(c) To provide care for the poor and have all the powers and duties conferred and imposed on cities by the laws of the Commonwealth relating to public assistance.

(d) To establish, own, maintain and operate, within and without the city, cemeteries for the interment of the dead, fix the price at which graves and lots therein shall be sold, make contracts for their perpetual care and establish the rates to be charged for the digging of graves, construction of vaults and other services.

(e) To establish, maintain and operate, within or without the city, a jail for the confinement of prisoners, ordered or sentenced to be confined therein, and a jail farm; and compel able-bodied prisoners confined in the jail to work on such farm, with the approval of the Circuit Court of the City of Richmond. Any lockup physically located within the City of Richmond, whether in the Safety, Health and Welfare Building of the City of Richmond or elsewhere shall be deemed a part of and included within the city jail facility for the purposes of supervision, administration, staffing and all other aspects germane to the operation of the city jail.

(f) To acquire in the manner provided in Chapter 18 of this charter, areas, properties, lands or any estate or interest therein located within the city's old and historic districts which, in the opinion of the council, should be acquired, preserved and maintained for use, observation, education, pleasure and

welfare of the people, or to preserve the character of the old and historic district in which such property is located; provide for their renovation, preservation, maintenance, management and control as places of old and historic interest by the department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease or sell to a 501(c)(3) organization, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the old and historic character of the area, property or lands shall be restored and preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, property, lands or estate or interest therein so acquired as a place of old and historic interest, provided, the city shall not use the right of condemnation under this paragraph unless the historic value of such area, property, lands or estate or interest therein are about to be destroyed, including destruction through lack of maintenance.

(g) To establish and collect such fees, including a charge for expenses incurred in auditing reports, accounts, and any records of organizations operating bingo games and raffles under the permissive provisions of § 18.2-335 of the Code of Virginia and admitting to record the annual report of such organization, as may be determined by the council to be reasonable for the rendering of special services. (1948, c. 116; 1950, c. 416; 1972, c. 334; 1974, c. 19; 1978, c. 78; 1989, c. 349)

§ 2.06. Enforcement of regulations.

When by the provisions of this charter or the Constitution and general laws of the Commonwealth the city is authorized to pass ordinances on any subject, the council may provide suitable penalties for the violation of any such ordinances, including ordinances effective outside the city as provided in this charter. No such penalty shall exceed the maximum fine permitted under state law for violation of a Class 1 misdemeanor or confinement for twelve months or both. Upon conviction for violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security in the penalty of not more than $2,000, conditioned to keep the peace and be of good behavior and especially for the period of not more than one year not to violate the ordinance for the breach of which he/she has been convicted. From any fine or confinement imposed, an appeal shall lie as in cases of misdemeanor. Whenever any fine or penalty shall be imposed but not paid, the court trying the case may, unless an appeal be forthwith taken, issue a writ of fieri facias for the collection of the amount due, returnable within sixty days from its issuance. The city is hereby expressly authorized and empowered to institute and maintain a suit or suits to restrain by injunction the violation of any ordinance legally adopted by it, notwithstanding such ordinance may provide penalties for its violation. (1948, c. 116; 1991, c. 396; 1998, c. 711)

§ 2.07. Licenses and permits.

Whenever in the judgment of the council it is advisable in the exercise of any of the powers of the city or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or permits in connection therewith, establish the amount of the fee to be charged the licensee or permittee and require from the licensee or permittee a bond and an insurance policy of such character and in such amount and upon such terms as it may determine. (1948, c. 116)

§ 2.08. Injunctions against the city.

No injunction shall be awarded by any court or judge to stay the proceedings of the city or any of its officers, employees or agents in the exercise of any of their powers unless it be manifest that the city, its officers, employees or agents are transcending the authority given the city by this charter and the general laws of the Commonwealth, and also that the intervention of a court of equity is necessary to prevent injury that cannot be compensated by damage. (1948, c. 116)

Chapter 3. Elections.

§ 3.01. Election of councilmen; nomination of candidates.

A. At the time of the November general election in 2004, and every second year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city one member of council from each of the nine election districts in the city, the voters residing in each such district to elect one member for said district for terms of two years from the first day of January following their election. However, beginning with the elections to be held in 2008, and subject to approval by referendum as called for by this act, council members shall be elected for a term of four years.

B. No primary election shall be held for the nomination of candidates for the office of councilman, and candidates shall be nominated only by petition.

C. Each council member elected in accordance with this section shall reside in the election district from which such member was elected throughout the member's term on the council. (1948, c. 116; 1966, c. 486 (subject to referendum 6/14/66; defeated 6/14/66); 1971, c. 84 (c. 84 amended by c. 245, 1971, to provide effective date of noon, July 1, 1971); 1977, c. 513; 2004, cc. 514, 877, 898; 2020, cc. 141, 827)

§ 3.01.1 Election of mayor.

On the first Tuesday after the first Monday in November 2004, and every four years thereafter, a general election shall be held to elect the mayor. All persons seeking to have their names appear on the ballot as candidates for mayor must comply with the provisions of Chapter 5 (§ 24.2-500 et seq.) of Title 24.2 of the Code of Virginia and must file with their declaration of candidacy a petition containing a minimum of 500 signatures of qualified voters of the city, to include at least 50 qualified voters from each of the nine election districts. However, these filing requirements shall only apply to the initial, general election and not to any runoff election that may subsequently become necessary.

In the general election, the person receiving the most votes in each of at least five of the nine city council districts shall be elected mayor. Should no one be elected, then the two persons receiving the highest total of votes city wide shall be considered nominated for a runoff election. The runoff election shall be held on the sixth Tuesday after the November general election between the two nominees. The date of any such runoff election shall, as soon as possible, be posted at the courthouse and published at least once in a newspaper of general circulation in the city. In any such runoff election, write-in votes shall not be counted, and the person receiving the most votes in each of at least five of the nine city council districts shall be elected mayor. In the event the two candidates in a runoff election shall each win an equal number of council districts, the candidate receiving the most votes city wide shall be elected mayor. An elected term shall run four years. Anyone eligible to serve on city council may serve as mayor, except no one may be elected mayor for three consecutive full terms, and no one may simultaneously hold the office of mayor and any other elected position.

The procedures and deadlines for voter registration, applying for an absentee ballot, and casting an absentee ballot for any runoff election shall be as provided in Chapters 4 (§ 24.2-400 et seq.), 4.1 (§ 24.2-451 et seq.), and 7 (§ 24.2-700 et seq.) of Title 24.2 of the Code of Virginia for general elections. (2004, cc. 877, 898; 2019, cc. 110, 306)

§ 3.02. (1948, c. 116; 1975, c. 112; 1976, c. 633; 1977, c. 513; repealed 1998, c. 711)

§ 3.03. (1948, c. 116; 1977, c. 513; repealed 1998, c. 711)

§ 3.04. Vacancies in office of councilman or mayor.

A. Vacancies in the office of councilman, from whatever cause arising, shall be filled in accordance with general law applicable to interim appointments and special elections, provided that, any provision in the general law to the contrary notwithstanding, a special election may be called to fill any such vacancy if the vacancy occurs more than one year prior to the expiration of the full term of the office to be filled.

B. A vacancy in the office of mayor shall be filled by special election conducted according to the rules herein provided for the general election and held within 60 days, but no sooner than 30 days, from the date of the vacancy. Any runoff, should one be necessary, shall be held on the first Tuesday after the fifth day following the date that voting machines used in the special election may be unsealed pursuant to § 24.2-659 of the Code of Virginia or the third Tuesday following the special election, whichever is later. However, if the date by which either the special election or possible runoff election for the office of mayor must be conducted should fall within 60 days prior to a primary election or general election, then the special or runoff election shall be held on the same day as the primary or general election, if allowed by general law, or, if not allowed by general law, then the special election shall be held on the first Tuesday after the fifth day following the date that voting machines used in the primary or general election may be unsealed pursuant to § 24.2-659 of the Code of Virginia. Any runoff that may be necessary shall be held on the first Tuesday after the fifth day following the date that

the voting machines used in the special election may be unsealed pursuant to § 24.2-659 of the Code of Virginia or the third Tuesday following the special election, whichever is later. The president of the council shall serve as acting mayor until a successor is elected.

C. The procedures and deadlines for voter registration, applying for an absentee ballot, and casting an absentee ballot for any runoff election as may be necessary after a special election for mayor shall be as provided in Chapters 4 (§ 24.2-400 et seq.), 4.1 (§ 24.2-451 et seq.), and 7 (§ 24.2-700 et seq.) of Title 24.2 of the Code of Virginia for general elections. (1948, c. 116; 1975, c. 112; 1998, c. 711; 2004, cc. 877, 898; 2005, c. 844; 2019, cc. 110, 306)

§ 3.04.1. Removal of council member or mayor and forfeiture of office.

A. In addition to being subject to the procedure set forth in § 24.2-233 of the Code of Virginia, any member of the council may be removed by the council for malfeasance in office or neglect of duty or for a failure to comply with the residency requirement set forth in § 3.01. The member shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division I.

B. The mayor may be removed following the procedure set forth in § 24.2-233 of the Code of Virginia applicable to constitutional officers; provided, however, that the petition must be signed by a number of registered voters in each council district equal to at least 10 percent of the total number of votes cast in the last general election for mayor in each respective council district.

C. The mayor or any member of council who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude, or any felony, or any misdemeanor involving possession of marijuana or any controlled substances, shall forfeit his/her office. (2004, cc. 877, 898; 2020, cc. 116, 827).

§ 3.05. Election of other city officers.

All other city officers required by the laws of the Commonwealth to be elected by the qualified voters of the city shall be nominated and elected at the time, for the terms and in the manner prescribed by the general laws of the Commonwealth. Vacancies in elective offices referred to in this section shall be filled in accordance with general law. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1948, c. 116; 1950, c. 251; 1975, c. 112; 1976, c. 633; 1978, c. 78; 1982, c. 658; 1998, c. 711)

§ 3.06. (1976, c. 745; repealed 1977, c. 513)

§ 3.06.1. Submission of proposition to voters.

The council shall have authority to order, by resolution directed to the Circuit Court of the City of Richmond, the submission to the qualified voters of the city, for an advisory referendum thereon, any proposed ordinance or amendment to the city charter. Upon the receipt of such resolution, the Circuit

Court of the City of Richmond shall order an election to be held in accordance with the applicable provisions of Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia. Following certification of the election results by the Electoral Board to the Circuit Court, the Court shall enter an order proclaiming the results of the election, and a duly certified copy of the order shall be transmitted to the council, which may take such further action as it may deem advisable and in the best interests of the city.

If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten percent or more of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding, is filed with the clerk of the Circuit Court of the City of Richmond, he/she shall forthwith certify that fact to the Court. The process and requirements for voter petitions established under state law shall be applicable to voter petitions provided for under this section, except to the extent of any conflict with requirements set forth in this charter. Upon the certification of such petition, the Circuit Court of the City of Richmond shall determine that the proposed charter amendment pertains only to the structure or administration of the city government. When such determination has been made, the court shall order an election to be held in accordance with the applicable provisions of Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. If a majority of those voting thereon at such election approve the proposed amendment, such result shall be communicated by the clerk of the Circuit Court of the City of Richmond to the representatives of the city in the General Assembly with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment. (1998, c. 711)

Chapter 4. Council.

§ 4.01. Composition; compensation; appointment of members to office of profit.

The council shall consist of nine members elected as provided in Chapter 3. Compensation of members of council shall be fixed in accordance with and within the limits prescribed in general laws of the Commonwealth for pay and expenses of councils and mayors of cities of the Commonwealth. The members of the council, subject to the approval of the council, may also be allowed their reasonable actual expenses incurred in representing the city. No member of the council shall during the term of which he was elected and one year thereafter be appointed to any office of profit under the government of the city. (1948, c. 116; 1954, c. 64; 1964, c. 120; 1968, c. 644; 1974, c. 19; 1975, c. 112; 1982, c. 658; 1992, c. 850)

§ 4.02. Powers.

All powers vested in the city shall be exercised by the council except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies other than those specifically established by this charter.

(c) To create, alter or abolish and to assign and reassign to departments, all bureaus, divisions, offices and agencies except where such bureaus, divisions, offices or agencies are specifically assigned by this charter.

(d) To provide for the titles, qualifications, powers, duties and compensation of all officers and employees of the city, subject in the case of members of the classified service to the provisions of § 5A.03 of this charter.

(e) To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city.

(f) To provide for the appointment and removal by the council or otherwise of such officers and employees as the council may require for the purpose of assisting the council in discharging its legislative, oversight, and constituent relations functions, as well as any officers or employees whom the council is authorized to appoint and remove pursuant to this charter or other applicable laws of the Commonwealth. (1948, c. 116; 1998, c. 711; 2010, cc. 218, 476)

§ 4.03. President of the council.

At the time of the council's January organizational meeting, the council shall elect from among its members a president of the council to preside at council meetings for a one-year term; however, beginning January 1, 2007, the president of council shall serve a two-year term. Should a vacancy occur in the office of mayor, the president of the council will become acting mayor until a successor is elected to fill out the remainder of the unexpired term in accordance with § 3.04. An acting mayor shall have the same powers and responsibilities as the elected mayor. In addition, notwithstanding the provisions of § 3.01.1, any acting mayor shall retain his or her city council position, including the right to vote. (1948, c. 116; 1998, c. 711; 2004, cc. 877, 898; 2005, c. 844)

§ 4.04. City clerk.

The council shall appoint a city clerk for an indefinite term. He/she shall be the clerk of the council, shall keep the journal of its proceedings and shall file the original draft of all ordinances and shall maintain an index of all such ordinances. He/she shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his/her office shall be public records and open to inspection at any time during regular business hours. He/she shall receive compensation to be fixed by the council and all fees received by him/her shall be paid into the city treasury. He/she shall appoint and remove a deputy city clerk, who shall be authorized to act as acting city clerk in the absence or disability of the city clerk, and all deputies and other employees in his/her

office, and shall have such other powers and duties as may be prescribed by this charter or by ordinance. (1948, c. 116; 1977, c. 513; 1998, c. 711; 2005, c. 844)

§ 4.05. Induction of members.

The first meeting of a newly elected council shall take place in the council chamber in the city hall as provided for by general law. It shall be called to order by the city clerk who shall administer the oaths of office to the newly elected council members and, when applicable, also to the newly elected mayor. In the absence of the city clerk, the meeting may be called to order and the oaths administered by any judicial officer having jurisdiction in the city. The council shall be the judge of the election and qualifications of its members and the mayor, but the decisions of the council in these matters shall be subject to review by the Circuit Court of the City of Richmond. The first business of the council shall be the election of a president of council and the adoption of rules of procedure. Until this business has been completed, the council shall not adjourn for a period longer than 48 hours. (1948, c. 116; 1998, c. 711; 2004, cc. 877, 898; 2005, c. 844)

§ 4.06. Rules of procedure.

The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once in each month; however, the council shall not be required to hold a regular meeting in the month of August. They shall also provide for the calling of special meetings by the mayor or any three members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council. (1948, c. 116; 1987, c. 230; 2004, cc. 877, 898)

§ 4.07. Voting.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative votes of at least five members. All voting except on procedural motions shall be by roll call and the ayes and noes shall be recorded in the journal. (1948, c. 116; 1992, c. 850)

§ 4.08. Ordinances, when required.

In addition to such acts of the council which are required by the Constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department or creating, altering, assigning or abolishing any bureau, division, office, agency or employment, fixing the compensation of any officer or employee of the city, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for

the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of private property pursuant to Chapter 17 of this charter, shall be by ordinance. (1948, c. 116)

§ 4.09. Ordinances; form.

Every ordinance except the annual appropriation ordinances and an ordinance codifying ordinances shall be confined to a single subject which shall be clearly expressed in its title. All ordinances shall be introduced in typewritten or printed form or a combination of both. All ordinances which repeal or amend existing ordinances shall set forth in full the section or subsection to be repealed or amended and, if it is to be amended, shall indicate matter to be omitted by enclosing the same in brackets, striking through the matter to be omitted, or by both such brackets and striking through and indicating new matter by underscoring. When printed or published prior to enactment the same indications of omitted and new matter shall be used except that strikeout type may be substituted for brackets and italics for underscoring. The enacting clause of all ordinances shall be: "The City of Richmond hereby ordains." Unless another date is specified therein and except as otherwise provided in this charter an ordinance shall take effect on the tenth day following its passage. (1948, c. 116; 1982, c. 658)

§ 4.10. Procedure for passing ordinances.

An ordinance may be introduced by any member or committee of the council or by the mayor at any regular meeting of the council or at any special meeting. Upon introduction a time, not less than seven days after such introduction, and place shall be set at which the council or a committee thereof will hold a public hearing on such ordinance, provided that the council may reject any ordinance on first reading without a hearing thereon by vote of six members. The hearing may be held separately or in connection with a regular or special meeting of the council and may be adjourned from time to time. It shall be the duty of the city clerk to cause to be printed in a newspaper published or in general circulation in the city, not later than the fifth day before the public hearing on the proposed ordinance, a notice containing the time and place of the hearing and the title of the proposed ordinance. It shall also be his/her duty, not later than the fifth day before the public hearing, to cause its full text to be printed or otherwise reproduced, as the council may by resolution direct, in sufficient numbers to supply copies to those who individually request them, or, if the council shall so order, to cause the same to be printed as a paid advertisement in a newspaper published or in general circulation in the city. It shall further be his/her duty to place a copy of the ordinance in a file provided each member of the council for this purpose. A proposed ordinance, unless it is an emergency ordinance, shall be finally passed at a meeting of the council following the introduction of the ordinance and after the conclusion of the public hearing thereon. If an ordinance, other than an emergency ordinance, is amended as to its substance, it shall not be passed until it shall be reprinted, reproduced or published as amended, and a hearing shall be set and advertised and all proceedings had as in the case of a newly introduced ordinance. (1948, c. 116; 1964, c. 120; 1998, c. 711; 2004, cc. 877, 898; 2006, cc. 650, 712)

§ 4.11. Emergency ordinances.

An emergency ordinance for the immediate preservation of the public peace, health and safety may be read a second time and passed with or without amendment at any regular or special meeting subsequent to the meeting at which the ordinance was introduced, provided that prior to its passage the full text of the original ordinance has been printed in a newspaper published or in general circulation in the city. An emergency ordinance must contain a specific statement of the emergency claimed and six affirmative votes shall be necessary for its adoption. (1948, c. 116; 1998, c. 711)

§ 4.12. (1948, c. 116; 1975, c. 112; 1976, c. 633; 1995, c. 165; repealed 1998, c. 711)

§ 4.13. Record and publication of ordinances.

Every ordinance after passage shall be given a serial number and shall be retained by the clerk in a permanent file kept for that purpose and the clerk shall maintain a permanent card or similar index. Within one year after the first Tuesday in September 1948 there shall be prepared under the direction of the city attorney, who is hereby authorized to employ such assistance as he/she deems necessary for the purpose, a codification of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without prior publication. Upon its passage it shall be published in bound or loose-leaf form. This codification, to be known and cited officially as the city code, shall be furnished to city officers and shall be sold to the public at a price to be fixed by the council. A similar codification shall be prepared, passed, published and distributed, as above provided, at least every five years. It shall be the duty of the city clerk to cause all ordinances adopted to be printed as promptly as possible after their adoption in substantially the same style and format as the codification of ordinances and sold at such prices as the council may establish. (1948, c. 116; 1977, c. 513; 1998, c. 711)

§ 4.14. Appointments and removals generally.

The council in making appointments and removals shall act only by affirmative votes of at least five members. It may remove any person appointed by it for an indefinite term, for any lawful reason or no reason. The decision of the council shall be final. (1948, c. 116; 1998, c. 711; 2004, cc. 514, 877, 898)

§ 4.15. Removal of members of boards and commissions; forfeiture of office or employment for certain convictions.

A. Any member of a board or commission appointed by the council for a specified term may be removed by the council but only for malfeasance in office or neglect of duty. He/she shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division I.

B. Any officer, appointee of the council or employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude or any felony or any misdemeanor involving possession

of marijuana or any controlled substances shall forfeit his/her office or employment. (1948, c. 116; 1975, c. 112; 1976, c. 633; 1990, c. 401; 1998, c. 711; 2004, cc. 877, 898)

§ 4.16. Powers of investigation.

(a) The council, or any committee of members of the council when authorized by the council, shall have power to make such investigations relating to the municipal affairs of the city as it may deem necessary, and shall have power to investigate any or all departments, boards, commissions, offices and agencies of the city government and any officer or employee of the city, concerning the performance of their duties and functions and use of property of the city.

(b) The mayor, the chief administrative officer, the heads of all departments, all boards and commissions whose members are appointed by the council, the city auditor, and the inspector general shall have power to make such investigations in connection with the performance of their duties and functions as they may deem necessary, and shall have power to investigate any officer or employee appointed by them or pursuant to their authority concerning the performance of duty and use of property of the city.

(c) The council, or any committee of members of the council when authorized by the council, the mayor, the chief administrative officer, the heads of departments, boards and commissions whose members are appointed by the council, the city auditor, and the inspector general, in an investigation held by any of them, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person, having been ordered to attend, or to produce such books and papers, who refuses or fails to obey such order, or who having attended, refuses or fails to answer any question relevant or pertinent to the matter under investigation shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $100 or imprisonment in jail not exceeding 30 days, either or both. Every such person shall have the right of appeal to the Circuit Court of the City of Richmond, Division I. The investigating authority shall cause every person who violates the provisions of this section to be summoned before the general district court criminal division for trial. Witnesses shall be sworn by the person presiding at such investigation, and they shall be liable to prosecution or suit for damages for perjury for any false testimony given at such investigation. (1948, c. 116; 1964, c. 120; 1974, c. 19; 1989, c. 349; 1998, c. 711; 2004, cc. 877, 898; 2006, cc. 650, 712; 2018, cc. 313, 650)

§ 4.17. City attorney.

The city attorney shall be the chief legal advisor of the council, the mayor, the chief administrative officer and all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. The city attorney shall perform particular duties and functions as assigned by the council. The city attorney shall be appointed by the council, shall serve at its pleasure, and shall devote full time and attention to the representation of the city and the protection of its legal interests. The city attorney shall have the power to appoint and remove assistants or any other employees as

shall be authorized by the council and to authorize any assistant or special counsel to perform any of the duties imposed upon him in this charter or under general law. The city attorney may represent personally or through one of his assistants any number of city officials, departments, commissions, boards, or agencies that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, commission, board, or agency. In matters where the city attorney determines that he is unable to render legal services to the mayor, chief administrative officer, or city departments or agencies under the supervision of the chief administrative officer due to a conflict of interests, the mayor, after receiving notice of such conflict, may employ special counsel to render such legal services as may be necessary for such matter. (1998, c. 711; 2004, cc. 877, 898; 2006, cc. 650, 712)

§ 4.18. City auditor.

There shall be a city auditor who shall be appointed by the council for an indefinite term. The city auditor shall have been certified as a certified public accountant by the Virginia State Board of Accountancy or by the examining board of any other state which extends to and is extended reciprocity by the Commonwealth of Virginia, and shall be qualified by training and experience for the duties of the city auditor. The city auditor shall have the power to appoint such accountants and other assistants for the performance of the duties of the city auditor's office as the council may provide for. It shall be the duty of the city auditor to examine and audit all accounts, books, records, and financial transactions of the city or any department, board, commission, office, or agency thereof, including all trust funds, special funds, and other funds. In performing the city auditor's duties, the city auditor shall have access at any and all times to all books, records, and accounts of each department and agency subject to examination and audit by the city auditor. (1998, c. 711; 2018, cc. 313, 650)

§ 4.19. Inspector general.

There shall be an inspector general who shall be appointed by the council for an indefinite term and who shall be qualified by training and experience for the duties of the office. The inspector general shall have the power to appoint such assistants for the performance of the duties of the inspector general's office as the council may provide for. It shall be the duty of the inspector general to conduct such investigations as may be authorized by § 15.2-2511.2 of the Code of Virginia. (2018, cc. 313, 650)

Chapter 5. Mayor and Chief Administrative Officer.

§ 5.01. Mayor.

The mayor shall be the chief executive officer of the city and shall be responsible for the proper administration of city government. The mayor shall be recognized as the head of government for all ceremonial purposes, military law and the service of civil process. The office of mayor shall be a full-time position with salary and expenses set by the council. (1948, c. 116; 1998, c. 711; 2004, cc. 877, 898)

§5.01.1. Chief administrative officer.

The mayor shall appoint a chief administrative officer, subject to the advice and consent of a majority of the members of city council, who shall be chosen solely on the basis of his/her executive and administrative qualifications, with special reference to his/her actual experience in or knowledge of accepted practice with respect to the duties of his/her office. At the time of his/her appointment, the chief administrative officer need not be a resident of the city or the Commonwealth but he/she shall reside within the city during his/her tenure in office. The chief administrative officer shall serve at the pleasure of the mayor. The mayor shall set the salary of the chief administrative officer subject to the approval of a majority of the members of city council. (2004, cc. 877, 898)

§ 5.02. Power of appointment and removal.

The chief administrative officer shall appoint for an indefinite term qualified officers and employees to head all the administrative departments of the city, and shall appoint, dismiss and discipline, in accordance with the city's personnel regulations, all officers and employees in such departments, except as otherwise specifically provided by law or this charter. Department heads who are appointed by the chief administrative officer shall serve at the pleasure of the chief administrative officer.

The chief administrative officer shall designate some other officer or employee to perform the duties of any office or position of the administrative service under his/her control which is vacant or which lacks administration due to the absence or disability of the incumbent. (1948, c. 116; 1998, c. 711; 2004, cc. 877, 898)

§ 5.03. Involvement of mayor and council in appointment and removals.

The mayor may participate in the hiring and removal of heads of administrative departments. The mayor and members of council may (i) communicate publicly or privately their approval or disapproval of the performance of any particular city employee, (ii) recommend persons to the chief administrative officer for consideration for hiring or promotion, or (iii) request of the chief administrative officer that he remove or take other disciplinary action against any particular city employee, as they may see fit. Ultimate responsibility for hiring, removal and other personnel decisions relating to administrative personnel, and for the directing of administrative personnel, shall reside in the chief administrative officer, unless expressly provided otherwise in this charter. Except for the purpose of inquiry, the mayor, council and its members shall deal with the administrative services solely through the chief administrative officer, and neither the mayor, council nor any member thereof shall give orders either publicly or privately to any subordinate of the chief administrative officer. (1948, c. 116; 1998, c. 711; 2004, cc. 514, 877, 898; 2005, c. 844; 2010, cc. 218, 476)

§ 5.04. Temporary transfer of personnel between departments.

The chief administrative officer shall have power, whenever the interests of the city require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency, the head of which is appointed by the chief administrative officer, to the temporary performance of duties in another department, bureau, office or agency. (1948, c. 116; 2004, cc. 877, 898)

§ 5.05. General duties; mayor.

It shall be the duty of the mayor to:

(a) Attend, or appoint a designee empowered to answer questions and make recommendations on behalf of the mayor to attend, all meetings of the council with the right to speak but not to vote; the mayor or his designee shall have the right to attend a closed meeting pursuant to § 2.2-3711 of the Code of Virginia, unless the council determines that the subject matter of the closed meeting includes the office of the mayor and that inclusion of the mayor or his designee shall be detrimental to the purpose of the council's deliberations;

(b) Keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to the mayor desirable;

(c) Oversee preparation of and submit the annual budget to the council as provided in Chapter 6 of this charter;

(d) Perform such other duties as may be prescribed by this charter or which may be required of the chief executive officer of a city by the general laws of the Commonwealth, or by ordinances adopted by the council, provided that the mayor shall have the power to veto any city ordinance by written notice of veto delivered to the city clerk within 14 calendar days of council's actions, subject to override thereafter by the council with a vote of six or more of the currently filled seats on council at any regular or special meeting held within 14 calendar days of the clerk's receipt of the notice of veto; however, the appointment of members of a redevelopment and housing authority in the city shall be made by the council; and

(e) Issue such regulations as may be necessary in order to implement the mayor's duties and powers. (1948, c. 116; 1950, c. 251; 1984, c. 163; 1989, c. 349; 1990, c. 401; 1998, c. 711; 2004, cc. 877, 898; 2005, c. 844; 2006, cc. 650, 712; 2010, cc. 218, 476)

§ 5.05.1. General duties; chief administrative officer.

It shall be the duty of the chief administrative officer, acting under the general direction of the mayor, to:

(a) Prepare the annual budget for submission to the council by the mayor;

(b) Prepare in suitable form for publication and submit to the council a concise report of the financial transactions and administrative activities of the city government during the fiscal year ending on the preceding thirtieth day of June and cause to be printed such number of copies thereof as the council shall direct;

(c) Present adequate financial and activity reports as requested by the council;

(d) Fulfill the city's responsibilities for maintaining cemeteries as provided for in § 2.05(d) of the charter and § 15.2-1121 of the Code of Virginia;

(e) Attend, or be represented at, all meetings of the council in order to answer questions and make recommendations on behalf of the mayor, provided that prior to any such meetings, council has given the mayor at least 72 hours of advance notice of the matters on which it seeks information or a recommendation; and

(f) Perform such other duties as may be prescribed by this charter or required of him/her in accordance therewith by the mayor other than the duties conferred on the mayor by this charter. (2004, cc. 877, 898; 2006, cc. 650, 712)

§ 5.06. Relations with boards, commissions and agencies.

The mayor, or the mayor's designee, shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance, except the school board and the board of zoning appeals. (1948, c. 116; 1998, c. 711; 2004, cc. 877, 898; 2005, c. 844)

§ 5.07. Acting chief administrative officer.

The mayor shall, with the advice and consent of a majority of the members of council, designate the head of a department, bureau or other officer appointed by the chief administrative officer, to act as chief administrative officer in case of the absence, incapacity, death or resignation of the chief administrative officer, until his/her return to duty or the appointment of his/her successor. An acting chief administrative officer shall serve at the pleasure of the mayor. (1948, c. 116; 1960, c. 7; 1962, c. 65; 1998, c. 711; 2004, cc. 877, 898)

§ 5.08. (1948, c. 116; 1968, c. 644; repealed 1998, c. 711)

§ 5.09. (1948, c. 116; 1950, c. 251; repealed 1956, c. 130)

§ 5.10. (1948, c. 116; repealed 1956, c. 130)

§ 5.11. (1948, c. 116; 1950, c. 251; repealed 1956, c. 130)

§ 5.12. (1948, c. 116; repealed 1956, c. 130)

§ 5.13. (1948, c. 116; 1954, c. 64; 1956, c. 130; repealed 1998, c. 711)

§ 5.13.1. (1972, c. 335; repealed 1998, c. 711)

§ 5.13.2. (1972, c. 811; 1987, c. 230; repealed 1998, c. 711)

Chapter 5-1. Department of General Services. (Repealed)

Editor's note: Section 5-1.1 is referred to as § 5.1.1 in Acts of Assembly of 1958, c. 185, and in Acts of Assembly of 1968, c. 644.

§ 5-1.1. (1956, c. 130; 1958, c. 185; 1968, c. 644, repealed 1998, c. 711)

§ 5-1.2. (1956, c. 130; 1975, c. 112; repealed 1998, c. 711)

§ 5-1.3. (1956, c. 130; repealed 1998, c. 711)

§ 5-1.4. (1956, c. 130; 1964, c. 120; 1974, c. 19; 1978, c. 78; 1981, c. 199; 1982, c. 658; 1985, c. 22; repealed 1998, c. 711)

§ 5-1.5. (1956, c. 130; repealed 1998, c. 711)

Chapter 5A. Administration.

§ 5A.01. Creation of departments.

The city council may establish administrative departments, bureaus, divisions, or offices, or may alter, combine or abolish existing administrative departments, bureaus, divisions or offices; however, neither the council, the mayor, nor the chief administrative officer shall have the power to alter the purpose of, combine, transfer or abolish any department created by this charter. (1998, c. 711; 2004, cc. 877, 898)

§ 5A.02. Responsibility of department heads.

There shall be a director appointed by the chief administrative officer as the head of each administrative department. Such directors shall be chosen on the basis of their executive and administrative ability, experience and education, and shall serve at the pleasure of the chief administrative officer. (1998, c. 711; 2004, cc. 877, 898)

§ 5A.03. Personnel rules and regulations.

The council, upon receiving any recommendations submitted to it by the mayor, shall establish a personnel system for the city administrative officials and employees. Such system shall be based on merit and professional ability and shall not discriminate on the basis of race, national origin, religion, sex, age, disabilities, political affiliation, or marital status. The personnel system shall consist of rules and regulations which provide for the general administration of personnel matters, a classification plan for employees, a uniform pay plan and a procedure for resolving grievances of employees as provided by general law for either local government or state government employees. (1998, c. 711; 2004, cc. 877, 898)

Chapter 5B. Retirement System.

§ 5B.01. Retirement system established.

The retirement system for the city employees hitherto established by ordinance shall continue in force and effect subject to the right of the council to amend or repeal the same as set forth in such ordinance. From and after July 1, 1978, the Board of Trustees of the Richmond Retirement System shall consist of seven members for terms of three years. Any vacancy shall be filled for the unexpired portion of the term. The mayor shall appoint two members; the council shall appoint five members, at

least two of whom shall be members of the classified service. Such members of the Board of Trustees of the Richmond Retirement System shall have the responsibility of the supervision of the administration of the retirement plan, the determination of eligibility for the receipt of retirement benefits, the award of retirement benefits as authorized by ordinance of the City of Richmond, and such other duties as have heretofore been exercised by the Board of Trustees of the Richmond Retirement System other than fiduciary responsibilities concerning the management, control and investment of the financial resources of the Richmond Retirement System. The council of the City of Richmond may appoint and employ a corporation, vested with fiduciary powers under either the laws of the United States or the Commonwealth of Virginia, to be responsible for the investment of the funds of the Richmond Retirement System, which funds shall include any securities which may now or hereafter be part of the assets of such Richmond Retirement System. The director of finance shall be the disbursing officer for the payment of benefits awarded by the trustees of the Richmond Retirement System and as such shall perform such duties as may be required of the director of finance by ordinance but shall receive no additional compensation on account of such duties. To administer the retirement plan, the council may provide for an executive director to be appointed, supervised, and removed by the Board of Trustees of the Richmond Retirement System and for employees to be appointed, supervised, and removed by the executive director. (1998, c. 711; 2005, c. 844; 2010, c. 218, 476)

§ 5B.02. Post-retirement supplements.

(a) In addition to the allowance authorized to be paid under § 51.1-801 of the Code of Virginia, the council may, by ordinance, provide for post-retirement supplements, payable in accordance with the provisions of this section, to the recipients of such allowances. Such supplements shall be subject to the same conditions of payment as are such allowances.

(b) The amounts of the post-retirement supplements provided for hereunder shall be determined as percentages of the allowances authorized to be supplemented hereby. Such percentages may be determined by reference to the increase, if any, in the United States Average Consumer Price Index for all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, from its monthly average for the calendar year in which the allowance initially commenced as a result of the death or retirement of a member of a system of retirement authorized by § 5B.01 to its monthly average for the calendar year immediately prior to the calendar year as of which the amount of the post-retirement supplement is determined. Such supplement may be either the percentage computed from the actual increase in such index or some percentage of such actual increase.

(c) Amounts of post-retirement supplements shall be determined initially by the ordinance adopting the same, and thereafter as may be provided by ordinance.

(d) Any ordinance adopted hereunder may be retroactive to the extent that the council has heretofore appropriated funds for post-retirement supplements, which appropriation has been otherwise unexpended. (1998, c. 711)

Chapter 6. Budgets.

§ 6.01. Fiscal and tax years.

The fiscal year of the city shall begin on July 1 and shall end on June 30 of the succeeding year. The tax year for taxes levied on real estate, tangible personal property and machinery and tools shall begin on January 1 and end on December 31 following, and the tax year for all other taxes shall be fixed by the council by ordinance. The rate of taxes levied on real estate shall be fixed as authorized in § 58.1-3321 of the Code of Virginia. The rates of all other taxes and levies, except on new sources of tax revenues, shall be fixed before the beginning of the tax year. (1948, c. 116; 1958, c. 185; 1962, c. 65; 1982 c. 658; 1993, c. 613)

§ 6.02. Submission.

On a day to be fixed by the council, but in no case earlier than the second Monday of February or later than the seventh day of April in each year, the mayor shall submit to the council: (a) separate current expense budgets for the general operation of the city government, for the public schools and for each utility as defined in Chapter 13 of this charter; (b) a budget message; and (c) a capital budget. (1948, c. 116; 1958, c. 185; 1998, c. 711; 2004, cc. 877, 898; 2006, cc. 650, 712)

§ 6.03. Preparation.

It shall be the duty of the head of each department, the judges of the municipal courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the attorney for the Commonwealth, to provide, at such time as the mayor may prescribe, estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted in a form as determined by the mayor, and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all of the information which the mayor may require to be submitted thereon. The mayor shall hold such hearings as he/she may deem advisable and shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he/she may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board, he/she may recommend a revision only as permitted by § 22.1-94 of the Code of Virginia or any other provision of general law not in conflict with this charter. (1948, c.116; 1989, c. 349; 1998, c. 711; 2004, cc. 877, 898; 2006, cc. 650, 712)

§ 6.04. Scope of the budget.

In respect to each utility there shall be included in the budget estimates only the net amounts estimated to be received from or to be appropriated to such utility in the budget as provided in § 6.13. The budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the mayor deems desirable or the city council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. (1948, c. 116; 1986, c. 119; 1989, c. 349; 1998, c. 711; 2004, cc. 877, 898)

§ 6.05. Balanced budget required.

For any fund, the total of proposed expenditures shall not exceed the total of the estimated income plus the carried-forward fund balance. (1948, c. 116; 1989, c. 349; 1998, c. 711)

§ 6.06. The budget message.

The budget message shall contain the recommendations of the mayor concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all salient changes in each budget submitted, as to estimated receipts and recommended expenditures as compared with the current fiscal year and the last preceding fiscal year, and a summary of the proposed budgets showing comparisons similar to those required by § 6.04 above. (1948, c. 116; 2004, cc. 877, 898; 2006, cc. 650, 712)

§ 6.07. Appropriation and additional tax ordinances.

At the same time that he/she submits the budget, the mayor shall introduce in the council any appropriation ordinance required. The appropriation ordinance shall be based on the budget but need not be itemized further than by departments unless required by the council. At the same time, the mayor shall also introduce any ordinance or ordinances altering the tax rate on real estate and tangible personal property or levying a new tax or altering the rate of any other tax necessary to balance the budget as hereinbefore provided. The hearing on the budget plan as a whole, as provided in § 6.09, shall constitute the hearing on all ordinances referred to in this section, and the appropriation ordinances for each utility. (1948, c. 116; 1998, c. 711; 2004, cc. 877, 898; 2006, cc. 650, 712)

§ 6.08. Distribution of copies of budget message and budgets.

The mayor shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council and sufficient copies of the general fund, school and utility budgets to be made to supply copies to each member of the council and each newspaper published or in general circulation in the city and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours. (1948, c. 116; 1998, c. 711; 2004, cc. 877, 898)

§ 6.09. Public hearings on budget plan.

A public hearing on the budget plan as a whole shall be held by the council within the time and after the notice provided for hearings on ordinances by § 4.10 of this charter, except that the notice of such hearing shall be printed in a newspaper published or in general circulation in the city. (1948, c. 116; 1993, c. 613; 1998, c. 711)

§ 6.10. Action by council on budget generally.

After the conclusion of the public hearing, the council may insert new items of expenditure or may increase, decrease or strike out items of expenditure in the budget, except that no item of expenditure for debt service or required to be included by this charter or other provision of law shall be reduced or stricken out. The council shall not alter the estimates of receipts contained in the said budget except to correct omissions or mathematical errors, and it shall not cause the total of expenditures as recommended by the mayor to be increased without a public hearing on such increase, which shall be held not less than five days after notice thereof has been printed in a newspaper published or in general circulation in the city. The council shall in no event adopt a budget in which the total of expenditures exceeds the receipts, estimated as provided in § 6.04, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year sufficient to make up this difference. (1948, c. 116; 1982, c. 658; 1998, c. 711; 2006, cc. 650, 712)

§ 6.11. Adoption of budget, appropriation ordinance and ordinances for additional revenue.

Not later than the thirty-first day of May in each year the council shall adopt the budget, the appropriation ordinances and such ordinances providing for additional revenue as may be necessary to put the budget in balance. If for any reason the council fails to adopt the budget on or before such day, the budget as submitted by the mayor shall be the budget for the ensuing year and the appropriation ordinance and the ordinances providing additional revenue, if any, as recommended by the mayor shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this charter.

The mayor shall have the power to veto any particular item or items of any city budget ordinance by written notice of veto delivered to the city clerk within 14 calendar days of council's action. Council may thereafter override the mayor's veto with a vote of six or more of the currently filled seats on council at any regular or special meeting held within 14 calendar days of the city clerk's receipt of the notice of veto. Vetoes of any one or more items shall not affect other items not vetoed. (1948, c. 116; 1958, c. 185; 1998, c. 711; 2004, cc. 877, 898; 2005, c. 844; 2006, cc. 650, 712)

§ 6.12. Effective date of budget; certification and availability of copies thereof.

Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy of such budget as finally adopted shall be certified by the city clerk. Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the city. (1948, c. 116; 1998, c. 711; 2006, cc. 650, 712)

§ 6.13. Utility budgets and related ordinances.

Separate budget estimates for each of the utilities as defined in Chapter 13 of this charter shall be submitted to the mayor at the same time as the budgets of other departments and in the form prescribed by the mayor, subject, however, to the provisions of Chapter 13 which shall also control the action of the mayor and council thereon. The mayor shall submit with the budget of each utility an ordinance making appropriations for the operation of such utility during the ensuing fiscal year. He/she shall also at the same time submit any ordinance changing the rates to be charged by the utility, used in estimating receipts. The council shall have the same powers and be subject to the same limitations with regard to the adoption of such utility budgets and accompanying appropriation and rate ordinances, subject to the provisions of the said Chapter 13, as are conferred or imposed on it by § 6.10 with regard to the budget and its accompanying appropriation and revenue ordinances. If for any reason the council fails to adopt the utility budgets or any of them before the expiration of the time set for the adoption of the budget, such budget or budgets and the accompanying appropriation ordinance or ordinances and the ordinances changing rates, if any, shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this charter. (1948, c. 116; 1954, c. 64; 1998, c. 711; 2004, cc. 877, 898; 2006, cc. 650, 712)

§ 6.14. School budget.

It shall be the duty of the school board to submit its budget estimates to the mayor at the same time as other departments and in the form prescribed by the mayor. The mayor and council may take any action on the school budget permitted by § 22.1-94 of the Code of Virginia or any other provision of general law not in conflict with this charter. The school board shall before the beginning of the fiscal year file with the director of finance its budget as finally revised and its appropriations based thereon. It shall have power to order during the course of the fiscal year transfers from one item of appropriation to another, notice of which shall be immediately transmitted to the director of finance. The director of finance shall have the same authority to require expenditures to be made by school officers in accordance with the school budget as he/she is given by this charter to require expenditures by other city officers to be made in accordance with the general fund or utility budgets. (1948, c. 116; 1998, c. 711; 2004, cc. 877, 898; 2005, c. 844)

§ 6.15. (1948, c. 116; 1983, c. 164; repealed 1998, c. 711)

§ 6.15:1. (1985, c. 22; repealed 1998, c. 711)

§ 6.15:2. (1987, c. 230; repealed 1998, c. 711)

§ 6.15:3. School buildings and infrastructure modernization.

(a) Not later than January 1, 2019, the mayor shall formally present to the city council a fully funded plan to modernize the city's K-12 educational infrastructure consistent with national standards or inform city council such a plan is not feasible. In fulfilling the duties herein, the mayor shall consult with the school board and city council, consider cost savings available in state or federal law, and further provide an opportunity for public participation.

(b) Such fully funded plan required in subsection (a) shall not be based on the passage of new or increased taxes for that purpose.

(c) Nothing herein shall alter powers previously given to the school board.

(d) Once the mayor has complied with subsection (a), the city council shall have 90 days to take such action as it deems appropriate. (2018, c. 664)

§ 6.16. Amendments after adoption.

(a) At any time within the fiscal year, upon the recommendation of the mayor and certification of the director of finance that there remain sufficient funds not theretofore allotted for a specific purpose, the council may, by not less than six affirmative votes, allot all or part of the funds appropriated to an account designated "Reserve for Contingencies" as authorized in § 15.2-2505 of the Code of Virginia for a designated program or project and authorize expenditure of the funds so allotted.

(b) If at any time during the fiscal year the mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council may by not less than six affirmative votes, and only upon the recommendation of the mayor, make supplemental appropriations for the year up to the amount of such excess.

(c) If at any time during the fiscal year it appears probable to the mayor that the revenue or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the mayor shall report to the city council without delay, indicating the estimated amount of the deficit, any remedial action taken by the mayor and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or reduce any deficit, and for that purpose it may by ordinance reduce one or more appropriations.

(d) At any time during the fiscal year, at the request of the mayor, the city council may by ordinance adopted by not less than six affirmative votes transfer part of or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units.

(e) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption. (1948, c. 116; 1982, c. 658; 1985, c. 22; 1998, c. 711; 2004, cc. 877, 898)

§ 6.17. (1948, c. 116; 1970, c. 226; 1973, c. 348; 1974, c. 19; 1982, c. 658; 1987, c. 230; 1995, c. 165; repealed 1998, c. 711)

§ 6.17.1. (1972, c. 336; 1974, c. 19; 1993, c. 613; repealed 1998, c. 711)

§ 6.18. Lapsing of appropriations.

Every appropriation, except an appropriation designated for special revenue or for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. Appropriations designated special revenue (funding provided beyond 12 months or extends beyond the end of the city's fiscal year) shall not lapse at the close of the fiscal year but shall remain in force for the life of the multiyear project, until expended, revised, or repealed. The purpose of any such multiyear appropriation should be restricted based on grant award instructions.

An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation. (1948, c. 116; 1998, c. 711; 2004, c. 514)

§ 6.19. Capital budget.

At the same time he/she submits the current expense budgets, the mayor shall submit to the council a program which he/she shall previously have submitted to the city planning commission of proposed capital improvement projects for the ensuing fiscal year and for the four fiscal years thereafter, with his/her recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year; and may from time to time during the fiscal year amend by ordinance adopted by at least six affirmative votes the program previously adopted by it or the means of financing the whole or any part thereof or both, provided that the amendment shall have been recommended by the mayor and shall have been submitted to the city planning commission for review and such additional funds as may be required to finance the cost of the improvements are available. The council shall adopt a capital budget prior to the beginning of the fiscal year in which the budget is to take effect. No appropriation provided for a capital improvement purpose defined in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided the council shall have the power to transfer at any time any appropriation or any unencumbered part thereof from one purpose to another on the recommendation of the mayor. The mayor may transfer the balance remaining to the credit of any completed project to an incompleted project for the purpose of completing such project, provided the projects have been approved in the adoption of a capital budget or budgets. If no such transfers are made, the balances remaining to the credit of completed or abandoned purposes and projects shall be available for appropriation and allocation in a subsequent capital budget or budgets. Any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the funds provided therefor. The council shall have the power at any time to abandon or to reduce the scope of any project in a capital budget to the extent that funds appropriated therefor are unexpended and unencumbered. (1948, c. 116; 1950, c. 251; 1954, c. 64; 1964, c. 120; 1973, c. 348; 1977, c. 513; 1998, c. 711; 2004, cc. 877, 898)

§ 6.20. Certification of funds, penalties for violation.

Except as otherwise provided in § 13.06 of this charter, no payment shall be made and no obligation incurred by or on behalf of the city or the school board except in accordance with an appropriation duly made and no payment shall be made from or obligation incurred against any allotment or appropriation unless the director of finance or his designee shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of this charter shall be void. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city or of the school board, shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein such action may be cause for his/her removal. Nothing in this section contained, however, shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions will reasonably require, in the opinion of the council, the making of such contracts. (1948, c. 116; 1950, c. 251; 1954, c. 64; 1991, c. 396; 1998, c. 711; 2004, c. 514)

§ 6.21. Reserve fund for permanent public improvements.

The council may by ordinance establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible personal property or other source of revenue. Appropriations from the said fund shall be made only to finance improvements included in the capital budget. (1948, c. 116; 1954, c. 64; 1998, c. 711)

Chapter 7. Borrowing. (Repealed)

§ 7.01. (1948, c. 116; 1989, c. 349; repealed 1992, c. 850)

§ 7.02. (1948, c. 116; 1968, c. 644; 1972, c. 336; 1989, c. 349; repealed 1992, c. 850)

§ 7.03. (1948, c. 116; 1989, c. 349; repealed 1992, c. 850)

§ 7.04. (1948, c. 116; 1970, c. 226; 1989, c. 349; repealed 1992, c. 850)

§ 7.05. (1948, c. 116; 1950, c. 251; 1983, c. 164; 1989, c. 349; repealed 1992, c. 850)

§ 7.06. (1948, c. 116; 1964, c. 120; 1976, c. 633; 1978, c. 78; repealed 1992, c. 850)

§ 7.07. (1948, c. 116; 1975, c. 112; 1976, c. 633; repealed 1992, c. 850)

§ 7.08. (1948, c. 116; 1988, c. 269; 1989, c. 349; repealed 1992, c. 850)

§§ 7.09 through 7.12. (1948, c. 116; repealed 1982, c. 658)

§ 7.13. (1948, c. 116; 1982, c. 658; 1989, c. 349; repealed 1992, c. 850)

Chapter 7A. Borrowing. (Repealed)

§§ 7A.01 through 7A.13. (1992, c. 850; repealed 1998, c. 711)

Chapter 7B. Borrowing.

§ 7B.01. General borrowing power of city council.

The council may, in the name of and for the use of the city, incur indebtedness by issuing its bonds, notes or other obligations for the purposes, in the manner and to the extent provided by the general law of the Commonwealth of Virginia, as supplemented by the provisions of this chapter. Bonds, notes or other obligations authorized in compliance with the provisions of the charter as in effect at the time of such authorization may be issued whether or not such authorization complied with provisions of general law in effect at the time of their authorization. (1998, c. 711)

§ 7B.02. Limitations on indebtedness.

In the issuance of bonds, notes and other obligations, the city shall be subject to the limitations as to amount contained in Article VII, Section 10 of the Constitution of Virginia. (1998, c. 711)

§ 7B.03. Emergency expenditures.

The city may authorize by ordinance the issuance of bonds, notes or other obligations to provide for emergency expenditures. Bonds, notes or other obligations may be issued to finance an appropriation to meet a public emergency, as provided in § 2.02 (d) of this charter, when authorized by the ordinance making such appropriation. (1998, c. 711)

§ 7B.04. Procedures for adopting ordinances authorizing the issuance of bonds or notes.

(a) The procedure for the adoption of an ordinance authorizing the issuance of bonds shall be the same as for the adoption of any other ordinance, except that six affirmative votes shall be necessary for its adoption. No such ordinance shall take effect until the thirty-first day after publication of the notice of its adoption as hereinafter provided.

(b) Within ten days after the adoption of an ordinance authorizing the issuance of bonds, the city clerk shall cause a notice of the adoption of such ordinance to be printed in a newspaper published or in general circulation in the city. Such notice shall include a statement that the thirty-day period of limitation within which to file a petition for a referendum on the ordinance authorizing the issuance of bonds shall have commenced as of the date of such publication.

(c) The procedure for the adoption of an ordinance authorizing the issuance of notes shall be the same as for the adoption of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that six affirmative votes shall be necessary for its adoption. An ordinance authorizing the issuance of notes shall not be subject to the requirement of publication of a notice of

adoption as hereinabove provided, nor shall such ordinance be subject to the provisions of § 7B.05 of this charter concerning a petition for a referendum. Such ordinance shall be effective immediately unless otherwise provided by the city council in such ordinance. (1998, c. 711)

§ 7B.05. Optional referendum on ordinance authorizing the issuance of bonds.

If, within thirty days after publication of notice of adoption as required by § 7B.04 (a) of this charter, a petition, signed and verified as hereinafter provided and requesting the submission to the qualified voters of the city of an ordinance authorizing the issuance of bonds, shall be filed with the clerk of the Circuit Court of the City of Richmond, such ordinance shall be so submitted at an election called for such purpose. The provisions of § 3.07 of this charter as to the qualifications of the persons who sign the petition, the number of signatures to be required, the verification thereof, the filing of the petition and the request for the election shall apply equally to the petition and election provided for in this section. The election shall be ordered, conducted, and the results ascertained and certified in accordance with general law. If a majority of those voting thereon at such election shall fail to approve the ordinance, such ordinance shall be void. If a majority of those voting thereon at such election shall approve the ordinance, such ordinance shall be effective immediately. (1998, c. 711)

§ 7B.06. Procedures for sale and terms of bonds and notes.

All bonds and notes shall be sold in such manner, either at public or private sale, for such price and upon such terms, including without limitation amounts, principal maturities, sinking fund requirements, maturity dates, interest rates and redemption features, as the council may determine by ordinance or resolution, or as the director of finance, with the approval of the chief administrative officer, may determine, when authorized to do so by ordinance or resolution. Furthermore, interest rates may be determined by reference to indices or formulas or agents designated by the council under guidelines established by it, or, when authorized to do so by ordinance or resolution, such determination and designation may be made by the director of finance, with the approval of the chief administrative officer. (1998, c. 711; 2005, c. 844)

Chapter 8. Financial Administration.

§ 8.01. Establishment and composition of department of finance.

There shall be a department of finance for the administration of the financial affairs of the city, including exercise of the powers conferred and duties imposed by law upon commissioners of the revenue, collectors of taxes, license inspectors, city treasurers, and similar officers. (1948, c. 116: 1982, c. 658: 1989, c. 349; 1998, c. 711)

§ 8.02. (1948, c. 116; repealed 1998, c. 711)

§ 8.03. General powers and duties of director of finance.

The director of finance, under the supervision of the chief administrative officer, shall have charge of the administration of the financial affairs of the city and to that end he/she shall have authority and shall be responsible for the department of finance in order to discharge the following functions:

(a) Manage the city's finances in a professionally accountable and responsible manner.

(b) Provide for regular reporting of the city's financial condition in conformance with generally accepted accounting principles.

(c) Receive, deposit in legal depositories, maintain custody of and disburse all funds of the city or in the possession of the city, and prudently invest such funds as they are available for investment. The director shall not be liable for any loss sustained of funds so deposited.

(d) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted.

(e) Administer all debt of the city to include its issue, registration, transfer and retirement or redemption.

(f) Enforce the provisions of this charter and the ordinances of the city with regard to any financial matters of the city. (1948, c. 116; 1950, c. 251; 1975, c. 112; 1982, c. 658; 1988, c. 269; 1989, c. 349; 1990, c. 401; 1998, c. 711; 2004, cc. 877, 898)

§ 8.03.1. (1978, c. 78; repealed 1989, c. 349)

§ 8.04. (1948, c. 116; repealed 1989, c. 349)

§ 8.05. (1948, c. 116; 1976, c. 633; 1982, c. 658; repealed 1988, c. 269)

§ 8.05.1. (1966, c. 243; repealed 1982, c. 658)

§ 8.06. (1948, c. 116; 1974, c. 19; 1976, c. 633; 1986, c. 119; repealed 1998, c. 711)

§ 8.07. (1948, c. 116; 1976, c. 633; repealed 1998, c. 711)

§ 8.08. (1948, c. 116; 1982, c. 658; repealed 1989, c. 349)

§ 8.09. (1948, c. 116; 1954, c. 64; 1973, c. 348; 1974, c. 19; 1982, c. 658; repealed 1998, c. 711)

§ 8.10. Annual audit.

The council shall cause to be made annually an independent financial audit of all accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The audit shall be of sufficient scope to express an opinion as to whether the books and records and the financial statements prepared therefrom as contained in the annual financial report of the city present fairly the fiscal affairs of the city in accordance with generally accepted accounting principles of municipal accounting and applicable governing laws. The report of such audit shall be filed within such time as the council

shall specify, and one copy thereof shall be always available for public inspection in the office of the city clerk during regular business hours. (1948, c. 116; 1977, c. 513; 1982, c. 658; 1998, c. 711)

Chapter 9. Department of Personnel. (Repealed)

§ 9.01. (1948, c. 116; repealed 1998, c. 711)

§ 9.02. (1948, c. 116; repealed 1998, c. 711)

§ 9.03. (1948, c. 116; 1958, c. 185; 1968, c. 644; 1970, c. 226; 1972, c. 336; 1977, c. 513; 1978, c. 78; 1981, c. 199; 1983, c. 164; repealed 1998, c. 711)

§ 9.04. (1948, c. 116; 1975, c. 112; 1977, c. 513; 1983, c. 164; 1985, c. 22; 1993, c. 613; repealed 1998, c. 711)

§ 9.05. (1948, c. 116; 1972, c. 336; 1982, c. 658; 1983, c. 164; 1986, c. 119; repealed 1998, c. 711)

§ 9.06 (1948, c. 116; 1982, c. 658; 1983, c. 164; repealed 1998, c. 711)

§ 9.07. (1948, c. 116; 1958, c. 185; 1968, c. 644; 1972, c. 336; 1974, c. 19; 1975, c. 112; 1983, c. 164; 1984, c. 163; 1986, c. 119; 1989, c. 349; 1990, c. 401; repealed 1998, c. 711)

§ 9.08. (1948, c. 116; 1968, c. 644; 1983, c. 164; 1987, c. 230; repealed 1998, c. 711)

§ 9.09. (1948, c. 116; 1958, c. 185; repealed 1983, c. 164)

§ 9.10. (1948, c. 116; 1981, c. 199; 1983, c. 164; 1986, c. 119; repealed 1998, c. 711)

§ 9.11. (1948, c. 116; 1970, c. 226; 1983, c. 164; repealed 1998, c. 711)

§ 9.12. (1948, c. 116; repealed 1983, c. 164)

§ 9.13. (1948, c. 116; 1987, c. 230; repealed 1998, c. 711)

§ 9.14. (1948, c. 116; 1950, c. 251; 1952, c. 182; repealed 1998, c. 711)

§ 9.15. (1948, c. 116; 1950, c. 251; repealed 1998, c. 711)

§ 9.15:1. (1987, c. 230; repealed 1998, c. 711)

§ 9.15:2. (1987, c. 230; repealed 1998, c. 711)

§ 9.16. (1948, c. 116; 1974, c. 19; 1978, c. 78; 1982, c. 658; repealed 1998, c. 711)

§ 9.17. (1971, c. 130; 1982, c. 658; repealed 1998, c. 711)

Chapter 10. Department of Law. (Repealed)

§ 10.01. (1948, c. 116; repealed 1998, c. 711)

§ 10.02. (1948, c. 116; repealed 1998, c. 711)

§ 10.03. (1948, c. 116; repealed 1998, c. 711)

§ 10.04. 1948, c. 116; 1964, c. 120; repealed 1998, c. 711)

Chapter 11. Department of Public Safety. (Repealed)

§ 11.01. (1948, c. 116; 1988, c. 269; repealed 1992, c. 850)

§§ 11.02 through 11.09. (1948, c. 116; repealed 1992, c. 850)

§ 11.10. (1948, c. 116; 1956, c. 130; 1988, c. 269; repealed 1992, c. 850)

§ 11.11. (1958, c. 185; repealed 1992, c. 850)

Chapter 11A. Department of Police. (Repealed)

§§ 11A.01 through 11A.05. (1992, c. 850; repealed 1998, c. 711)

Chapter 11B. Department of Fire and Emergency Services. (Repealed)

§ 11B.01. (1992, c. 850; repealed 1998, c. 711)

§ 11B.02. (1992, c. 850; repealed 1998, c. 711)

§ 11B.03. (1992, c. 850; repealed 1998, c. 711)

Chapter 11C. Traffic Control. (Repealed)

§ 11C.01. (1992, c. 850; repealed 1998, c. 711)

§ 11C.02. (1992, c. 850; repealed 1998, c. 711)

Chapter 12. Department of Public Works. (Repealed)

§ 12.01. (1948, c. 116; repealed 1998, c. 711)

§ 12.02. (1948, c. 116; 1985, c. 22; 1994, c. 215; repealed 1998, c. 711)

§ 12.03. (1948, c. 116; 1954, c. 64; repealed 1998, c. 711)

§ 12.04. (1948, c. 116; repealed 1998, c. 711)

§ 12.05. (1948, c. 116; 1950, c. 251; 1975, c. 112; repealed 1998, c. 711)

§ 12.06. (1948, c. 116; 1950, c. 251; 1975, c. 112; repealed 1998, c. 711)

§ 12.07. (1948, c. 116; 1956, c. 130; 1958, c. 185; 1964, c. 120; 1970, c. 226; 1972, c. 336; 1974, c. 19; 1981, c. 199; 1985, c. 22; repealed 1998, c. 711)

§ 12.08. (1948, c. 116; 1956, c. 130; 1958, c. 185; repealed 1998, c. 711)

Chapter 13. Department of Public Utilities.

§ 13.01. Department of public utilities; created; composition.

There shall be a department of public utilities which shall consist of the director of public utilities and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. The director shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. (1948, c. 116; 1998, c. 711)

§ 13.02. Functions.

The department of public utilities shall be responsible for: (a) the operation of the water, wastewater, stormwater, gas and electric utilities of the city, including street lighting; (b) the collection of all charges for the services of such utilities; and (c) such other powers and duties as may be assigned to the department by ordinance. (1948, c. 116; 1982, c. 658; 1994, c. 215)

§ 13.03. (1948, c. 116; 1988, c. 269; repealed 1998, c. 711)

§ 13.04. (1948, c. 116; repealed 1998, c. 711)

§ 13.05. Collection of bills.

The collection of unpaid bills may be enforced in the manner now or hereafter prescribed by law or ordinance, and water service may be disconnected for nonpayment of landfill refuse fees. (1948, c. 116; 1982, c. 658; 1988, c. 269; 1993, c. 613; 1998, c. 711)

§ 13.06. Each utility a separate enterprise.

The water, wastewater, stormwater, gas and electric utilities shall each be conducted as a separate enterprise, provided that nothing herein shall prevent the transfer of employees from one utility to another or the division of the time of any officer or employee between two or more of such utilities. To facilitate accurate analysis of the financial results of the operation of each utility:

(a) The customer service division shall, as directed by ordinance, bill for and collect on behalf of each utility not only the charges due from domestic, commercial and industrial users of its services but similar charges against the city and each department, board, commission, office and agency thereof, including the school board and each other utility. The rates to be charged for street lighting and for electric current furnished to the city and its departments, boards, commissions, offices and agencies, as well as any political subdivision, shall be fixed by the director of public utilities to generate such revenue as shall enable the utility to make a reasonable return on investment and meet retirement schedules and other debt service requirements in accordance with the provisions of any bond ordinance pursuant to which bonds have been issued to finance capital improvements of such utility and to comply with the terms and conditions of any documents securing any such bonds.

(b) Separate budgets shall be prepared for each utility annually at the time and in the manner prescribed in Chapter 6 of this charter, which shall include estimates of revenue and expense for the ensuing fiscal year. After the budget of a utility has been adopted, should it appear that substantial sales of the unit product of the utility can be made in excess of the sales of the unit product

contemplated by the budget which were not reasonably foreseen at the time the estimates of revenue and expense were made, additional expenditures may be authorized by the chief administrative officer from the funds of the utility in an amount not exceeding the estimated cost of producing or purchasing additional units of the product of the utility to be sold upon the justification of such expenditure by and recommendation of the director of public utilities. The chief administrative officer shall report to the council as soon as practicable any such additional expenditures authorized by him/her and shall also report any such additional expenditures to the director of finance, who shall adjust the appropriation accounts accordingly. The expenditure of any other funds of any utility shall be authorized only when an additional appropriation thereof is made in accordance with § 6.16 of this charter. The budget estimates of each department of the city shall include items for gas, water, wastewater, stormwater, and electric current to be used by them. An item for street lighting shall be included in the general fund budget and shall be disbursed by the director of finance on the basis of bills rendered by the customer service division.

(c) The accounting system of each utility shall conform to generally accepted principles of public utility accounting and shall be kept on an accrual basis. Expenditures shall be authorized and made in accordance with appropriations made by the council and in accordance with the provisions of Chapters 6, 8 and 13 of this charter. The records of revenues of each utility shall be kept so that the services rendered to each class of customer according to the rate schedules adopted by the council for each utility can be obtained. After the close of each fiscal year there shall be submitted to the chief administrative officer and the council a report as to the operation of each utility containing at least the following financial statements: (1) a comparative balance sheet showing the financial condition of the utility as of the beginning and close of the fiscal year and an analysis of the surplus account showing the factors of change in the account as reflected by the comparative balance sheet; and (2) a comparative profit and loss statement of the last two fiscal years; and a comparative detailed analysis of operating expense for the last two fiscal years according to functional grouping. The expense of operating each utility shall include: (1) taxes, if any, lawfully accruing during the fiscal year; and (2) except for the stormwater utility, taxes not actually accruing but which would have accrued had the utility not been municipally owned, and such taxes shall be paid annually into the general fund. For the purposes of this chapter, all indebtedness of the city incurred on account of each utility shall be considered as the indebtedness of such utility. (1948, c. 116; 1954, c. 64; 1982, c. 658; 1988, c. 269; 1993, c. 613; 1994, c. 215; 1998, c. 711; 2006, cc. 650, 712)

§ 13.06.1. Payments by utilities for city services.

The amount charged to and to be paid for any city services provided to a city utility by any other department or agency of the city shall be computed upon and limited to the actual cost incurred by such city department or agency in providing such service. (1989, c. 349)

§ 13.06.2. Investment of utility funds.

The cash of any utility may be invested for the utility with other city funds, provided, however, that the investment earnings from such cash be credited to the utility. The excess cash not required as working capital for any such utility, for renewal fund transfer, or for other legal obligations of a utility may be utilized for capital projects in accordance with industry standards as determined by and directed by the director of public utilities. (1989, c. 349)

§ 13.07. Utility renewal funds.

A renewal fund for each utility shall be established to be known as the "water utility renewal fund," the "wastewater utility renewal fund," the "stormwater utility renewal fund," the "gas utility renewal fund" and the "electric utility renewal fund," respectively. Simultaneously with the introduction of budgets for each city owned and operated utility there shall be introduced renewal fund budgets for each of the utilities utilizing operating cash of the respective utilities for appropriations to finance such budgets. Funds received from the federal and state governments, representing grants in aid of construction, shall be deposited into the respective utility renewal funds. Appropriations may be made by the council from the renewal fund of any utility, on the recommendation of the mayor, only for renewing, rebuilding or extending the plant and distribution system of such utility. (1948, c. 116; 1954, c. 64; 1973, c. 348; 1989, c. 349; 1994, c. 215; 2006, cc. 650, 712)

§ 13.07.1. Transfer of utility retained earnings.

Transfers of retained earnings of any utility of the city shall be made only after retention of sufficient funds to meet all bond covenant requirements, working capital requirements, and other legal requirements, and any such transfer shall be limited to thirty percent of any year's net income of such utility with such transfer to be made in the second succeeding fiscal year and provided further that in no case shall cash transfers be made to the general fund if a utility does not have a minimum of forty-five days working capital requirements. (1954, c. 64; 1960, c. 7; 1973, c. 348; 1989, c. 349)

§ 13.07.2. Amendment of the capital budget adopted pursuant to provisions of § 6.19 of the charter; increase in appropriation for utility purposes.

The capital budget ordinance for a fiscal year adopted by the city council pursuant to § 6.19 of the charter may be amended to allow for an increase in a public utility capital budget within the fiscal year if such additional appropriation is a result of and warranted by a demand for new services, changes in conditions, including emergencies and acts of God occurring after the capital budget goes into effect, necessity for complying with regulatory requirements, or the capital budget needs could not have been reasonably anticipated and estimated at the time of adoption of the capital budget. (1989, c. 349)

§ 13.08. Valuation of utilities.

At such times as it shall determine, the council shall cause to be made a valuation of each of the utilities, in accordance with accepted valuation principles, by a competent firm of engineers to be selected by the council on the recommendation of the chief administrative officer, showing in the case of the

water utility the proportion of its valuation properly allocable to fire protection. (1948, c. 116; 1994, c. 215; 1998, c. 711; 2006, cc. 650, 712)

§ 13.09. Changes in rates.

The rates to be charged for the respective services of the water, wastewater, stormwater, and gas utilities and for the sale of any excess of electric current beyond the needs of the city and its departments, boards, commissions and agencies, as well as any political subdivisions, shall be fixed from time to time by the council on the recommendation of the director of public utilities and the mayor. If for any fiscal year any utility other than the stormwater utility shall operate at a net loss as shown by its annual statement of profit and loss, it shall be the duty of the director of public utilities and the mayor to recommend and the council to adopt for that utility a schedule of rates which in its judgment will produce revenue at least equal to expense. (1948, c. 116; 1954, c. 64; 1982, c. 658; 1994, c. 215; 2006, cc. 650, 712)

§ 13.10. No sale or lease of utilities except when approved by referendum.

There shall be no sale or lease of the water, wastewater, gas or electric utilities unless the proposal for such sale or lease shall first be submitted to the qualified voters of the city at a general election and be approved by a majority of all votes cast at such election. (1948, c. 116; 1998, c. 711)

§ 13.11. Implementation of stormwater utility.

The stormwater utility shall be implemented by ordinance, and shall be effective as of the effective date of that ordinance. Notwithstanding other provisions of this charter, the stormwater utility program may be administered by either the Department of Public Works or the Department of Public Utilities. Stormwater utility charges shall be assessed to all property owners and shall be based upon their contributions to stormwater runoff. Procedures and guidelines may be established to provide for full or partial waivers of charges to any person who develops, redevelops, or retrofits outfalls, discharges, or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading. Federal and state government agencies shall receive a full waiver of stormwater utility charges when the agency owns and provides for maintenance of storm drainage and stormwater control facilities. If stormwater utility charges are not paid when due, interest thereon shall at that time accrue at the rate determined by council, not to exceed any maximum allowed by law. The city may collect charges and interest by action at law or suit in equity, and such unpaid charges and interest shall constitute a lien against the property, of equal stature with liens for unpaid real estate taxes. (1994, c. 215; 2004, c. 514; 2010, cc. 218, 476)

Chapter 14. Department of Public Health. (Repealed)

§ 14.01. (1948, c. 116; 1966, c. 109; 1991, c. 396; repealed 1998, c. 711)

§ 14.02. (1948, c. 116; 1958, c. 185; repealed 1998, c. 711)

§ 14.03. (1948, c. 116; 1984, c. 163; repealed 1998, c. 711)

§ 14.04. (1948, c. 116; repealed 1998, c. 711)

§ 14.05. (1948, c. 116; 1991, c. 396; repealed 1998, c. 711)

§ 14.06. (1948, c. 116; repealed 1991, c. 396)

Chapter 15. Department of Social Services. (Repealed)

§ 15.01. (1948, c. 116; 1985, c. 22; repealed 1998, c. 711)

§ 15.02. (1948, c. 116; 1958, c. 185; 1985, c. 22; repealed 1998, c. 711)

§ 15.03. (1948, c. 116; 1985, c. 22; repealed 1998, c. 711)

§ 15.04. (1948, c. 116; 1985, c. 22; repealed 1998, c. 711)

Chapter 16. Department of Recreation and Parks. (Repealed)

§§ 16.01 through 16.05. (1948, c. 116; repealed 1998, c. 711)

§ 16.06. (1948, c. 116; 1958, c. 185; 1986, c. 119; repealed 1998, c. 711)

Chapter 17. Planning, Zoning and Subdivision Control.

§ 17.01. Power to adopt master plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a master plan for the physical development of the city to promote health, safety, morals, comfort, prosperity and general welfare. The master plan may include but shall not be limited to the following:

(a) The general location, character and extent of all streets, highways, super-highways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, waterways, harbors, water fronts, landings, wharves, docks, terminals, canals, airports and other public places or ways, and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension thereof.

(b) The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof.

(c) The general location, character and extent of slum clearance, housing and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings.

(d) A general plan for the control and routing of railways, street car lines, bus lines and all other vehicular traffic.

(e) The general location, character and extent of areas beyond the corporate limits of the city to be annexed thereto. (1948, c. 116)

§ 17.02. City planning commission, generally.

There shall be a city planning commission which shall consist of nine members. One member shall be a member of the council who shall be appointed by the council for a term coincident with his/her term in the council; one member shall be a member of the board of zoning appeals appointed by the board of zoning appeals for a term coincident with his/her term on such board; one member shall be the chief administrative officer or an officer or employee of the city designated from time to time by him/her; six citizen members shall be qualified voters of the city who hold no office of profit under the city government, appointed for terms of three years, one of whom shall be appointed by the mayor, and five of whom shall be appointed by the council. Vacancies shall be filled by the authority making the appointment, for the unexpired portion of the term. Members of the city planning commission, other than the member of council appointed to the commission and the chief administrative officer, or such officer or employee of the city as the chief administrative officer may designate to serve on the commission, shall be entitled to receive such compensation as may be fixed from time to time by ordinance adopted by the council. (1948, c. 116; 1968, c. 644; 1976, c. 633; 1985, c. 22; 1998, c. 711; 2004, cc. 877, 898; 2005, c. 844)

§ 17.03. (1948, c. 116; 1958, c. 185; 1968, c. 644; 1972, c. 336; 1993, c. 613; repealed 1998, c. 711)

§ 17.04. Duty to adopt master plan.

It shall be the duty of the commission to make and adopt a master plan which with accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will in accordance with existing and future needs best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development. (1948, c. 116)

§ 17.05. Control of monuments and other works of art.

It shall be the further duty and function of the commission to preserve historical landmarks and to control the design and location of statuary and other works of art which are or may become the property of the city, and the removal, relocation and alteration of any such work; and to consider and suggest the design of harbors, bridges, viaducts, airports, stadia, arenas, swimming pools, street fixtures and other public structures and appurtenances. (1948, c. 116)

§ 17.06. Adoption of master plan by commission and approval by council.

The commission may adopt the master plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the city or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one public hearing thereon. Notice of the time and place of such hearing shall be given in accordance with general law. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby shall be certified to the council, and at least one public hearing shall be held thereon in accordance with general law. Neither the master plan nor any part, amendment, extension or addition thereto shall become effective until the action of the commission with respect thereto set out in the resolution shall have been approved by the council by ordinance or resolution. Upon the approval of the action of the commission by the council, an attested copy of the resolution adopted by the commission accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto thereby adopted, together with the ordinance or resolution adopted by the council shall be certified to the clerk of the Circuit Court, Division I and Division II, of the city who shall file the same in his/her respective offices, and shall index the same in the deed index book in the name of the city and under the title: master plan of the city. (1948, c. 116; 1958, c. 185; 1975, c. 112; 1998, c. 711)

§ 17.07. Effect of adoption and approval of master plan.

Whenever the commission shall have adopted a master plan for the city or one or more parts thereof, geographical, topographical or functional, and the master plan or such part or parts thereof and any amendment or extension of the plan or part thereof or addition thereto shall have been approved by the council and it has been certified and filed as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure, shall be constructed or authorized in the city or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been

approved by the commission; and no ordinance giving effect to or amending the comprehensive zoning plan as provided in § 17.10 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above the commission shall communicate its reason to the council which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city as well as the acquisition by the city of any land within or without the city for public purposes or the sale of any land then held by the city shall be subject to similar approval and in case the same is disapproved such disapproval may be similarly overruled. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way. (1948, c. 116; 1958, c. 185)

§ 17.08. (1948, c. 116; 1972, c. 336; repealed 1998, c. 711)

§ 17.09. Further powers and duties of the commission.

The commission shall have power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine. The commission shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional or other organizations, and with citizens, with relation to the protection or carrying out of the plan. All public officials shall upon request furnish to the commission within a reasonable time such available information as it may require for its work. The commission, its members, officers and employees in the performance of their duties may enter upon any land in the city and make examinations and surveys and place and maintain necessary monuments and markers thereon. In general the commission shall have such powers as may be necessary to enable it to fulfill its function, promote planning and carry out the purposes of this charter. The commission shall make an annual report to the council concerning its activities. (1948, c. 116)

§ 17.10. Zoning powers.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets, secure safety from fire, panic and other danger, promote health, sanitation and general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provision for schools, parks, playgrounds and other public improvements and requirements. The comprehensive zoning plan shall include the division of the city into districts with such boundaries as the council deems necessary to carry out the purposes of this charter and shall provide for the

regulation and restriction of the use of land, buildings and structures in the respective districts and may include but shall not be limited to the following:

(a) It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses.

(b) It may restrict the height, area and bulk of buildings and structures in the districts.

(c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.

(d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.

(e) It may prescribe the area of lots and the space in buildings that may be occupied by families.

(f) It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles.

(g) It may permit the use and development of land not less than ten acres in extent in a manner that does not conform in all respects with the regulations and restrictions prescribed for the district or districts in which such land is situated, provided that such use shall be approved by the city planning commission and the council.

(h) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event within a reasonable period of time to be specified in the ordinance. (1948, c. 116)

§ 17.11. Uniformity of regulations within a district; special use permits.

(a) The regulations and restrictions shall be uniform and shall apply equally to all land, buildings, and structures and to the use and to each class or kind thereof throughout each district; however, the regulations and restrictions applicable in one district may differ from those provided for other districts.

(a1) The council may, by ordinance adopted after holding one or more public hearings concerning same, establish design overlay districts, providing for such design overlay districts, a design review process applicable to exterior changes within view from public right-of-ways in order to protect developed areas of the city which are characterized by uniqueness of established neighborhood

character, architectural coherence and harmony, or vulnerability to deterioration, and council may assess a reasonable fee, not exceeding the actual cost of the review process, for a determination if proposed new construction, alterations, rehabilitation, or demolition conforms to general guidelines for a particular design overlay district established by the planning commission and urban design committee after holding a public hearing.

(b) The council shall have the power to authorize by ordinance adopted by not less than six affirmative votes the use of land, buildings, and structures in a district that does not conform to the regulations and restrictions prescribed for that district and to authorize the issuance of special use permits therefor, whenever it is made to appear that such special use will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air. No such special use permit shall be adopted until (1) the city planning commission has conducted a public hearing to investigate the circumstances and conditions upon which the council is empowered to authorize such use and until the commission has reported to the council the results of such public hearing and investigation and its recommendations with respect thereto, and (2) the council has conducted a public hearing on an ordinance to authorize such special use permit at which the person in interest and all other persons shall have an opportunity to be heard. Notice of the time and place of such public hearings shall be given in accordance with general law. The council shall have the power to require greater notice as it may deem expedient. The city planning commission may recommend and the council may impose such conditions upon the use of the land, buildings and structures as will, in its opinion, protect the community and area involved and the public from adverse effects and detriments that may result therefrom. (1948, c. 116; 1960, c. 7; 1968, c. 644; 1987, c. 230; 1998, c. 711)

§ 17.12. Considerations to be observed in adoption and alteration of regulations.

The regulations and restrictions shall be enacted with reasonable consideration, among other things of the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of land, buildings and structures and encouraging the most appropriate use thereof throughout the city. Upon the enactment of the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein in accordance with a comprehensive zoning plan no land, building or structure shall be changed from one district to another district unless the change is in accord with the interest and purposes of this section and will not be contrary to the comprehensive zoning plan and the enumerated factors upon which it is based and the regulations

and restrictions applicable to the districts involved in the change. (1948, c. 116; 1950, c. 251; 1960, c. 7)

§ 17.13. Duties of the city planning commission with relation to zoning.

It shall be the duty of the city planning commission to prepare and submit to the council a comprehensive zoning plan as referred to in § 17.10 and from time to time prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary. (1948, c. 116)

§ 17.14. Adoption and amendment of zoning regulations and restrictions and establishment of district boundaries.

Subject to the other provisions of this chapter and general law, the council shall have power by ordinance to adopt the regulations and restrictions hereinbefore described and establish the boundaries of the districts in which they shall apply, provide for their enforcement, and from time to time amend, supplement or repeal the same. The council shall also have authority to provide for the collection of fees to cover costs involved in the consideration of any request for amendment, supplement or repeal of any such regulation, restriction or establishment of boundaries, to be paid to the department of planning and community development by the applicant upon filing such request. No such regulation, restriction or establishment of boundaries shall be adopted until:

(a) The city planning commission has conducted a public hearing to investigate the circumstances and conditions upon which the council is empowered to authorize such regulation, restriction or establishment of boundaries, and until the commission has reported to the council the results of such public hearing and investigation and its recommendations with respect thereto; and

(b) The council has conducted a public hearing on an ordinance to authorize such regulation, restriction or establishment of boundaries at which the person in interest and other persons shall have an opportunity to be heard.

Notice of the time and place of such public hearings shall be given in accordance with general law.

The procedures set forth in this section shall also apply to the adoption, amendment and repeal of historic district boundaries. All historic districts previously adopted by city council, except for the Church Hill North district adopted by Ordinance no. 90-197-194 and repealed by Ordinance no. 90-242-314, shall remain in full force and effect, shall be deemed to have been in continuous existence, and shall not henceforth be declared invalid by reason of a failure to follow the procedures set forth herein applicable to zoning districts. (1948, c. 116; 1984, c. 163; 1992, c. 850; 1998, c. 711)

§ 17.15. Effect of protest by twenty percent of the owners of property.

If a protest is filed with the city clerk against such amendment, supplement or repeal, signed and acknowledged before a person authorized to administer oaths, by the owners of twenty percent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change any point in which is within 150 of the boundary of such area, the council

shall not adopt the ordinance making such amendment, supplement or repeal, by less than seven affirmative votes. (1948, c. 116)

§ 17.16. Board of zoning appeals; composition.

(a) There shall be a board of zoning appeals which shall consist of five regular members and two alternates. They shall be qualified voters of the city, shall hold no office of profit under the city government and shall be appointed by the chief judge of the Circuit Court of the City of Richmond for terms of four years. Vacancies shall be filled by the chief judge of such court for the unexpired portion of the term. A regular or alternate member may be removed by the chief judge of the said court for neglect of duty or malfeasance in office, upon written charges and after public hearing. Members of the board of appeals shall serve without compensation.

(b) The city may by ordinance create a separate division of the board which shall be empowered only to hear appeals concerning interpretations of sections of the zoning ordinance dealing expressly with preservation of the Chesapeake Bay. This division shall consist of five regular members and two alternates appointed as provided in paragraph (a) of this section and subject to the same conditions of office. This division shall have only the powers set forth in § 17.20 (a). In all other respects, it shall be governed by those sections of this charter and of law which are generally applicable to the Board of Zoning Appeals. (1948, c. 116; 1960, c. 7; 1975, c. 112; 1992, c. 850)

§ 17.17. (1948, c. 116; 1960, c. 7; repealed 1998, c. 711)

§ 17.18. (1948, c. 116; repealed 1998, c. 711)

§ 17.19. Appeals to board of zoning appeals.

Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the city affected, by any decision of the administrative officer designated by the council to administer and enforce the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule, by filing with the said administrative officer and with the board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the administrative officer from whose decision the appeal is taken certifies to the board that by reason of the facts stated in the certificate a stay would in his/her opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application and on notice to the administrative officer and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest and decide the issue within a reasonable time. At the hearing

any party may appear in person, by agent or by attorney and shall be given an opportunity to be heard. The board may prescribe a fee to be paid whenever an appeal is taken which shall be paid into the city treasury. (1948, c. 116; 1998, c. 711)

§ 17.20. Powers of board of zoning appeals.

The board shall have the following powers and it shall be its duty:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the administrative officer in the administration and enforcement of the provisions of the ordinance.

(b) To grant variations in the regulations when a property owner can show that his/her property was acquired in good faith and where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of the exceptional topographical conditions or other extraordinary or exceptional situation the strict application of the terms of the ordinance actually prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, the granting of such variations will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner, provided, however, that all variations granted shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.

(c) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures, in any district in which they are prohibited by the ordinance, by any agency of the city, county or Commonwealth or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

(d) To permit the following exceptions to the district regulations and restrictions, provided such exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise unreasonably affect public safety and shall not diminish or impair the established property values in surrounding areas:

(1) Use of land or erection or use of a building or structure by a public service corporation for public utility purposes exclusively which the board finds to be reasonably necessary for the public convenience and welfare.

(2) Use of land or construction or use of buildings and structures in any district in which they are prohibited by the ordinance, for cemetery purposes, airports or landing fields, greenhouses and nurseries and the extraction of raw materials from land, such as rock, gravel, sand and similar products.

(3) Use of land in dwelling districts immediately adjoining or separated from business, commercial or industrial districts by alleys, or widths to be specified in the ordinance, for parking of vehicles of customers of business, commercial or industrial establishments, provided such use shall not extend more than the distance specified in the ordinance from the business, commercial or industrial district.

(4) Use of buildings for dwelling purposes in districts specified in the ordinance for use for other purposes, where it can be shown that conditions in the specified districts are not detrimental to the health, safety, or welfare of the inhabitants of such buildings and on condition that the buildings will be removed within a time specified in the ordinance.

(5) Reconstruction of buildings or structures that do not conform to the comprehensive zoning plan and regulations and restrictions prescribed for the district in which they are located, which have been damaged by explosion, fire, act of God or the public enemy, to the extent of more than sixty per cent of their assessed taxable value, when the board finds some compelling public necessity for a continuance of the use and such continuance is not primarily to continue a monopoly, provided that nothing herein shall relieve the owner of any such building or structure from obtaining the approval of such reconstruction by the council or any department or officer of the city when such approval is required by any law or ordinance.

(e) To modify the interpretation and application of the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the districts and their boundaries adopted with and as a part of the ordinance. (1948, c. 116; 1954, c. 64; 1962, c. 65; 1981, c. 199; 1998, c. 711)

§ 17.21. Form and scope of decisions by board of zoning appeals.

In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall act by formal resolution which shall set forth the reason for its decision and the vote of each member participating therein which shall be spread upon its records and shall be open to public inspection. The board may, upon the affirmative vote of three members, reconsider any decision made and, upon such reconsideration, render a decision by formal resolution.

Every decision of the board shall be based upon a finding of fact based on sworn testimony which finding of fact shall be reduced to writing and preserved among its records. (1948, c. 116)

§ 17.22. Same, appeals from boards.

Any person, firm or corporation, jointly or severally aggrieved or in fact affected by any decision of the board of zoning appeals, or any officer, department, board or agency of the city government charged with the enforcement of any order, requirement or decision of said board, may appeal from such decision by filing a petition in the Circuit Court of the City of Richmond, Division I, verified by affidavit, setting forth the alleged illegality of the action of the board and the grounds thereof. The petition shall be filed within thirty days from the date of the decision of the board. No appeal from the decision of the board shall be allowed in any case involving the same petitioner, principles, property and conditions previously passed upon by such court. (1948, c. 116; 1954, c. 73; 1975, c. 112; 1976, c. 633)

§ 17.23. Procedure on appeal.

Upon filing of the petition the court may cause a writ of certiorari to issue directed to the board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from, which writ shall be served upon any member of the board. The issuance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, notice to the board and due cause shown, issue a restraining order. The board shall not be required to produce the original record and documents but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents the board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, verified by affidavit. (1948, c. 116)

§ 17.24. Powers and duties of the court.

The court shall review the record, documents and other matters produced by the board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. Unless it is made to appear that the decision is contrary to law or is arbitrary and constitutes an abuse of discretion the court shall affirm the decision. If the court finds that the testimony of witnesses is necessary for a proper disposition of the matter it may hear evidence. (1948, c. 116)

§ 17.25. Proceedings against violators of zoning ordinance.

Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with § 17.14, the city may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property. (1948, c. 116)

§ 17.26. Penalties for violation of zoning ordinance.

The council may in such ordinance provide that fines and jail sentences, either or both, shall be imposed for violations of the ordinance by owners of land, buildings or structures, their agents having possession or control of such property, lessees, tenants, architects, builders, contractors or any other persons, firms or corporations who take part in or assist in any such violations or who maintain any land, building or structure in which such violations exist, which penalties shall not exceed those prescribed in § 2.06 of this charter. (1948, c. 116)

§ 17.27. (1948, c. 116; 1982, c. 658; repealed 1998, c. 711)

§ 17.28. (1948, c. 116; repealed 1998, c. 711)

§ 17.29. (1948, c. 116; 1975, c. 112; 1994, c. 215; repealed 1998, c. 711)

§ 17.30. (1948, c. 116; repealed 1994, c. 215)

§ 17.31. (1948, c. 116; 1975, c. 112; 1976, c. 633; 1982, c. 658; 1994, c. 215; repealed 1998, c. 711)

§ 17.32. (1948, c. 116; 1994, c. 215; repealed 1998, c. 711)

§ 17.33. (1948, c. 116; 1994, c. 215; repealed 1998, c. 711)

§ 17.34. (1948, c. 116; 1994, c. 215; repealed 1998, c. 711)

§ 17.35. (1948, c. 116; 1981, c. 199; 1994, c. 215; repealed 1998, c. 711)

§ 17.36. Use of street for five years; dedication.

Whenever any piece, parcel or strip of land shall have been opened to and used by the public as a street, alley, lane or other public place or part thereof for the period of five years, the same shall thereby become a street, alley, lane, public place or part thereof for all purposes and the city shall have the same authority and jurisdiction over and right and interest therein that it has by law over the streets, alleys, lanes and public places laid out by it and thereafter no action shall be brought to recover such piece, parcel or strip of land so opened to and used by the public as aforesaid. Any street, alley, lane or other public place reserved in the division or subdivision into lots by a plat or plan of record shall be deemed and held to be dedicated to the public use and the council shall have authority upon the petition of any person or corporation interested therein to open such street, alley, lane or other public place or any portion of the same. No agreement between, or release of interest by, persons or corporations owning the lands immediately contiguous to any such street, alley, lane or other public place, whether the same has been opened or used by the public or not, shall avail or operate to abolish such street, alley, lane or other public place or to divest the interest of the public therein or the authority of the council over the same. (1948, c. 116; 1994, c. 215)

§ 17.37. Present master plan and comprehensive zoning plan.

The master plan and the comprehensive zoning plan as heretofore adopted, approved and filed, with all amendments, additions and extensions thereto, in force and effect at the effective date of this charter, are hereby validated and confirmed as if the same had been prepared, adopted, approved and filed in accordance with the provisions of this chapter. Every amendment or addition thereto or extension thereof and every other master plan or comprehensive zoning ordinance henceforth adopted shall be in accordance with the provisions of this chapter. Where existing ordinances are at variance with the provisions of this chapter they shall be deemed to be amended in accordance with the provisions of this chapter. (1948, c. 116)

§§ 17.37:1 through 17.37:4. (1987, c. 230; repealed 1998, c. 711)

Chapter 18. Acquisition of Property for Public Purposes.

§ 18.01. Acquisition, ownership and use of property.

The city shall have, for the purpose of carrying out any of its powers and duties, power to acquire by gift, bequest, purchase or lease, and to own and make use of, within and without the city, lands, buildings, other structures and personal property, including any interest, right, easement or estate therein, and in acquiring such property to exercise, within and without the city, the right of eminent domain as hereinafter provided in this chapter. (1948, c. 116)

§ 18.02. Eminent domain.

The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein, of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, whether or not any corporation owning the same be authorized to exercise the power of eminent domain or whether or not such lands, buildings, structures or personal property or interest, right, easement or estate has already been devoted to a public use, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the Commonwealth and cannot with reasonable diligence be found in the Commonwealth or is unknown.

Such proceedings may be instituted in the Circuit Court of the City of Richmond, Divisions I or II, if the subject to be acquired is located within the city, or, if it is not located within the city, in the circuit court of the county in which it is located. If the subject is situated partly within the city and partly within any county the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the circuit court of the city. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders any or all of whom reside either in the county or city, any three of whom may act as commissioners, as provided by law. (1948, c. 116; 1975, c. 112)

§ 18.03. Alternative procedures in condemnation.

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law as modified by said section or may elect to proceed as hereinafter provided. In the latter event the resolution or ordinance directing acquisition of any property, as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the chief administrative officer and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the Commonwealth or cannot with reasonable diligence be found in the Commonwealth, or if the residence of the owner or tenant be unknown, he/she may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ 8.01-316, 8.01-317 and 8.01-319 of the Code of Virginia.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he/she had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceeding is instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his/her deed book and index them in the name of the person or

persons who had the property before and in the name of the city, for which he/she shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court, the court shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given to the making of such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in §§ 25.1-220 and 25.1-226 through 25.1-230 of the Code of Virginia or as provided for in § 18.02, and all proceedings thereafter shall be had as provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 of the Code of Virginia insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award. (1948, c. 116; 1968, c. 644; 1998, c. 711; 2004, cc. 877, 898)

§ 18.04. Enhancement in value when considered.

In all cases under the provisions of § 18.02 and 18.03, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the city, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage there shall be no recovery over against the owner for such excess. (1948, c. 116)

§ 18.05. Unclaimed funds in condemnation cases.

Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in § 18.02, in any condemnation proceeding instituted therein by the city, without any claim having been asserted thereto such court shall direct the same to be paid into the treasury of the city, and a proper receipt for the payment taken and filed among the records of the proceeding. The director of finance shall, in a book provided for the purpose, keep an account of all money thus paid into the city treasury, showing the amount thereof, when, by whom, and under what

order it was paid, and the name of the court and, as far as practicable, a description of the suit or proceeding in which the order was made and, as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the city shall be paid out on the order of the court having jurisdiction of the proceeding, to any person entitled thereto who had not asserted a claim therefor in the proceeding in which it was held, upon satisfactory proof that he/she is entitled to such money. If such claim is established the net amount thereof, after deducting costs and other proper charges, shall be paid to the claimant out of the treasury of the city on the warrant of the director of finance. No claim to such money shall be asserted after ten years from the time when such court obtained control thereof; provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted by such person, claim to such money may be asserted within five years after the removal of such disability. (1948, c. 116; 1970, c. 226; 1998, c. 711)

Chapter 19. Municipal Courts. (Repealed)

§ 19.01. (1948, c. 116; 1970, c. 226; repealed 1975, c. 112)

§ 19.02. (1948, c. 116; 1968, c. 644; 1970, c. 226; repealed 1975, c. 112)

§ 19.03. (1948, c. 116; 1970, c. 226; repealed 1975, c. 112)

§ 19.04. (1948, c. 116; 1968, c. 644; repealed 1975, c. 112)

§ 19.05. (1948, c. 116; repealed 1975, c. 112)

§ 19.06. (1948, c. 116; repealed 1975, c. 112)

§ 19.07. (1948, c. 116; repealed 1975, c. 112)

§ 19.08. (1948, c. 116; 1970, c. 226; repealed 1975, c. 112)

§ 19.09. (1948, c. 116; 1970, c. 226; repealed 1975, c. 112)

§ 19.10. (1948, c. 116; 1950, c. 251; repealed 1975, c. 112)

§ 19.11. (1948, c. 116; repealed 1975, c. 112)

§ 19.12. (1948, c. 116; 1970, c. 226; repealed 1975, c. 112).

§ 19.13. (1948, c. 116; repealed 1970, c. 226)

§ 19.13.1. (1970, c. 226; repealed 1975, c. 112)

§ 19.14. (1948, c. 116; 1970, c. 226; repealed 1975, c. 112)

§ 19.15. (1948, c. 116; 1970, c. 226; repealed 1975, c. 112)

§ 19.16. (1948, c. 116; repealed 1975, c. 112)

§ 19.17. (1948, c. 116; repealed 1975, c. 112)

§ 19.18. (1948, c. 116; 1970, c. 226; repealed 1975, c. 112)

§ 19.19. (1948, c. 116; 1954, c. 42; 1973, c. 348; repealed 1975, c. 112)

§ 19.20. (1948, c. 116; repealed 1975, c. 112)

§ 19.21. (1948, c. 116; repealed 1975, c. 112)

§ 19.22. (1948, c. 116; 1950, c. 241; 1964, c. 120; repealed 1975, c. 112)

Chapter 20. Miscellaneous Provisions.

§ 20.01. School board.

The school board shall consist of nine trustees. One trustee shall be elected from each of the nine council districts and shall be a qualified voter of that district.

The time of election and terms of members of the school board shall be the same as the time of election and terms of the members of the council.

Trustees shall take office July 1 following their election.

Except as provided in this charter the school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of the Commonwealth. None of the provisions of this charter shall be interpreted to refer to or include the school board unless the intention so to do is expressly stated or is clearly apparent from the context. (1948, c. 116; 1973, c. 348; 1976, c. 633; 1994, c. 215; 1995, c. 165)

§ 20.02. (1948, c. 116; 1978, c. 78; 1995, c. 165; repealed 1998, c. 711)

§ 20.03. (1948, c. 116; repealed 1998, c. 711)

§ 20.04. (1948, c. 116; 1993, c. 613; repealed 1998, c. 711)

§ 20.05. (1948, c. 116; repealed 1998, c. 711)

§ 20.06. (1948, c. 116; 1950, c. 251; repealed 1992, c. 850).

§ 20.07. (1948, c. 116; repealed 1998, c. 711)

§ 20.08. (1948, c. 116; repealed 1998, c. 711)

§ 20.09. (1948, c. 116; 1975, c. 112; repealed 1998, c. 711)

§ 20.10. Courtrooms for courts of record and office space for constitutional officers.

It shall be the duty of the city to provide suitable courtrooms for the courts of record of the city and suitable offices for the city treasurer and attorney for the Commonwealth. (1948, c. 116; 1978, c. 78; 1981, c. 199; 1998, c. 711)

§ 20.11. Posting of bonds by city unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the city, without giving such bond, may exercise such right, provided all other conditions precedent are complied with, and no officer shall fail or refuse to act because the city has not filed or executed the bond that might otherwise be required, and the city shall

be bound to the same extent that it would have been bound had the bond been given. This exemption from the requirement of posting a bond shall also apply in cases involving a city employee to whom liability coverage has been granted by the city. (1948, c. 116; 1993, c. 613; 1998, c. 711)

§ 20.12. Code references.

All references in this charter to the Code of Virginia are to such code as amended to May 1, 1947. (1948, c. 116)

§ 20.13. Severability.

If any provision of this charter or the applicability thereof to any person or circumstance is held invalid the remainder of this charter and the applicability thereof and of such provision to other persons or circumstances shall not be affected thereby. (1948, c. 116)

§ 20.14. Meaning of "at the effective date of this charter."

As used in this charter the term "at the effective date of this charter" shall be interpreted to refer to a period immediately preceding the taking effect thereof. (1948, c. 116)

Chapter 21. Transitional Provisions.

§ 21.01. Acts repealed.

There are hereby repealed: the act of the General Assembly of Virginia, approved March 24, 1926, entitled "An Act to Provide a New Charter for the City of Richmond," constituting Chapter 318 of the Acts of the Assembly of 1926, and all acts amendatory thereof; § 5931 of the Code of Virginia; Chapter 90 of the Acts of the Assembly of 1926; and all other acts and parts of acts in conflict with this charter. (1948, c. 116)

§ 21.02. Present ordinances and rules and regulations continued in effect.

All ordinances of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1948, c. 116)

§§ 21.03 through 21.07. (1948, c. 116; repealed 1974, c. 19)

Editor's note: Complete amendments listing for the City of Richmond:

Current charter

Charter, 1948, c. 116.

Amendments to current charter

1950, c. 241 (§ 19.22)

1950, c. 251 (§§ 2.03, 3.05, 5.05, 5.09, 5.11, 6.19, 6.20, 7.05, 8.03, 9.14, 9.15, 12.05, 12.06, 17.12, 19.10, 20.06)

1950, c. 416 (§ 2.05)

1952, c. 182 (§ 9.14)

1954, c. 42 (§ 19.19)

1954, c. 64 (§§ 4.01, 5.13, 6.13, 6.19, 6.20, 6.21, 8.09, 12.03, 13.06, 13.07, 13.07.1 [added], 13.09, 17.20)

1954, c. 73 (§ 17.22)

1956, c. 130 (§§ 5.09 through 5.12 [repealed], 5.13, 5-1.1 through 5-1.5 [added], 11.10, 12.07, 12.08)

1958, c. 185 (§§ 2.03:1 [added], 5-1.1, 6.01, 6.02, 6.11, 9.03, 9.07, 9.09, 11.11 [added], 12.07, 12.08, 14.02, 15.02, 16.06, 17.03, 17.06, 17.07)

1960, c. 7 (§§ 5.07, 13.07.1, 17.11, 17.12, 17.16, 17.17)

1962, c. 65 (§§ 5.07, 6.01, 17.20)

1964, c. 120 (§§ 2.03:2 [added], 4.01, 4.10, 4.16, 5-1.4, 6.19, 7.06, 10.04, 12.07, 19.22)

1966, c. 109 (§ 14.01)

1966, c. 243 (§ 8.05.1 [added])

1966, c. 486 (§ 3.01)

1968, c. 644 (§§ 2.04, 4.01, 5.08, 5-1.1, 7.02, 9.03, 9.07, 9.08, 17.02, 17.03, 17.11, 17.37:1 and 17.37:2 [added], 18.03, 19.02, 19.04)

1970, c. 226 (§§ 6.17, 7.04, 9.03, 9.11, 12.07, 18.05, 19.01, 19.02, 19.03, 19.08, 19.09, 19.12, 19.13 [repealed], 19.13.1 [added], 19.14, 19.15, 19.18)

1971, cc. 84, 245 (§ 3.01)

1971, c. 130 (§ 9.17 [added])

1972, c. 333 (§ 2.04:1 [added])

1972, c. 334 (§ 2.05)

1972, c. 335 (§ 5.13.1 [added])

1972, c. 336 (§§ 2.02, 2.04, 6.17.1 [added], 7.02, 9.03, 9.05, 9.07, 12.07, 17.03, 17.08)

1972, c. 811 (§ 5.13.2 [added])

1973, c. 348 (§§ 2.03:3 [added], 6.17, 6.19, 8.09, 13.07, 13.07.1, 19.19, 20.01)

1974, c. 19 (§§ 2.05, 4.01, 4.16, 5-1.4, 6.17, 6.17.1, 8.06, 8.09, 9.07, 9.16, 12.07, 21.03 through 21.07 [repealed])

1975, c. 112 (§§ 1.02, 2.04, 3.02, 3.04, 3.05, 4.01, 4.12, 4.15, 5-1.2, 7.07, 8.03, 9.04, 9.07, 12.05, 12.06, 17.06, 17.16, 17.22, 17.29, 17.31, 18.02, 19.01 through 19.12 [repealed], 19.13.1 [repealed], 19.14 through 19.22 [repealed], 20.09)

1976, c. 633 (§§ 1.02, 3.02, 3.05, 4.12, 4.15, 7.06, 7.07, 8.05, 8.06, 8.07, 17.02, 17.22, 17.31, 20.01)

1976, c. 745 (§ 3.06 [added])

1977, c. 513 (§§ 3.01, 3.02, 3.03, 3.06 [repealed], 4.04, 4.13, 6.19, 8.10, 9.03, 9.04)

1978, c. 78 (§§ 2.05, 3.05, 5-1.4, 7.06, 8.03.1 [added], 9.03, 9.16, 20.02, 20.10)

1981, c. 199 (§§ 5-1.4, 9.03, 9.10, 12.07, 17.20, 17.35, 20.10)

1982, c. 658 (§§ 3.05, 4.01, 4.09, 5-1.4, 6.01, 6.10, 6.16, 6.17, 7.13, 8.01, 8.03, 8.05, 8.05.1 [repealed], 8.08, 8.09, 8.10, 9.05, 9.06, 9.16, 9.17, 13.02, 13.05, 13.06, 13.09, 17.27, 17.31)

1983, c. 164 (§§ 6.15, 7.05, 9.03 through 9.08, 9.09 [repealed], 9.10, 9.11, 9.12 [repealed])

1984, c. 163 (§§ 2.02, 5.05, 9.07, 14.03, 17.14)

1985, c. 22 (§§ 5-1.4, 6.15:1 [added], 6.16, 9.04, 12.02, 12.07, 15.01 through 15.04, 17.02)

1986, c. 119 (§§ 6.04, 8.06, 9.05, 9.07, 9.10, 16.06)

1987, c. 230 (§§ 2.03, 4.06, 5.13.2, 6.15:2 [added], 6.17, 9.08, 9.13, 9.15:1 and 9.15:2 [added], 17.11, 17.37:3 and 17.37:4 [added])

1988, c. 269 (§§ 2.03, 7.08, 8.03, 8.05 [repealed], 11.01, 11.10, 13.03, 13.05, 13.06)

1989, c. 349 (§§ 2.04:1, 2.05, 4.16, 5.05, 6.03, 6.04, 6.05, 7.01 through 7.05, 7.08, 7.13, 8.01, 8.03, 8.03.1 [repealed], 8.04 [repealed], 8.08 [repealed], 9.07, 13.06.1 and 13.06.2 [added], 13.07, 13.07.1, 13.07.2 [added])

1990, c. 401 (§§ 2.02, 4.15, 5.05, 8.03, 9.07)

1991, c. 396 (§§ 2.06, 6.20, 14.01, 14.05, 14.06 [repealed])

1992, c. 850 (§§ 2.02, 2.03, 2.03:4 [added], 4.01, 4.07, 7.01 through 7.13 [repealed], 7A.01 through 7A.13 [added], 11.01 through 11.11 [repealed], 11A.01 through 11A.05 [added], 11B.01 through 11B.03 [added], 11C.01 and 11C.02 [added], 17.14, 17.16, 20.06 [repealed])

1993, c. 613 (§§ 2.02, 6.01, 6.09, 6.17.1, 9.04, 13.05, 13.06, 17.03, 20.04, 20.11)

1994, c. 215 (§§ 2.03, 12.02, 13.02, 13.06, 13.07, 13.08, 13.09, 13.11 [added], 17.29, 17.30 [repealed], 17.31 through 17.36, 20.01)

1995, c. 165 (§§ 4.12, 6.17, 20.01, 20.02)

1998, c. 711 (§§ 1.02, 2.02, 2.03, 2.04:1, 2.06, 3.02 [repealed], 3.03 [repealed], 3.04, 3.05, 3.06.1 [added], 4.02, through 4.05, 4.10, 4.11, 4.12 [repealed], 4.13 through 4.16, 4.17 [added], 4.18 [added], 5.01, 5.02, 5.03, 5.05, 5.06, 5.07, 5.08 [repealed], 5.13 [repealed], 5.13.1 [repealed], 5.13.2 [repealed], 5-1.1 through 5-1.5 [repealed], 5A.01 through 5A.03 [added], 5B.01 and 5B.02 [added], 6.02, 6.03, 6.04, 6.05, 6.07 through 6.14, 6.15 [repealed], 6.15:1 and 6.15:2 [repealed], 6.16, 6.17 [repealed], 6.17.1 [repealed], 6.18 through 6.21, 7A.01 through 7A.13 [repealed], 7B.01 through 7B.06 [added], 8.01, 8.02 [repealed], 8.03, 8.06 and 8.07 [repealed], 8.09 [repealed], 8.10, 9.01 through 9.08 [repealed], 9.10 and 9.11 [repealed], 9.13 through 9.17 [repealed], 10.01 through 10.04 [repealed], 11A.01 through 11A.05 [repealed], 11B.01 through 11B.03 [repealed], 11C.01 and 11C.02 [repealed], 12.01 through 12.08 [repealed], 13.01, 13.03 [repealed], 13.04 [repealed], 13.05, 13.06, 13.08, 13.10, 14.01 through 14.05 [repealed], 15.01 through 15.04 [repealed], 16.01 through 16.06 [repealed], 17.02, 17.03 [repealed], 17.06, 17.08 [repealed], 17.11, 17.14, 17.17 [repealed], 17.18 [repealed], 17.19, 17.20, 17.27 through 17.29 [repealed], 17.31 through 17.35 [repealed], 17.37:1 through 17.37:4 [repealed], 18.03, 18.05, 20.02 through 20.05 [repealed], 20.07 through 20.09 [repealed], 20.10, 20.11)

2004, c. 514 (§§ 3.01, 4.14, 5.03, 6.18, 6.20, 13.11)

2004, c. 877, 898 (§§ 3.01, 3.01.1 [added], 3.04, 3.04.1 [added], 4.03, 4.05, 4.06, 4.10, 4.14 through 4.17, 5.01, 5.01.1 [added], 5.02 through 5.05, 5.05.1 [added], 5.06, 5.07, 5A.01, 5A.02, 5A.03, 6.02, 6.03, 6.04, 6.06, 6.07, 6.08, 6.11, 6.13, 6.14, 6.16, 6.19, 8.03, 17.02, 18.03)

2005, c. 844 (§§ 3.04, 4.03, 4.04, 4.05, 5.03, 5.05, 5.06, 5B.01, 6.11, 6.14, 7B.06, 17.02)

2006, c. 650, 712 (§§ 4.10, 4.16, 4.17, 5.05, 5.05.1, 6.02, 6.03, 6.06, 6.07, 6.10, 6.11, 6.12, 6.13, 13.06, 13.07, 13.08, 13.09)

2010, c. 218, 476 (§§ 4.02, 5.03, 5.05, 5B.01, 13.11)

2018, cc. 313, 650 (§§ 4.16, 4.18, 4.19 [added])

2018, c. 664 (§ 6.15:3 [added])

2019, cc. 110, 306 (§§ 3.01.1, 3.04)

2020, cc. 141, 827 (§§ 3.01.1, 3.04)

Ridgeway, Town of

County of Henry

History of incorporation

Incorporation and charter, 1890, c. 186; repealed 1900, c. 371.

Current charter

Charter, 1900, c. 371.

Amendments to current charter

1977, c. 61 (§ 3; however, the amendment relates to the 1890 charter rather than the 1900 charter)

Editor's note: The following § 3 is retained from the Charter of 1890 as amended in 1977.

§ 3. John O. Coan is hereby appointed mayor of said town, and W. F. Perry, W. A. Garrett, John C. Jones, George J. Griggs, W. H. Norman, and George O. Jones councilmen thereof; and they shall have and exercise all the powers and perform all the duties incident to such officers under the Constitution and Code of Virginia, and shall remain in office until the fourth Thursday in May, 1890, and until their successors shall be elected and qualified.

Successors to the mayor and six councilmen shall be elected to serve four-year terms of office commencing with the election to be held in May, 1978; provided, however, the mayor and councilmen elected in 1978 shall serve only three years ten months. Thereafter, the mayor and members of council shall qualify and take office on July one following their election. (1890, c. 186; 1977, c. 61, amending the 1890 charter, not the 1900 charter)

Chapter I.

§ 1. The town of Ridgeway in the county of Henry, chartered by an act of the general assembly of Virginia, passed February seventh, eighteen hundred and ninety, and acts amendatory thereof since passed, shall by that name continue, and by that name shall have and exercise all the powers and be subject to all the duties which now belong to the said town, and have all the powers and be subject to all the provisions of the existing laws with regard to towns of less than five thousand inhabitants, except so far as the same may be changed and modified by this charter. (1900, c. 371)

§ 2. The mayor and councilmen of said town now in office and their successors shall continue to be a body politic and corporate, by the name and style of the town of Ridgeway, and by that name and style shall have perpetual succession, with the power in that name and style to sue and be sued, plead and be impleaded in any of the courts of law or equity of this Commonwealth, or before any justice of the peace of this county who has jurisdiction, with the same right of appeal as in case of individuals. The said town by this name and style shall have authority to purchase, receive, and hold lands and tenements, goods and chattels, either in fee simple or any less estate therein, and shall have power the same to lease, give, grant, and assign or sell the same: provided, the sale or purchase of real or personal property shall be by a two-thirds vote of the whole council, where the mayor does not assent thereto, and may place improvements on said real estate. (1900, c. 371)

§ 3. The boundaries of said town shall be as follows:

Beginning at a dogwood on the road leading toward Madison, North Carolina, near the residence of the late Mistress George K. Jones; thence north six, east thirty-four poles to a peach tree; thence north twelve, east two hundred and forty poles, crossing the Roanoke and southern railroad, and two branches to a rock in the road leading to horse pasture; thence with said road as it meanders seventy-three poles to a rock in the road leading to Martinsville; thence south seventy-two and a half, east fifty poles crossing said railroad to an ash at a spring; thence south fifty-nine, east ninety-six poles to a rock on ridge; thence south fifty-four and a half, east one hundred and thirty-one poles, crossing a branch to a rock; thence south forty, east fifty-nine poles to a white oak on the Leaksville road; thence with the same as it meanders south thirty-one, west forty-two poles, south six, west thirty poles, south sixty-four, west twenty-nine poles to a chestnut stump; thence off south sixteen, west seventy-four poles to a rock; thence south seventy-five, west one hundred and sixty-eight poles to the northwest corner of a barn; thence north sixty-six, west one hundred and thirty poles, crossing a branch to pointers; and thence north seventeen, west thirty-eight poles to the beginning. (1900, c. 371)

§ 4. The administration and government of said town shall be vested in one principal officer, to be styled the mayor, six other trustees, who shall constitute the council of said town, and such officers and agents as may be appointed by the council. The mayor and members of the council shall have resided in said town three months last preceding their election and be elected from among the

electors of the town, and elected by the qualified voters, who shall have resided within the corporate limits of said town three months previous to the election, which next election for said town shall take place on the fourth Thursday in May, 1900, and every two years thereafter. The said mayor and councilmen shall hold their offices for the term of two years, commencing on the first day of July next after their election, and afterwards until their successors shall qualify, and members of the council shall receive no pay for their services as councilmen. And in the said council so composed, any four of whom shall constitute a quorum for the transaction of business, shall be vested the corporate powers of said town, and shall be known as the council of the town of Ridgeway. (1900, c. 371)

§ 5. The mayor and all other municipal officers of the said town, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the state by any one authorized to administer oaths under the laws of the state. If any person elected to any office fail to qualify before the first day of July next, after such election, or any person appointed to any office by the mayor or council fail to qualify within thirty days after his appointment, or if any officer shall fail to give bond, with approved security, within thirty days for the commencement of his term as required to do, payable to the town of Ridgeway, Virginia, the office shall be deemed vacant. (1900, c. 371)

Chapter II.

§ 6. Mayor.

The mayor shall preside over the deliberations of the council, and be entitled to one vote in case of a tie. His salary shall be fixed by the council, and shall not be diminished during his term of office, and shall be entitled to the like fees of a justice of the peace in civil and criminal cases. (1900, c. 371)

§ 7. The mayor shall, by virtue of his office, possess all the jurisdiction and exercise all the power and authority in civil and criminal cases, arising in said town or in one mile of the corporate limits, of a justice of the peace of Henry county, in addition to the power given him by this act. (1900, c. 371)

§ 8. It shall be the duty of the mayor to make to the council at the commencement of each month a written statement of all the fines imposed, the amount, and the offense, and the person or persons convicted, and fines received by him, to pay in the same to the sergeant; and shall annually at the commencement of each fiscal year, or oftener if required by the council, make a statement of the condition of the town in relation to its government, finances, and improvements, with such recommendations as he may deem proper. (1900, c. 371)

§ 9. In case he deems it expedient, the mayor may appoint and swear in special policemen for any occasion: provided, they shall not serve longer than three days at a time, and receive no higher compensation than one dollar per day. (1900, c. 371)

§ 10. The mayor may at any time have a called meeting of the town council. (1900, c. 371)

§ 11. The mayor shall have authority to issue executions for fines and to enforce his judgment in civil cases. And he may issue capias pro fines for all fines due said town and the commonwealth, and imposed by the corporate authorities. (1900, c. 371)

§ 12. The mayor shall have power to administer oaths of office to any of the town officers or oaths to other persons. (1900, c. 371)

§ 13. The council may at any time be convened by the order in writing of any three members directed to the clerk of the council, who, through the sergeant, shall notify the mayor and councilmen. (1900, c. 371)

§ 14. The council shall fix the time for their stated meetings, which shall be public, except when the public welfare shall require secrecy, and no business shall be transacted at a special meeting but that for which it was called. (1900, c. 371)

§ 15. The council shall have all the general powers vested in it by the laws of this state in addition to the powers given by this charter. (1900, c. 371)

§ 16. No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levying of a tax, except by the concurrence of at least four members of the council. (1900, c. 371)

§ 17. The town council shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to said town; and it shall have power to make such ordinances, by-laws, and regulations, relating to same, as they may deem necessary to carry out the powers vested in them by this charter. (1900, c. 371)

§ 18. The council shall have authority to prevent the riding or driving of horses or animals at an improper speed, throwing stones, or the engaging in any employment or sport on the streets, side-walks, or public alleys dangerous or annoying to passengers, and to prohibit and punish the abuse and cruel treatment of horses or other animals in said town. (1900, c. 371)

§ 19. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said town, and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year. (1900, c. 371)

§ 20. To prevent the coming into the town persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town. (1900, c. 371)

§ 21. Where, by the provisions of this act, the council shall have authority to pass ordinances on any subject, they may prescribe any penalty not exceeding five hundred dollars and confinement in jail not

exceeding ninety days for a violation thereof, and may provide that the offender on failing to pay the penalty recovered shall be imprisoned in the county jail of Henry county for a term not exceeding ninety days, which penalty may be prosecuted and recovered with costs in the name of the town of Ridgeway, or shall compel them to work on the streets or other public improvements in said town, to pay said fines and costs. (1900, c. 371)

§ 22. The council may organize a chain-gang in conformity with the law in said town, with rules and regulations for its government. (1900, c. 371)

§ 23. The council shall appoint annually a sergeant, a clerk, and a commissioner of the revenue for the said town, and such other policemen and such other officers and agents for the proper conduct and business of the town as may be necessary; shall fix their compensation and prescribe their duties where this charter does not, and require from any or all of them such bonds as may be deemed proper, payable to the town in its corporate name, conditional for the faithful discharge of their duties, which shall be executed before the mayor and approved by the council. The terms of each of said officers shall expire on the thirtieth day of June of each year after their election or appointment, and any of said officers, with the consent of the council, may nominate and appoint a deputy or deputies, who shall have all the power and authority of their principal. (1900, c. 371)

§ 24. In all cases of vacancies in any office, they may be filled by the council. (1900, c. 371)

§ 25. The sergeant of said town, who shall from time to time be appointed under this act, shall be the treasurer for said town, and shall have the like rights of distress, and such power for the collecting of the taxes and levies made by said council, as a county treasurer in similar cases, and shall be entitled to like fees and commission. And said sergeant after he shall have executed bond before the mayor and approved by the council, he shall receive and hold the moneys belonging to the said town; shall pay out the same upon warrants signed by the mayor and countersigned by the clerk of the council, and shall make monthly reports to the council of his receipts and disbursements during that month and the balance in his hands, and shall make a full settlement with the council or its committee at the end of each year, or oftener if required; and if he so fails to settle, he may be fined by the mayor the sum of one hundred dollars, and may be removed by the council from said office. (1900, c. 371)

§ 26. The sergeant, as treasurer, shall keep his books, papers, and accounts, in such manner as the council may prescribe, and they shall at all times be open to the inspection of the mayor and council, or any committee thereof. He shall keep a register of all the warrants paid, their number, date, amount, to whom, and where paid, and surrender them on receipt of the mayor and clerk upon his final settlement. He shall keep the town's money in such bank or such other place as the council may designate, deposited to his credit as treasurer, and shall not use the same or any part for his private use or purposes of others; if he does, he may be fined by the mayor one hundred dollars, and be removed by the council from office. (1900, c. 371)

§ 27. The sergeant shall have power to execute all writs and processes, criminal and civil, original, mesne, or final, legally issued by the duly authorized officers of said town, anywhere in said town or county, and to serve notices and other papers in pais, usually served by ministerial officers. He shall be a conservator of the peace, and shall have authority to arrest parties for violation of law or town ordinance in his presence, or who are escaping or preparing to escape, without any process or warrant so directing him to do, and so shall any policeman of said town. And in the service of process, arrest of parties, and the collection of fines arising under authority of this act or any bylaws or ordinances made in pursuance hereof, he shall have and possess the same rights and powers and be entitled to like fees and commissions as are now allowed by law to the sheriff for similar services. (1900, c. 371)

§ 28. The sergeant of said town may execute before the county court of Henry county a bond in the penalty of two thousand dollars, with approved security, by said court, and conditional and payable as bonds of constables are now required by law; and upon giving such bond and qualifying in court, he shall, by virtue thereof, have all the powers and be subject to all the liabilities of a constable of Henry county, both within said town and county. (1900, c. 371)

§ 29. The council shall appoint one commissioner of the revenue of said town, who shall give bond before the mayor, with approved security, subject to the approval of the council, payable to the town in such penalty as the council may determine. (1900, c. 371)

§ 30. He shall assess annually, as county assessors are required to do; all real and personal property in said town, and in the case of real estate his assessment shall be based on the assessment for state and county purposes. Where a license tax on any business is required to be paid to the town, the said commissioner shall issue the license upon the presentation of a receipt from the proper officer for the amount of the tax. (1900, c. 371)

§ 31. Finances.

The council of said town may annually levy a tax for roads, streets, sidewalks and other purposes, by a two-thirds vote of all the councilmen elected for said town, on all real and personal property and other things or business in said town, belonging to or carried on by any person, firm, company, or corporation, which on no property shall exceed fifty cents on the hundred dollars valuation, except that on a petition of freeholders representing two-thirds of the valuation within the corporation, the council may levy a corporation tax not to exceed seventy-five cents on the hundred dollars of valuation. The poll tax shall not exceed fifty cents on each male person in any one year. (1900, c. 371)

§ 32. Nothing in this act shall be construed to exempt property from all or any county levies levied or to be levied in Henry county, nor shall there be so exempt any person or property in said town on which county levies are now or may hereafter be made. (1900, c. 371)

§ 33. Any town process may run in the name of the commonwealth, but all warrants issued and tried before any officer for violation of any state laws or corporation laws, ordinances, or charter, shall run in the name of the commonwealth, and be directed to the sergeant or any policeman of the town, but when the offense is against any town ordinance or law, the offense shall be so stated in the warrant, and the recovery be in the name of the town of Ridgeway, and fieri facias and capias pro fine may be issued for its recovery. No offense against the laws of the town shall be charged and embraced in the same warrant with any offense against the laws of the commonwealth. Where there is any offense which is a violation of both town and state laws, and the accused is acquitted or convicted of a violation of the town law by the town authorities, the same may be pleaded in bar of any trial or conviction by the state authorities. (1900, c. 371)

§ 34. All acts and parts of acts inconsistent with this act are hereby repealed. (1900, c. 371)

§ 35. This act shall be in force from the time of its passage. (1900, c. 371)

Roanoke, County of

History of incorporation
Formed from Botetourt County in 1838.
Incorporated by a 1986 Act of Assembly.

Current charter
Charter, 1986, c. 617.

Amendments to current charter
1989, c. 119 (§§ 2.02, 9.03)
1993, c. 3 (§ 2.02)
1994, cc. 129, 239 (§§ 12.02, 12.05 [added])
2003, c. 873 (§§ 11.04, 11.05 [added])

Chapter 1. Incorporation.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the County of Roanoke are hereby granted a charter with powers, duties, privileges and immunities as set forth herein. From and after the adoption of this charter, Roanoke County shall become a charter county known as the County of Roanoke, hereinafter called the county, a body corporate and politic. The county shall have perpetual existence, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure. (1986, c. 617)

Chapter 2. Powers.

§ 2.01. Powers.

Except as expressly restricted by this charter, the county shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to counties under the Constitution or by the laws of the Commonwealth and all such other powers pertinent to the conduct of the county government which, in the opinion of the board of supervisors, are necessary to promote the general welfare of the county and the safety, health, peace and good order of its inhabitants. No enumeration of particular powers in this charter shall be held to be exclusive but shall be held in addition to this general grant of powers. There is hereby specifically conferred upon Roanoke County without further act all of the powers contained in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as now and hereafter to be amended not inconsistent with this charter. All such power or authority shall be exercised insofar as is consistent with the provisions of this charter. (1986, c. 617)

§ 2.02. Taxing powers.

In addition to the powers granted by other sections of this charter and general law, the county shall have the power to raise annually by taxes and assessments, as permitted and limited by general law, in the county such sums of money as the board of supervisors shall deem necessary to pay the debts and defray the expenses of the county in such manner as the board of supervisors shall deem expedient. In addition to, but not as a limitation upon, this general grant of power the county shall have power to levy and collect ad valorum taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the county, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms not to exceed five percent of the amount charged for the occupancy thereof; to levy and collect taxes on the sale of meals, including nonalcoholic beverages, only as provided for by general law and such tax shall apply also to food prepared on premises and sold to take out, such tax is subject to limitations as may be imposed by general law; to levy and collect privilege taxes, local general retail sales and use taxes as provided by law; unless prohibited by law, to require licenses, prohibit the conduct of any business, profession, vocation or calling without such license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings not exempted by prohibition of general law; to franchise any business or calling so as to protect the public interest; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets and other public places in the county, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the county without such license; provided notwithstanding any contrary provision of this charter the county shall not levy any tax on tobacco products other than those taxes specially authorized in Title 58.1 of the Code.

In addition to the other powers conferred by law, the County of Roanoke shall have the power to impose, levy, and collect, in such manner as its board may deem expedient, a consumer or subscriber

tax at a rate or rates not exceeding those authorized by general law upon the amount paid for the use of gas, electricity, telephone, and any other public utility service within the county, or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. (1986, c. 617; 1989, c. 119; 1993, c. 3)

§ 2.03. Additional powers.

In addition to the powers granted by other sections of this charter, the county, upon a showing of public necessity, may acquire property within or without its boundaries for any of its facilities or functions, in fee simple or lesser interest or estate, by purchase, gift, devise, lease, or eminent domain, and may sell, lease, hold, manage, and control such property as the county's interest may require. No judicial process need precede the exercise of these powers except for acquisition of property by eminent domain. (1986, c. 617)

§ 2.04. Special districts.

The county may create special districts or areas within the county if those areas desire additional or more complete governmental services than are desired in the county as a whole. The board of supervisors shall have the power to levy a higher tax in such areas, and the proceeds therefrom shall be so segregated as to enable the same to be expended in the areas in which raised. Such higher tax rate shall not be levied for education, law enforcement or general governmental services.

The board of supervisors shall create a special district or area by ordinance. Such an ordinance shall not be effective until approved by affirmative vote of the qualified voters residing within the proposed special district or area at a referendum upon such question. (1986, c. 617)

Chapter 3. Board of Supervisors.

§ 3.01. Powers.

The powers of the county as a body politic and corporate shall be vested in the board of supervisors which shall be the governing body. (1986, c. 617)

§ 3.02. Additional powers.

The board of supervisors shall be the policy determining body of the county and shall be vested with all rights and powers conferred on governing bodies by general law not inconsistent with this chapter.

The board of supervisors shall provide for the performance of all governmental functions of the county and to that end shall provide for and establish all departments of government that it deems necessary, not inconsistent with the provisions of this charter. The board of supervisors shall have all authority and powers provided for by this charter or by other law and shall have the power to raise annually by excise and ad valorem taxes and assessments on property, persons and other subjects of taxation, which are not prohibited by law, such sums of money as in the judgment of the board are necessary to

pay the debts, defray the expenses, accomplish the purposes and perform the functions of the county. (1986, c. 617)

§ 3.03. Investigations by board of supervisors.

The board of supervisors shall have the right to make such investigation relating to the financial affairs and internal operations of the county government as they may deem necessary. The provisions of § 15.1-801 of the Code of Virginia shall apply mutatis mutandis.

The chairman shall have the power to administer an oath to any person concerning any matter submitted to the board or connected with its powers or duties. (1986, c. 617)

§ 3.04. Composition.

The board of supervisors shall consist of one member elected from each election or magisterial district of the county. The board shall consist of not less than five nor more than eleven members. The board may redistrict or change the number or manner of electing board members in accordance with general law without the necessity of amending this charter. (1986, c. 617)

§ 3.05. Qualifications.

Members of the board of supervisors shall be qualified voters of the county and shall reside in the district from which they are elected. (1986, c. 617)

§ 3.06. Election of the board of supervisors.

The members of the board of supervisors duly elected and in office upon the effective date of this charter shall continue in office and be the board of supervisors of the county for the remainder of the term to which elected. They shall hold office until January 1 following the next regular election provided by general law for the election of supervisors with staggered terms. At such election their successors shall be elected for terms of four years each as provided by general law.

In the event a vacancy occurs on the county board of supervisors, it shall be filled by the remaining members of such body within thirty days of such vacancy. The person appointed to fill the vacancy shall be a qualified voter of the election district in which the vacancy occurred and shall hold office until the qualified voters shall fill the same by election, and the person so elected shall have qualified. If a majority of the remaining members cannot agree or do not act, then the judges of the circuit court of the county shall make the appointment in accordance with the Code of Virginia. (1986, c. 617)

§ 3.07. Compensation.

The county board of supervisors shall establish the salary and allowances of members of the board of supervisors, provided that no increase in such salaries shall be effective until:

1. A public hearing shall be held on the salaries to be established; and

2. The adoption of an ordinance establishing the salary of its members for the ensuing fiscal year not to exceed the limits established by general law. This maximum annual salary may be adjusted by ordinance in any year or years by an inflation factor not to exceed five percent.

3. The establishment of said salary shall occur not earlier than May 1 nor later than June 30 of each year.

In addition to and without regard to these salary limits, the board of supervisors may grant to its members any or all of the fringe benefits in the manner and form as such benefits are provided for county employees.

The board of supervisors shall be entitled to such assistants and secretaries as it shall deem necessary and as budgeted in the annual budget. (1986, c. 617)

§ 3.08. Chairman and vice-chairman.

The board shall, at its first meeting in January of each year, elect one of its number as chairman, who shall preside at such meeting and all other meetings during the term for which so elected, if present. The board also may elect a vice-chairman who shall, if so elected, preside at meetings in the absence of the chairman and may discharge any other duty of the chairman during his absence or disability. The chairman and vice-chairman shall preside for a term of one year. The chairman and vice-chairman may succeed themselves in office. In the case of the absence from any meeting of the chairman and vice-chairman, the members present shall choose one of their number as temporary chairman. In addition to the compensation provided members of the board of supervisors, the board may by ordinance fix an additional sum to be paid to the chairman and vice-chairman, not to exceed the limit established by general law, without regard to the maximum salary limits. (1986, c. 617)

§ 3.09. Procedural powers.

The board shall have the power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the board, which shall not be less frequent than once a month. The board shall provide for the calling of special meetings by any two or more members of the board and shall prescribe the methods of giving notice thereof. A majority of the board shall constitute a quorum for the transaction of business. (1986, c. 617)

Chapter 4. County Administrator.

§ 4.01. Powers and duties.

The county administrator shall have all the powers and carry out all the duties prescribed by § 15.1-117 of the Code of Virginia as now and hereafter may be amended, and in addition, such other powers, duties and responsibilities as may be established by the board of supervisors.

The county administrator is authorized to delegate any of the aforementioned powers, duties or responsibilities to such other person or persons as he may deem appropriate.

The county administrator shall appoint each superintendent or department head of each county department, except the superintendent or department heads for the departments of education, public health and social services, and each superintendent or department head so appointed shall serve at the pleasure of the county administrator. (1986, c. 617)

§ 4.02. Appointment and qualifications.

The county administrator shall devote his full time to the work and service of the county under the direction of the board, to whom he shall be accountable. He shall be appointed with regard to merit only, and need not be a resident of the county at the time of his appointment, but must become an actual resident of the county and in due course a bona fide resident; provided that any person so qualified at the time of his appointment whose residence shall have been annexed by a city, during his tenure of office shall not thereafter be disqualified to serve under the provisions of this section by reason of such annexation. No member of the board shall, during the term for which elected and for one year following the expiration of such term, be appointed county administrator. Any person, other than a member of the board, holding an elective office may be appointed county administrator, but his qualifications shall not be valid unless and until he shall resign his elective office. (1986, c. 617)

§ 4.03. Compensation.

The board shall fix the compensation of the county administrator. (1986, c. 617)

§ 4.04. Tenure of office; removal.

The county administrator shall not be appointed for a definite tenure, but shall be removable at the pleasure of the board. Removal of the county administrator shall require a vote of the majority of all the members of the board. (1986, c. 617)

§ 4.05. Absence or disability.

In case of the absence or disability of the county administrator or vacancy in the office, the board may designate some responsible person without regard to his residence on an interim basis to perform the duties of the office and fix the compensation, if any, for the person so designated. An elective officer other than a board member may be designated to perform such duties. (1986, c. 617)

Chapter 5. Administrative Departments.

§ 5.01. Administrative departments.

The board of supervisors may establish and staff new departments or subdivisions thereof, combine or abolish existing departments and distribute the functions thereof or establish temporary departments for special work. (1986, c. 617)

Chapter 6. Personnel Rules and Regulations.

§ 6.01. Personnel system.

A personnel system shall be established by the board of supervisors for county administrative officials and employees. Such a system shall be based on merit and professional ability without regard for race, national origin, religion, sex or political affiliation. (1986, c. 617)

§ 6.02. System includes.

The personnel system shall include a classification plan for service, a staff development plan, a uniform pay plan and a procedure for resolving grievances for employees of the board. Employees of constitutional officers and other agencies may participate in the personnel system at the discretion of the board and upon the concurrence of the constitutional officer. (1986, c. 617)

Chapter 7. Office of the County Attorney.

§ 7.01. Composition.

The office of the county attorney shall consist of the county attorney and such other employees as may be provided by the board of supervisors. (1986, c. 617)

§ 7.02. County attorney.

The head of the office shall be the county attorney. He shall be an attorney-at-law licensed to practice law in the Commonwealth and shall devote his full time and attention to the work and service of the county. The board of supervisors shall appoint a county attorney who shall serve at the pleasure of the board of supervisors. The compensation of the county attorney shall be fixed by the board. (1986, c. 617)

§ 7.03. Powers and duties.

The county attorney shall be the chief legal advisor of the board, the county administrator and all departments, boards, commissions, and agencies of the county in all matters affecting the interests of the county. He shall represent the county in all civil matters as authorized by the board and as provided by this charter and general law. He shall exercise those powers and perform those duties as permitted by the board. (1986, c. 617)

Chapter 8. Constitutional Officers.

§ 8.01. Constitutional officers.

Those persons who shall hold office as Commonwealth's attorney, clerk of the circuit court, sheriff, treasurer, and commissioner of the revenue immediately prior to the granting of a charter shall continue to hold office after the granting of the charter until the expiration of the respective terms for which they were elected or appointed and until their successors have been elected and qualified. They shall have and exercise all of the rights, powers and privileges conferred upon them by general law and the Constitution of the Commonwealth of Virginia. (1986, c. 617)

§ 8.02. Merger or abolishment.

There shall be no merger nor abolishment of any of the constitutional offices in existence at the effective date of the charter, except upon an affirmative vote of the qualified voters of the county at a referendum upon such question as provided by general law. (1986, c. 617)

Chapter 9. Planning and Zoning.

§ 9.01. Planning commission.

There shall be a county planning commission which shall consist of not less than five nor more than fifteen members, and shall be appointed and organized as provided by general law. (1986, c. 617)

§ 9.02. Functions of planning commission.

The planning commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a master plan, zoning, and subdivision control. It shall have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors. (1986, c. 617)

§ 9.03. Board of zoning appeals.

There shall be a board of zoning appeals with those powers granted by and consistent with general law.

The board of supervisors shall appoint the board of zoning appeals, which shall consist of five members, each to be appointed for a term of five years, so that the term of one member shall expire each year. Members shall have the qualifications and exercise the powers and perform the duties the same as a board of zoning appeals appointed by a circuit court. (1986, c. 617; 1989, c. 119)

§ 9.04. Civil penalties for violations of zoning ordinances.

Notwithstanding the provisions of § 15.1-491 (e) of the Code of Virginia, the board of supervisors may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the zoning ordinances. Such schedule of offenses shall not include any zoning violation resulting in injury to any person or persons, and the existence of a civil penalty shall not preclude action by the zoning administrator under § 15.1-491 (d) of the Code of Virginia or action by the governing body under § 15.1-499 of the Code of Virginia.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a fine of not more than fifty dollars. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten-day period, and in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $250. Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and

except for any violation resulting in injury to any person or persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor.

Any person summoned for a scheduled violation may make an appearance in person or in writing by mail to the treasurer of the county prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for in Title 8.01 of the Code of Virginia. In any trial for a scheduled violation authorized by this section, it shall be the burden of the county to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

No provision herein shall be construed to allow the imposition of civil penalties: (i) for enforcement of the Uniform Statewide Building Code; (ii) for activities related to land development or activities related to the construction or repair of buildings and other structures; (iii) for violation of an erosion and sediment control ordinance; or (iv) for violation of any provision of a local zoning ordinance relating to the posting of signs on public property or public rights-of-way. (1986, c. 617)

Chapter 10. Department of Public Health.

§ 10.01. Composition.

The department of public health shall consist of the director of public health and such other officers and employees organized into such units as may be provided by the orders of the director consistent therewith. (1986, c. 617)

§ 10.02. Functions.

The department of public health shall be responsible for the exercise of all health functions imposed on counties by general law and such other powers and duties as may be assigned by the board of supervisors. (1986, c. 617)

§ 10.03. Director of public health.

The head of the department of public health shall be the director of public health. He shall be a physician licensed to practice medicine in the Commonwealth. He shall have general management and control of the several units of the department. He shall have all the powers and duties with respect to the preservation of the public health which are conferred or imposed on county boards of health and health officers by the laws of the Commonwealth. (1986, c. 617)

Chapter 11. Department of Social Services.

§ 11.01. Composition.

The department of social services shall consist of the director of social services, a social services board, and such officers and employees organized in such units as may be provided by the orders of the director consistent therewith. (1986, c. 617)

§ 11.02. Functions.

The department of social services shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to public assistance and relief of the poor and such other powers and duties as may be assigned by the board of supervisors or the social services board. (1986, c. 617)

§ 11.03. Director of social services.

The head of the department shall be the director of social services. He shall have general management and control of the divisions of the department. (1986, c. 617)

§ 11.04. Social services advisory board.

The social services advisory board shall consist of at least seven members appointed by the board of supervisors to serve terms of four years, one representing each election or magisterial district, and one representing the City of Salem. One member shall also be a member of the board of supervisors. The board shall elect its own chairman and shall meet monthly. In addition to regularly scheduled meetings, it may meet at the call of the chairman or on the petition of at least two of the members.

The social services advisory board shall have such powers and duties as may be provided to the advisory boards of social services by Title 63.2 of the Code of Virginia, as amended. (1986, c. 617; 2003, c. 873)

§ 11.05. Social services board.

The county administrator or his designee shall act as the local board of social services with all of the powers and duties accorded to such board. (2003, c. 873)

Chapter 12. Department of Education.

§ 12.01. Composition.

The department of education shall consist of the county school board, the superintendent of schools and the officers and employees thereof. The county school board and the superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law in a manner consistent with this charter. (1986, c. 617)

§ 12.02. School board.

The county school board shall be composed of the same number of members as there are members of the board of supervisors, from each magisterial or election district of the county, who shall be elected by the qualified voters of the county for four-year terms. The school board shall elect its own chairman.

The initial election of the school board shall be held at the general election held in November 1994. At the initial election one school board member shall be elected from each of the Hollins, Vinton and Windsor Hills election districts for an initial term of three (3) years. The term of office of the appointed school board member from the Vinton election district, whose term was to expire on June 30, 1995, shall not extend beyond December 31, 1994; and the term of office of the school board member from the Hollins election district, whose term was to expire on June 30, 1996, shall not extend beyond December 31, 1994. The next general election of the school board shall be held at the general election in November 1995. At this election one school board member shall be elected from each of the Catawba and Cave Spring election districts for a term of four (4) years. The term of office of the appointed school board member from the Cave Spring election district, whose term was to expire on June 30, 1997, shall not extend beyond December 31, 1995. Thereafter, school board members shall be elected for terms of four years as provided by general law for the election of school board members with staggered terms.

The terms of the appointed school board members from the Catawba and the Windsor Hills election districts being replaced at a subsequent election shall be extended to expire on December 31 of the year of the election of the school board members replacing them, or the school board selection commission may appoint a member of the school board to serve for that reduced term until the election of a school board member from that election district. The school board selection commission shall be abolished on December 31 following the first election for school board members.

The terms of office for the elected school board members shall commence on January 1 following their election.

Members of the school board shall be qualified voters of the county and shall reside in the district from which they are elected.

The chairman of the school board shall be considered head of this department for the purpose of appearing before the board of supervisors, unless some other person in the department shall be designated by the school board for such purpose. (1986, c. 617; 1994, cc. 129, 239)

§ 12.03. Superintendent.

The superintendent shall have all the powers and duties as may be fixed for superintendents by the State Board of Education and by general law. (1986, c. 617)

§ 12.04. Management of schools.

The administration of the public school system shall remain the responsibility of the school board in accordance with the Constitution and general laws of the Commonwealth of Virginia. (1986, c. 617)

§ 12.05. Vacancies.

When a vacancy occurs in the office of an elected school board member, the vacancy shall be filled pursuant to §§ 24.2-226 and 24.2-227 of the Code of Virginia. (1994, cc. 129, 239)

Chapter 13. Budget.

§ 13.01. Fiscal year.

The fiscal year of the county shall begin on July 1 and shall end on June 30 of the subsequent calendar year. The fiscal year shall also constitute the budget and accounting year. (1986, c. 617)

§ 13.02. Procedures.

In preparing, approving, and adopting a budget for the county, the county administrator and the board of supervisors shall be governed by general law, specifically the provisions of Chapter 4 of Title 15.1 of the Code of Virginia. (1986, c. 617)

Chapter 14. Borrowing.

§ 14.01. General borrowing powers.

The board of supervisors may incur indebtedness by issuing bonds, notes, or other obligations for the purposes, in the manner and to the extent provided for by the Constitution of Virginia, the Code of Virginia, and as provided for herein. The term "indebtedness" shall not include contractual obligations of the county, lease/purchase agreements subject to annual appropriations, and revenue bonds payable solely from revenue-producing properties. (1986, c. 617)

§ 14.02. Limitations.

Bonds of the county shall not be issued until their issuance shall have been authorized by a majority of the qualified voters of the county voting on the question at an election held for the purposes and in the manner as provided by general law, except as authorized under Article VII, Section 10 (b), of the Constitution of the Commonwealth of Virginia and the Public Finance Act. (1986, c. 617)

Chapter 15. Intergovernmental Relationships.

§ 15.01. Towns.

Upon and after the effective date of this charter, the Town of Vinton in existence in the county upon the effective date of this charter shall continue to exist and be recognized as a town and shall have and may continue to exercise as provided by law any and all powers which such town may have had prior to the effective date of this charter or may thereafter acquire, be they conferred by charter, general law or any other law.

It being the declared purpose of this section that no change in the powers of towns shall result from the grant of this charter, the following additional provisions are included.

Whenever there appears to be any conflict between any provision of this county charter or amendment hereto, and any provision of any charter of the town in the county, or the general law applicable to towns, then the provisions of the charter of such town or the provisions of the general law applicable

to the town shall be construed and held to take precedence over such conflicting provisions of this county charter, or any amendment hereto. (1986, c. 617)

Chapter 16. Use, Management and Disposal of Property.

§ 16.01. Use, management and disposal of property.

The county may control and regulate the use and management of all its property, real and personal, within and without its boundaries, and may sell, lease, mortgage, pledge or dispose of such property, subject to such limitations as may be imposed by law. Property declared by a department of the county or local authority or instrumentality serving the county to be surplus in relation to the use for which acquired shall be made available for other public uses before permitting disposition by sale. The proceeds from the sale of capital facilities, be they real or personal property, shall be paid in capital facility accounts and expended therefrom solely for the purpose of acquisition, construction, maintenance or replacement of other capital facilities. (1986, c. 617)

Chapter 17. Power of Eminent Domain.

§ 17.01. Powers.

The powers of eminent domain as authorized and limited by general law as to counties and all acts hereafter amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon Roanoke County. (1986, c. 617)

§ 17.02. Procedure.

In any case in which petition for condemnation is filed by or on behalf of the county, a true copy of a resolution or ordinance duly adopted by the board of supervisors declaring the necessity for any taking or damaging of any property for the public purposes of the county, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the county. The county may employ the procedures conferred by the foregoing laws, mutatis mutandis. (1986, c. 617)

Chapter 18. Miscellaneous.

§ 18.01. Rules and regulations.

All departments, boards, commissions, officers, and agencies of the county issuing rules and regulations under this charter or by the general laws of the Commonwealth, shall within three months after this charter takes effect file with the county administrator copies of all such rules and regulations previously issued by them and in force on such day and shall thereafter file with said county copies of all rules and regulations and amendments thereof subsequently issued by them upon their issuance. The county administrator shall cause well-indexed copies of such rules and regulations with a copy of

this charter to be kept at each public library and other place in the county he deems suitable for public inspection. (1986, c. 617)

§ 18.02. Advisory boards and commissions.

The board of supervisors shall have full authority to establish such advisory boards and commissions as it may deem necessary for the purpose of advising the board of supervisors and the county administrator. (1986, c. 617)

§ 18.03. Bonds and officers.

The county administrator shall give bond payable to the county in the amount of not less than $5,000. The treasurer shall give bond to the amount of not less than fifteen percent of the amount of money to be received by him annually, but he shall not be required to give bond in excess of $5 million dollars except as hereinafter provided. The board of supervisors shall have the power to fix bonds in excess of these amounts and to require bonds of other county officers in their discretion, conditioned on the faithful discharge of their duties and the proper accounting for all funds coming into their possession. In regard to county officers other than himself and the treasurer, the county administrator shall have the authority to fix and require bonds in the absence of such action by the board of supervisors. (1986, c. 617)

§ 18.04. Ordinances of the county.

Except in dealing with questions of parliamentary procedure the board of supervisors shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

The enacting clause of all ordinances passed by the board shall be, "Be it ordained by the board of supervisors of the County of Roanoke." No ordinance, unless it be an emergency measure, shall be passed until it has been read by title at two regular meetings, or the requirement of such reading has been dispenses with by the affirmative vote of four-fifths of the members of the board. Any ordinance introduced and adopted on its first reading at one meeting of the board may be amended and adopted as amended at the next such meeting or subsequent meeting, provided that the amendment does not materially change the purpose and character of the proposed ordinance. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section of subsection as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board, and every ordinance or resolution shall require, on final passage, the affirmative vote of a majority of the members. No member shall be excused from voting except on matters

involving the consideration of his own official conduct, or where his financial or personal interests are involved.

In authorizing the making of any public improvements, or the acquisition of real estate or any interest therein; or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of indebtedness (except temporary loans in anticipation of taxes or revenue or of the sale of bonds lawfully authorized); or authorizing the sale of any property or rights in property of the County of Roanoke, or granting any public utility franchise, privilege, lease or right of any kind to use public property or easement of any description or any renewal, amendment or extension thereof, the board shall act only by ordinance; provided, however, that after any such ordinance shall have taken effect, all subsequent proceedings incidental thereto and providing for the carrying out of the purposes of such ordinances may, except as otherwise provided in this charter, be taken by resolution of the board. (1986, c. 617)

§ 18.05. Examination and audit of books and accounts.

The board of supervisors shall require an annual audit of the books of every county officer who handles public funds to be made by a certified public accountant who is not a regular officer or employee of the county and who is thoroughly qualified by training and experience. An audit made by the Auditor of Public Accounts under the provisions of law may be considered as having satisfied the requirements of this paragraph.

Either the board of supervisors or the county administrator may at any time order an examination or audit of the accounts of any officer or department of the county government. Upon the death, resignation, removal, or expiration of the term of any head of department, officer, or employee of the county responsible for maintaining an account, the county administrator shall cause an audit and investigation of the account or accounts of such person to be made and shall report the results thereof to the board of supervisors. In the case of the death, resignation, or removal of the county administrator, the board of supervisors shall cause an audit to be made of his accounts. If as a result of any such audit, an officer be found indebted to the county, the board of supervisors shall proceed forthwith to collect such indebtedness. (1986, c. 617)

§ 18.06. Officials not affected by charter.

The adoption of this charter and the effectiveness thereof, unless specifically provided herein, shall not affect the appointment, terms or duties of the following officials:

1. Jury commissioners,
2. Notaries public,
3. County electoral boards,
4. Registrars,
5. Judges and clerks of elections,

6. Magistrates and special magistrates. (1986, c. 617)

§ 18.07. Offices; terms not affected; abolition.

The terms of members of all boards, committees, commissions, and authorities appointed prior to the adoption and effective date of this charter shall not be affected hereby, and all such agencies of the county shall continue unless terminated in accordance with other law.

The board of supervisors, by a majority vote of all the members, may abolish any board, commission, or office of the county over which it has the power of appointment or selection, except the school board, the board of zoning appeals, the board of equalization of real estate assessments, the social services board, and the planning commission, and may delegate and distribute the duties, authority and powers of the boards, commissions, or offices abolished to the county administrator or to any other officer of the county it may deem proper. In the event of the abolition of any such board, commission, or office, those to whom the duties thereof may be delegated or distributed shall discharge all of the duties and exercise all of the powers and authority of, and both they and the county for which they were appointed, or by whom they were employed, shall enjoy the immunities and exemptions from liability or otherwise that were enjoyed by the abolished boards, commission, or offices, prior to the adoption of this charter, except insofar as such duties, powers, authority, immunities and exemptions have been or hereafter may be changed according to law. (1986, c. 617)

§ 18.08. Amendments to charter.

This charter may be amended upon approval of any amendments by the Virginia General Assembly in accordance with the Constitution and general law of the Commonwealth. (1986, c. 617)

§ 18.09. Immunity from liability.

The county and all its officers, employees and agents shall retain all immunities for liability available to counties in the Commonwealth of Virginia. No actions or claims shall be instituted against the county unless the claimant shall have complied with all procedural prerequisites to such actions or claims as are contained in the Constitution and general laws of the Commonwealth. (1986, c. 617)

Chapter 19. Severability.

§ 19.01. Severability.

Should any part of this charter be declared unconstitutional by a court of competent jurisdiction, such shall have no effect on the constitutionality or validity of any other part of this charter. (1986, c. 617)

Chapter 20. Transition.

§ 20.01. Transition savings clause.

All ordinances, resolutions and orders of the board of supervisors and all rules and regulations made by it or by any department, board, commission or officer of the county, in force at the effective date of

this charter, insofar as they or any part thereof are not inconsistent with the provisions of this charter, shall remain in full force and effect until amended or repealed in accordance with this charter or the general laws of the Commonwealth. (1986, c. 617)

§ 20.02. Assets and liabilities.

All assets and liabilities of the county existing as of the effective date of this charter shall continue to be assets and liabilities of the county from and after the effective date of the charter. (1986, c. 617)

§ 20.03. Effective date.

This charter shall be in effect from July 1, 1986, and thereafter until repealed or amended as provided by law. (1986, c. 617)

Roanoke, City of

History of incorporation

Town of Big Lick established in 1852 (Hornbook of Virginia History).
Big Lick incorporated, 1874, c. 80.
Name changed to Town of Roanoke, 1882, c. 57; repealed 1884, c. 70.
City incorporation and charter, 1884, c. 70; repealed 1892, c. 200.
Charter, 1892, c. 200; repealed 1894, c. 298.
Charter, 1894, c. 298; repealed 1896, c. 533.
Charter, 1896, c. 533; repealed 1924, c. 473.
Charter, 1924, c. 473; repealed 1952, c. 216.

Current charter

Charter, 1952, c. 216.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

§ 1. (1952, c. 216; repealed 1974, c. 149)

§ 1.1. The city and its boundaries.

The inhabitants of the territory comprised within the present limits of the city of Roanoke, as hereinafter described, or as the same may be hereafter altered and as provided by law, shall continue to be a body politic and corporate, to be known and designated as the city of Roanoke, and as such shall have and may exercise all powers which are now, or hereafter may be, conferred upon, or delegated to, cities under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive; and the city of Roanoke as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The present boundaries of the city shall be as described in Chapter 216, Acts of Assembly, 1952, as enlarged by orders of the Circuit Court of Roanoke County, Virginia, as follows:

(a) Order of Annexation entered September 14, 1964, recorded in Deed Book 984, Page 539, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1166, Page 161, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, (formerly Hustings Court); and

(b) Order of Annexation entered September 30, 1966, recorded in Deed Book 984, Page 549, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1207, Page 618, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, (formerly Hustings Court); and

(c) Order of Annexation entered May 16, 1967, recorded in Deed Book 827, Page 492, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1220, Page 291, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, (formerly Hustings Court); and

(d) Order of Annexation entered May 10, 1975, recorded in Deed Book 1017, Page 516, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1361, Page 548, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia. (1974, c. 149; 1976, c. 573, 2002, c. 685)

§ 2. Powers of the city.

In addition to the powers mentioned in the preceding section, the said city shall have power:

(1) To raise annually by taxes and assessments in the city such sums of money as the council hereinafter provided for shall deem necessary for the purposes of the city and in such manner as the council shall deem expedient, in accordance with the Constitution and laws of this Commonwealth and of the United States; provided, however, that it shall impose no tax on the bonds of said city.

(2) To impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(3) Subject to the provisions of the Constitution of Virginia and of §§ 47, 48 and 49 of this charter, to contract debts, borrow money and make and issue evidence of indebtedness.

(4) To expend the money of the city for all lawful purposes.

(5) To acquire by purchase, lease, lease purchase, gift, bequest, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without the city or Commonwealth and for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any other part thereof.

(6) To acquire, in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within and without the city not exceeding at any one time five thousand acres in the aggregate, and from time to time to sell or lease the same or any part thereof for industrial or commercial uses and purposes.

(7) To make and maintain public improvements of all kinds, including municipal and other public buildings, armories, markets, comfort stations or rest rooms and all buildings and structures necessary or appropriate for the use of the departments of fire and police; and to establish a market or markets in and for said city, and to appoint proper officers therefor; to prescribe the time and place for holding the same; to provide suitable buildings and grounds therefor and to make and enforce such rules and regulations as shall be necessary to restrain and prevent huckstering, forestalling and regrading, and for the purpose of regulating and controlling the sale of fresh meats, fresh fish, farm and domestic products in said city the council shall have authority to continue the sale of such articles or products to the public markets and public squares provided by the city for that purpose, and shall have full power and authority to use such streets, avenues or alleys in the city around the public market and public squares as may be necessary to provide for vehicles from which farm and domestic products are offered for sale, and may by resolution or ordinance designate the streets or other public places on or in which all licensed peddlers may sell or offer for sale their goods, wares or merchandise and shall have authority to levy and collect a license tax for the sale of fresh meats and fresh fish, and may impose a curbage tax for each vehicle containing farm and domestic products brought into said city and sold or offered for sale on the market, and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(7.1) To own, manage and operate a city auditorium, civic center, coliseum, convention hall, stadium, theater, exhibition hall, or combination thereof, or other place of public assembly, and to permit the use of the same by others upon such terms and for such charges as the council may prescribe; and in order to further the best interests of the public and lead to greater use of any such facilities, to do all things necessary and proper to encourage the use thereof by arranging or engaging shows, plays, exhibitions, performances and all other entertainments of whatsoever nature. Such encouragement may, without limitations as to other permissible activities, include the expenditure of city funds to promote such activities and to bring notice to the public of entertainments at such public facilities, engaging persons to bring entertainments thereto from which the city may derive income, and the payment of funds to such persons in advance or out of proceeds derived therefrom in connection therewith; and may include entering into agreements with such other persons guaranteeing minimum sums to be payable to such persons for future performances, provided that at no time shall the aggregate amount of all outstanding guarantees be more than such sum as may be fixed by the council. Notwithstanding any other provisions of this charter, the

council may appropriate funds to a special or revolving account in order to engage, advertise and promote any such entertainment and to operate any of the foregoing facilities, and when such fund is created such person or persons as may be designated by ordinance of the council, after providing fidelity bond with corporate surety payable to the city in a penalty not less than the authorized amount of such special or revolving fund, may sign checks against said fund and expend cash therefrom for any of the foregoing purposes.

(8) To furnish all local public service, to purchase, hire, construct, own, lease, maintain and operate local public utilities, to acquire by condemnation or otherwise, within or without the corporate limits, lands and property necessary for any such purpose.

(9) To acquire in any lawful manner in any county of the state, or without the state, such water lands, and lands under water as the council of said city may deem necessary for the purpose of providing an adequate water supply for said city and of piping or conducting the same; to lay all necessary mains; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to process, filter, or purify such water supply and to add thereto mineral or other substances to make the water more potable or more healthful, or to promote the public welfare; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in this state; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and to acquire lands or material for any such use. For any of the purposes aforesaid said city may, if the council shall so determine, acquire by condemnation, purchase or otherwise, any estate or interest in such lands or any of them, or any right or easement therein, or may acquire such lands or any of them in fee, reserving to the owner or owners thereof such rights or easements therein as may be prescribed in the ordinance providing for such condemnation or purchase. The said city may sell or supply to persons, firms or industries residing or located outside of the city limits any surplus of water it may have over and above the amount required to supply its own inhabitants.

(10) To establish and enforce water rates and rates and charges for public utilities, or other service products, or conveniences, operated, rendered or furnished by the city; to employ necessary competent inspectors to inspect the reservoirs, watersheds, filtering plants, pumps and pumping machinery and all other equipment of and all sources of water supply of every water company furnishing such water for domestic purposes, or use in the homes, of the inhabitants of the city, to compel any such water company, which owns or operates such reservoirs, watersheds, filtering plants, pumps and pumping machinery or other equipment or source or sources of said water supply to pay the reasonable cost of such inspectors; to give reasonable notice to any such water company of

any condition disclosed by any such inspection which, in the opinion of said inspector and of a majority of the city council renders, or unless remedied probably will render the said water or water supply of the city or its inhabitants or any part thereof dangerous or unfit to be used for drinking purposes or general domestic purposes and to require any such water company to remedy any such condition within a reasonable time to be stated in said notice; to specify in said notice the particular acts or things which are required to be done by any such water company to remedy or prevent any such condition of said water or water supply; and if said condition be not remedied by said water company and the acts and things specified in said notice to said water company to be done by it, be not done within the time specified in said notice, and if a majority of said city council shall by resolution, at a meeting of the said council, at which said water company has had reasonable notice and opportunity to produce evidence and be heard, declared that an emergency exists requiring the doing of said acts or things, so specified in said notice or any part of them, to remedy or prevent such unfit or improper water or water supply being provided for or furnished to the inhabitants of the city or any of them, then the city council is hereby empowered and it shall be its duty immediately to do the acts or things so specified in said notice to said water company, and in said emergency resolution, and said city council shall have the power and it shall be its duty, either by withholding the water rentals which may thereafter become due from the city to said water company, to reimburse the city for any amount expended in the doing of said acts or things, or to recover said amount from said water company by any appropriate action at law or suit in equity; provided, however, that the maximum amount which the said city may so expend in any calendar half-year period, between January first and June thirtieth, or between July first and December thirty-first, shall not exceed the sum of seven thousand five hundred dollars; and provided, further, that any such water company shall have the right by proper legal proceedings to have determined whether or not any such expenditure which may have been so made by said city was made through abuse of discretion or without probable cause to believe said expenditure a necessary one for the protection of the city's water supply; and if in any such proceeding it shall be finally determined that said expenditure was one not necessary for said purpose, said water company shall recover from the city any water rentals which may have been retained as a reimbursement for said expenditure; and provided, further, that if said expenditure be found not a necessary one the city shall be entitled to receive from said water company by reason of said expenditure only such amount as under a quantum meruit it may be determined the said water company has received actual benefit of and in justice ought to pay value received for. Permitting the growth of algae in an amount which materially affects the purity, taste or smell of such water, so as to render the same unfit for drinking purposes or general domestic use, in the reservoirs or sources of water supply is hereby declared a condition which it is the duty of the city council to prevent or remedy under the powers granted in this subsection. Nothing herein contained shall be construed as in anywise limiting, altering, affecting or impairing the existing duties, jurisdiction or powers of the State Corporation Commission or of the State Board of

Health or any other agency of the Commonwealth over water companies in the city of Roanoke or elsewhere, but any existing powers, duties or jurisdiction of the State Corporation Commission, State Board of Health or other agency of the Commonwealth which are hereby conferred or imposed upon the city council, shall be deemed to be concurrent.

(11) To acquire in the manner provided by the general laws any existing water, gas or electric plant, works or system, or any part thereof.

(12) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter, or close the same; to establish and maintain parks, playgrounds and other public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways, and abolish and prevent grade crossings over the same by railroads in the manner provided by law; regulate the operation and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains on railroads within the city; to provide by ordinance for the removal from such streets, highways, alleys, boulevards, parkways and other public places of vehicles and other objects abandoned thereon or left or placed thereon in violation of law or of an ordinance of the city, and to take charge of, impound and thereafter dispose of by sale or otherwise, such vehicles or other objects, any such sale to be held only after the owner or person lawfully entitled to the possession thereof shall have refused to pay the costs of such removal and keeping or after such vehicle or other object shall have remained unclaimed in the custody of the city for not less than sixty days, and, in either case, after notice of such sale, describing the vehicle or object to be sold, shall have been published for not less than five days in a local daily newspaper of general circulation, and to recover the costs of such removal, keeping and sale; to provide for the condemnation and scrapping or other disposition of abandoned or unclaimed motor vehicles which, by reason of damage or dilapidation, are unsafe and impracticable of repair; to regulate the service to be rendered and rates to be charged by busses, motorcars, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of baggage; to require all telephone and telegraph wires and all wires and cables carrying electricity to be placed in conduits underground and prescribe rules and regulations for the construction and use of such conduits; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(12.1) To acquire, construct, own, maintain and operate, within and without the city, places for the parking or storage of vehicles by the public, which shall include, but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, any of which may be provided in areas or space above or below public streets, sidewalks, or other public places, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to

reduce hazards incident to such use; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose or to provide, by lease or franchise granted by the council, for their management and control by others than the city, authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.

(12.2) To acquire, in any lawful manner, in fee simple or by easement, land and other property and to construct thereon and own, equip, maintain and operate, within and without the city, airports and all the appurtenances thereof and approach zones and clear zones reasonably necessary therefor, including all facilities deemed necessary for the landing, departure, storage and servicing of aircraft; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; to charge or authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease any appurtenance of any such airport or any concession incidental thereto or, in the discretion of the council, lease any such airport and its appurtenances with the right to all concessions thereon to, or enter into a contract or contracts for the management and operation of the same or any one or more of them with any person, firm or corporation on such terms and conditions as the council may determine by ordinance; and to have and exercise all other power and authority with respect to aviation and airports accorded to cities under general law.

(12.3) To acquire, construct, own, maintain and operate, within and without the city, stadia, arenas, golf courses, swimming pools and other athletic or recreational facilities; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose, charge or authorize the charging of compensation for the use of or admission to any such facility, including charges for any services incidental thereto; to regulate the use of the same; to lease, subject to such regulations as may be established by ordinance, any such aforesaid facility or any concession incidental thereto, or enter into a contract with any person, firm or corporation for the management and operation of any such facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine by ordinance.

(13) To construct and maintain, or aid in constructing and maintaining, public roads, sidewalks, boulevards, parkways, tunnels and bridges beyond the limits of the city, in order to facilitate public travel to and from said city and its suburbs and to and from said city and any property owned by said city and situated beyond the corporate limits thereof, and to acquire land necessary for such purpose by condemnation or otherwise.

(14) Subject to the provisions of the Constitution of Virginia to grant franchises for public utilities.

(15) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; or to contract for and regulate the collection and disposal thereof.

(15.1) To compel the abatement of smoke, dust and fly-ash; to regulate and control the installation, alteration and repair of all combustion equipment, and to control and prohibit pollution of the air.

(16) To compel the abatement and removal of all nuisances within the city, or upon property owned by the city, beyond its limits; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds; to regulate or prevent slaughterhouses or other noisome or offensive business within said city; the keeping of animals, poultry and other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to regulate the location of buildings or lots where animals or fowls are kept and the manner in which such shall be kept and constructed, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

(17) If any ground in the said city shall be subject to be covered by stagnant water or if the owner or occupant thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said council may cause such ground to be filled up, raised or drained, or may cause such substance to be covered or removed therefrom, provided, that reasonable notice shall be first given to the said owner or occupant or his agent. In case of nonresident owners who have no agent in said city, such notice may be given by publication; in which event two insertions of such notice on separate days, in any newspaper published in said city, at least ten days before the first day any action is to be taken shall be sufficient notice.

(18) To direct the location of all buildings for storing gunpowder or other explosive or combustible substances, to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosive or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons, and to regulate the movement over its streets of dangerous, explosive, or highly combustible materials.

(19) To regulate or prohibit the running at large in said city of any or all animals and fowl; to regulate or prohibit the keeping or raising of same within said city, and to subject the same to such levies, regulations and taxes as it may deem proper; to prohibit or regulate the keeping or raising of pigeons or other birds; and to provide for the seizure, impounding, destruction or disposition of any such animal or fowl found running at large or raised or kept in violation of such regulation.

(20) To restrain and punish drunkards, vagrants, mendicants and street beggars, and to provide for the treatment of drunkards, alcoholics and drug addicts.

(21) To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame, gambling houses and gambling devices of all kinds, to prevent lewd, indecent or disorderly conduct or exhibitions in the city.

(22) To inspect, test, measure and weigh any commodity or article for consumption or use, manufactured, stored, processed or offered for sale within the city, and to establish, regulate, license and inspect weights, meters, measures and scales.

(23) To extinguish and prevent fires and compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department or division; to regulate the size, materials and construction of buildings, fences, and other structures hereafter erected in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected, contrary to law; to establish and designate from time to time fire limits within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material.

(24) To provide for the care, support and maintenance of children and of sick, aged, insane, disabled, or poor persons and paupers.

(25) To establish, organize and administer public schools, colleges and libraries subject to the general laws establishing a standard of education for the Commonwealth.

(26) To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive, or penal institutions.

(27) To provide for the removal of paupers or dependent persons recently come into the city where permitted by state or federal laws.

(28) To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, inspect all food and foodstuffs and prevent the introduction and sale in said city of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof, to prevent the introduction or spread of contagious or infectious diseases; and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with

contagious or infectious disease to hospitals provided for them, to provide a department of health, to have the powers of a board of health, for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious disease as the said council may see fit, subject to the laws of the Commonwealth and the United States; to provide and keep records of vital statistics and compel the return of all births, deaths and other information necessary thereto.

(29) To acquire by purchase, gift, devise, condemnation, or otherwise, lands, either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of the dead.

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

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

(31.1) To enact an ordinance, after a public hearing, to define places of public accommodation and to prohibit discrimination in such places of public accommodation on the basis of race, creed, color, national origin or sex.

(32) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, by fine not exceeding two thousand five hundred dollars or confinement not exceeding twelve months, or both, the city may maintain a suit to restrain by injunction the violation of any ordinance notwithstanding such ordinance may provide punishment for its violation. The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and all laws of this Commonwealth. (1952, c. 216; 1956, c. 393; 1962, c. 442; 1966, c. 73; 1970, c. 207; 1989, c. 129; 1991, c. 449).

§ 2.1. Differences in rate of taxation on real estate within areas added to city limits; taxing districts. Pursuant to Article X, Section 1 on the Constitution of Virginia, the council may, from time to time, provide for differences in the rate of taxation to be imposed upon real estate by the city within all or parts of areas added to its territorial limits. Such differences in the rate of taxation shall bear a reasonable relationship to differences between nonrevenue producing governmental services giving land

urban character which are furnished in one or several areas in contrast to the services furnished in other areas of the city. In so doing, the council may, from time to time, establish such taxing districts as may be necessary to reasonably differentiate between those areas added to the territorial limits of the city receiving contrasting services as hereinabove provided, and having once established such taxing districts the council may, from time to time thereafter alter, amend or abolish taxing districts as the character or extent of such services are changed. (1974, c. 149; 2002, c. 685)

§ 2.2. Transit system.

The city shall have the power to:

(a) Acquire, own, operate, maintain or otherwise provide for a transit system and transit facilities;

(b) Enter into agreements or leases with private companies for the operation of a transit system or operate such system itself;

(c) Make application for and accept loans and grants of money or materials or property at any time from the United States of America and the Commonwealth of Virginia or any agency or instrumentality of either; and

(d) Enter into contracts with other localities to provide or cause to be provided transit facilities and services to localities. (1980, c. 71; 2002, c. 685)

§ 3. Creation and general powers of council.

There is hereby created a council, which shall have full power and authority, except as herein otherwise provided, to exercise all of the powers conferred upon the city, and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general law of the State and of this charter. It shall by ordinance establish a system of compensation for all officers and employees of the city, and may, so far as is not inconsistent with the provision of this charter, define the powers and prescribe the duties of all such officers and employees. (1952, c. 216; 2002, c. 685)

§ 4. Composition of council; terms of members; designation of vice-mayor; vacancies.

The Council as presently composed shall continue and shall consist of seven members, one of which shall be the mayor, all of whom shall be elected at large and shall serve for the respective terms as hereinafter provided. The members of council shall serve for terms of four years, from the first day of July next following the date of their election and until their successors shall have been elected and qualified. The mayor shall serve for a term of four years from the first day of July next following the date of election and until a successor shall have been elected and qualified; provided, however, that on the first Tuesday in May, nineteen hundred seventy-two, and on such day each four years thereafter, three council members and a mayor shall be elected for a term of four years, and on the first Tuesday in May, nineteen hundred seventy-four, and each four years thereafter, three council members shall be elected for a term of four years.

The member of council receiving the largest number of votes in each regular councilmanic election shall be the vice-mayor of the city, for a term of two years, to commence on the first day of July next following the date of such election and until the vice-mayor's successor shall have been elected and qualified.

The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of council, or any of them. No person may be a candidate for the office of mayor and for the office of council member in the same election.

Vacancies in the council or vacancy in the office of mayor shall be filled within thirty days, and until the day upon which the terms of office of council members elected in the next following regular councilmanic election shall commence, by a majority vote of the remaining members of council, and if as much as two years of any such unexpired term of a member of council or of the mayor remains at the time of such next regular councilmanic election, a council member or a mayor, as the case by be, shall be elected at such election for the remaining portion of such unexpired term. (1952, c. 216; 1956, c. 393; 1962, c. 442; 1966, c. 73; 1972, c. 625; 2002, c. 685)

§ 5. Qualification of members of council; conduct of candidates.

Any person qualified to vote in the city shall be eligible to the office of council member or mayor therein. No candidate for the office of councilman or mayor shall promise any money, office, employment or other thing of value, to secure a nomination or election, or accept in connection with his candidacy any money except as permitted by the general laws of the State; and any such candidate violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding six months, or both, in the discretion of the court or jury, and shall forfeit his office, if elected; in which event, the person receiving the next highest number of votes, who has not violated these provisions shall be entitled to such office. (1952, c. 216; 1962, c. 442; 1966, c. 73; 2002, c. 685)

§ 6. Compensation of the mayor, vice-mayor and of council members.

The salary of the mayor, vice-mayor and each council member shall be such as is from time to time fixed by an ordinance of city council within the limits established by general law. Such salaries shall be payable no less frequently than monthly. (1952, c. 216; 1962, c. 442; 1966, c. 73; 1972, c. 625; 1977, c. 201; 1989, c. 129; 2002, c. 685)

§ 7. Limitation of the powers of the council.

Neither the mayor, the council, nor any of its members, shall dictate, urge or suggest the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager, or prevent the city manager from exercising his or her own judgment in the appointment of officers or employees in the administrative service; provided, however, that the city manager's

appointments of deputy or assistant city managers, but not of department heads, shall be subject to confirmation by a majority of the members of the council. Except for the purpose of inquiry, the mayor, the council and its members shall deal with the administrative service solely through the city manager, and neither the mayor, the council, nor any member thereof, shall give orders to any of the subordinates of the city manager either publicly or privately. (1952, c. 216; 1962, c. 442; 1974, c. 149; 2002, c. 685)

§ 8. Officers elective by council; rules; journal of council proceedings; quorum of council.

The council shall elect a city manager, a city clerk, a municipal auditor, and a city attorney, none of whom need be a resident of the city at the time of their election but who shall take up residence within the city within three months of their election if not already a resident. Unless herein otherwise specifically provided, the council shall also appoint the members of such boards and commissions as are hereafter provided for. Pursuant to § 21 of this charter, the city manager shall appoint a director of finance. All elections by the council shall be viva voce and the vote recorded in the journal of the council. The council may determine its own rules of procedure; may punish its members for misconduct and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a journal or its proceedings. A majority of all of the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

Upon a vacancy occurring in any such office the council shall elect a person to fill the unexpired portion of any term created by such vacancy; or, in the council's discretion, it may elect a person as an acting city manager, city clerk, municipal auditor, or city attorney to hold such office for such lesser term and for such compensation as the council shall then determine; and any person so elected shall have, during the term for which he was elected, all of the authority and shall be charged with all of the duties and responsibilities of the office for which he was elected. (1952, c. 216; 1962, c. 442; 1966, c. 73; 1972, c. 625; 1974, c. 149; 1977, c. 201; 2002, c. 685; 2015, cc. 347, 689)

§ 9. Elections by council, when held, terms, et cetera.

During the month of September 1974 and during the month of September of every second year thereafter, through and including during the month of September 2014, the council shall elect a city clerk, a director of finance, a municipal auditor, and a city attorney, each of whom shall serve for a term of two years from the first day of October next following the date of their election and until their successor shall have been elected and qualified. However, the term of the director of finance elected in 2014 shall end on July 1, 2015. Thereafter, the director of finance shall be appointed by the city manager pursuant to § 21 of this charter.

During the month of September 2016 and during the month of September of every second year thereafter, the council shall elect a city clerk, a municipal auditor, and a city attorney, each of whom shall serve a term of two years from the first day of October next following the date of their election and until their successor shall have been elected and qualified. (1952, c. 216; 1972, c. 625; 1974, c. 149; 2002,

c. 685; 2015, cc. 347, 689*Editor's note: Technical discrepancy between c. 347 and c. 689 ("shall end in July, 2015"); c. 347 prevails*%uFEFF)

§ 10. Meetings of council generally.

At two o'clock post meridian on the first Monday of July next following each regular municipal election, or if such day be a city holiday, then on the day following, the council shall meet at the usual place for holding meetings of the legislative body of the city, at which time the newly elected council members shall assume the duties of their offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, provided, that it shall hold at least two regular meetings each calendar month, and it shall so order and schedule meetings as to promptly and orderly attend to the business and legislative affairs of the city. The mayor, any member of the council, or the city manager, may call special meetings of the council at any time upon at least twelve hours written notice to the mayor and each member, served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, on call of the mayor or the city manager provided at least five members of the council attend such meeting. All meetings of the council shall be public, and any citizen may have access to the minutes and records thereof at all reasonable times, except where the public interest may require closed meetings. (1952, c. 216; 1962, c. 442; 1972, c. 625; 1976, c. 573; 1980, c. 71; 2002, c. 685)

§ 11. Penalty of absence from council meetings.

Absence from five consecutive regular meetings shall operate to vacate the seat of a member of the council, unless the absence is caused by the member being incapacitated by sickness or is excused by the council by a resolution setting forth the reason thereof and entered upon the journal. (1952, c. 216; 2002, c. 685)

§ 12. Legislative procedure generally.

Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

The enacting clause of all ordinances passed by the council shall be, "be it ordained by the council of the city of Roanoke." No ordinance, unless it be an emergency measure, shall be passed until it has been read by title at two regular meetings or the requirement of such reading has been dispensed with by the affirmative vote of five-sevenths of the members of the council. Any ordinance introduced and adopted on its first reading at one meeting of the council may be amended and adopted as amended at the next such meeting or subsequent meeting provided that the amendment does not materially change the purpose and character of the proposed ordinance. No ordinance or section thereof shall

be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section or subsection as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceeding of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of a majority of the members. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial or personal interests are involved.

In authorizing the making of any public improvements, or the acquisition of real estate or any interest therein; or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of indebtedness (except temporary loans in anticipation of taxes or revenue or of the sale of bonds lawfully authorized); or authorizing the sale of any property or rights in property of the city of Roanoke, or granting any public utility franchise, privilege, lease or right of any kind to use public property or easement of any description or any renewal, amendment or extension thereof, the council shall act only by ordinance unless otherwise permitted by law; provided, however, that after any such ordinance shall have taken effect, all subsequent proceedings incidental thereto and providing for the carrying out of the purposes of such ordinance may, except as otherwise provided in this charter, be taken by resolution of the council. (1952, c. 216; 1956, c. 393; 1970, c. 207; 2002, c. 685)

§ 13. Effective date of ordinances and resolutions; emergency measures.

All ordinances passed by the council shall be in effect upon their passage, except that council may, by the affirmative vote of five-sevenths of its members, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution immediately necessary, in the discretion of council, for the preservation of the public peace, property, health or safety, or providing for the usual daily operation of the municipal government of or a municipal department, in which measure the emergency shall be set forth and defined in a preamble thereto, or in which measure there is contained a statement of such immediate necessity. Ordinances appropriating money for any such emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed. All resolutions of the council shall be effective upon passage. (1952, c. 216; 1956, c. 393; 1970, c. 207; 2002, c. 685)

§ 14. Record, authentication and numbering of ordinances and resolutions; admission of ordinances and resolutions in evidence.

Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the city clerk. Lack of authentication of any such ordinance or resolution by signature of the presiding officer and the city clerk shall not, of itself, affect the validity of any such measure heretofore or hereinafter duly adopted by the coun-

cil. The city clerk shall assign every ordinance and resolution adopted by the council a permanent serial number.

A record of entry made by the city clerk or a copy of such record or entry duly certified by the city clerk shall be prima facie evidence of the terms of the ordinance or any amendment thereof and its due publication, or its receipt in quantity as a printed code of ordinances.

All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the clerk or from the volume or code of ordinances printed by authority of the council. (1952, c. 216; 1956, c. 393; 1970, c. 207; 1976, c. 573; 1978, c. 77; 2002, c. 685)

§ 15. General powers and duties of the mayor.

The mayor shall preside at meetings of the council, and perform such duties as are imposed upon the mayor by this charter and such other duties consistent with the mayor's office as may be imposed by the council. The mayor shall be entitled to a vote, but shall possess no veto power. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. The mayor may execute all requisite contracts or other legal instruments in writing for and on behalf of the city and perform all other functions or requirements arising from federal or state law, procedure, rules or regulations but these authorizations shall not be construed as conferring upon the mayor administrative or judicial functions. In time of public dangers or emergency, the mayor may, with the consent of the council, take command of the police and maintain order and enforce the laws, and for this purpose may deputize such special police as may be necessary. During the mayor's absence or disability the mayor's duties shall be performed by the vice-mayor of the city.

The powers and the duties of the mayor shall be such as are conferred upon the mayor by this charter, together with such others as may be conferred by the council in pursuance of the provisions of this charter, and no others. (1952, c. 216; 1962, c. 442; 2002, c. 685)

§ 16. Time of holding municipal elections.

A municipal election shall be held on the first Tuesday in May in nineteen hundred seventy-two, and every second year thereafter which shall be known as the regular election for the election of council members. (1952, c. 216; 1962, c. 442; 1972, c. 625; 2002, c. 685)

§ 17. Method of conducting municipal elections.

The candidates at any regular municipal election for the election of council members, equal in number to the places to be filled, who shall receive the highest number of votes at such election, shall be declared elected to the council, and the candidate receiving the highest number of votes for the office of mayor shall be declared elected mayor.

In any such election each voter shall be entitled to vote for as many persons as there are vacancies to be filled, and no more; and no voter shall in such elections cast more than one vote for the same person. (1952, c. 216; 1962, c. 442, 2002, c. 685)

§ 18. Election and terms for Commonwealth's attorney, commissioner of revenue, city treasurer, city sheriff and circuit court clerk.

The attorney for the Commonwealth, commissioner of revenue, city treasurer and city sheriff elected at the general election held in November of 1973, shall hold office until their respective terms expire; thereafter, there shall be elected by the qualified voters of said city, on the Tuesday after the first Monday in November, 1977 and quadrennially thereafter, the following officers: one attorney for the Commonwealth, one commissioner of revenue, one city treasurer, and one city sheriff, who shall hold their offices for the term of four years from the first day of January ensuing their election and until their successors are duly elected and qualified. There shall be elected by the qualified voters of the city on the Tuesday after the first Monday in November, 1979, and every eight years thereafter, one clerk of the Circuit Court of the City of Roanoke, who shall be clerk of all courts of record in this city, whose term shall begin and end as is now, or may hereafter be prescribed by the General Assembly of Virginia. (1952, c. 216; 1972, c. 625; 1974, c. 149; 2002, c. 685)

§ 19. General provisions relating to elections; how elections conducted.

All elections provided for in this charter, except as otherwise provided herein, shall be conducted, and the result canvassed and certified by the regular election officials provided for by the general election laws of the state and all such elections shall be governed by the general election laws. (1952, c. 216; 1956, c. 393; 1970, c. 207)

§ 20. The city manager; appointment, qualifications.

The city manager shall be the administrative head of the municipal government. The city manager shall be chosen by the council without regard to his or her political beliefs and solely upon the basis of executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or State. The city manager shall be appointed for an indefinite period and shall hold office during the pleasure of the council. The city manager shall receive such compensation as shall be provided by the council by ordinance and shall be bonded as the council may deem necessary. During the disqualification or disability of the city manager the council may designate some properly qualified person to perform the duties of the office. (1952, c. 216, 2002, c. 685)

§ 21. Powers and duties of city manager.

The city manager shall be responsible to the council for the efficient administration of all offices of the city. The city manager shall have the power and the duty:

(a) To see that all laws and ordinances are enforced.

(b) Subject to the limitations contained in § 7 of this charter and except as otherwise provided in this charter, the city manager or his or her designees shall appoint a director of finance and such other city officers and employees as the council shall determine are necessary for the proper administration of the affairs of the city, and the city manager or his or her designees shall have the power to discipline and remove any such officer and employee.

(c) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(d) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(e) To make reports to the council from time to time upon the affairs of the city and to keep the council fully advised of the city's financial condition and its future financial needs.

(f) To be responsible for the day-to-day operation of the city, and to execute such documents as may be necessary to accomplish the same.

(g) To appoint in writing a city officer reporting to the city manager as acting city manager for a time period not to exceed thirty days when the city manager will be absent from the city.

(h) To acquire on behalf of the city easements, licenses, permits, privileges or other rights of any kind to use property for nominal consideration.

(i) To perform such other duties as are prescribed by this charter or as may be prescribed by the council. (1952, c. 216; 1962, c. 442; 1980, c. 71; 2002, c. 685; 2015, cc. 347, 689)

§ 21.1. Deputy and assistant city managers.

The city manager may appoint a deputy and one or more assistant city managers subject to confirmation by a majority of the members of council. The deputy and assistant city managers shall hold office at the pleasure of the city manager making the appointment. They shall be responsible to the city manager for the administration of all city affairs placed in their charge by the city manager or under this charter. During the absence of the city manager, the deputy or an assistant city manager shall perform the duties of that office unless the city manager has designated in writing some other city officer to serve as acting city manager. (1966, c. 73; 1978, c. 77; 1980, c. 71; 2002, c. 685)

§ 22. Investigations.

The council, the city manager, and any other officer, board or commission authorized by them, or either of them, shall have power to make investigations as to city affairs, and for that purpose to subpoena witnesses, administer oaths, and compel the production of books and papers.

Any person refusing or failing to attend, or to testify or to produce such books and papers, may by summons issued by such board or officer be summoned before the general district court of the city by the board or official making such investigation, and upon failure to give satisfactory explanation of such

failure or refusal, may be fined by a judge not exceeding one hundred dollars or imprisoned not exceeding thirty days, such person to have the right to appeal to the circuit court of the city. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1952, c. 216, 2002, c. 685)

§ 23. Creation of departments and department heads; deputies and assistants.

The council may by ordinance provide for administrative departments, and when such departments are created may define the functions which such departments are to administer, may provide for the appointment of heads for such departments and define their duties and responsibilities. The council may by ordinance provide for the appointment of one or more assistants or deputies in the offices of the city attorney, the municipal auditor and the city clerk and may define their duties and responsibilities. Such assistants or deputies, when acting in such official capacity, shall possess all of the power and authority and shall be subject to all of the duties and responsibilities given to or imposed upon their respective superiors under this charter. (1952, c. 216; 1956, c. 393; 1974, c. 149; 2002, c. 685; 2015, cc. 347, 689)

§ 24. City clerk.

The city clerk shall be elected at the time, in the manner, and for the term provided by § 9 of this charter. The city clerk may by and with the consent of the council appoint one deputy and such number of assistants as may be provided for by ordinance. The city clerk shall be the clerk of the council; shall keep a record of its proceedings, and either the city clerk or the deputy city clerk shall attend all meetings thereof. The city clerk shall keep all books and papers, which by the provisions of this charter or by direction of the council, are required to be kept by or filed with the city clerk. The city clerk shall be the keeper of the city seal, and shall affix and attest the same when so directed by the council. The city clerk shall transmit copies of all ordinances or resolutions to such officers and persons as are affected thereby. The city clerk shall give information to persons presenting communications or petitions to the council of the final action of the council thereon. The city clerk shall, except as otherwise expressly provided in this chapter, publish or cause to be published, all reports, ordinances, and other documents required by this charter to be published, and also such other reports as the council may by ordinance or resolution direct. The city clerk shall perform such other duties as are required by this charter, and in general shall perform such acts and duties as the council shall by ordinance or resolution require of the city clerk. Any of the duties of the city clerk may be performed by the deputy city clerk. The city clerk and deputy city clerk shall receive such compensation and give such bond as the council may by ordinance provide. (1952, c. 216; 2002, c. 685)

§ 25. (1952, c. 216; repealed 1974, c. 149)

§ 25.1. Director of finance.

The director of finance shall be appointed by the city manager in accordance with § 21 of this charter. The director of finance shall be a person skilled in municipal accounting and financial control.

(a) The director of finance shall have charge of the financial affairs of the city, including such powers and duties as set forth in this charter and as may be assigned by the council by ordinance not inconsistent with the Constitution of Virginia and the general laws of the Commonwealth of Virginia.

(b) The director of finance shall exercise a general fiscal supervision over all the officers, departments, offices, agencies and employees of the city charged in any manner with the assessment, receipt, collection or disbursement of the city revenues, and with the collection and return of such revenues into the city treasury; and the director of finance shall prescribe such system and regulation as is necessary for the proper reporting and accounting for all city revenues and receipts.

(c) The director of finance shall prepare an annual statement, promptly after the end of each fiscal year, giving full and detailed statement of all the receipts and expenditures during the year, which statement the director shall forthwith file with the city manager and shall lay the same before the next meeting of the council. When required by the council, such annual statement shall be certified by independent certified public accountants.

(d) It shall be the duty of the director of finance, each and every month, to prepare a monthly statement, giving a full and detailed account of all moneys received, from what sources and on what account received, and of all moneys ordered to be paid or drawn by check by the director, and on what account the same have been paid; and the director shall deliver such statement to the city manager, and shall lay the same before the council at its next meeting.

(e) The director of finance shall have the power and the authority to use any and all collection methods available to the treasurers of the counties and cities under general law to collect delinquent real estate taxes, provided the responsibility for such collection has been transferred to the director of finance by ordinance adopted by city council. (1974, c. 149; 1994, c. 243; 2002, c. 685; 2015, cc. 347, 689)

§ 25.2. Municipal auditor.

The municipal auditor shall be elected by the council at the time, in the manner and for the term provided by § 9 of this Charter.

(a) The municipal auditor shall have such qualifications as the council shall from time to time establish.

(b) It shall be the duty of the municipal auditor:

(1) To examine and audit all accounts, books and records of the city that reflect transactions involving financial activities of the city, including those for which the city has a responsibility as an agent, custodian or trustee, such audit to be made in a timely manner or as prescribed by ordinance.

(2)To work closely with the Director of Finance in promulgation of systems and procedures employed in the accounting for revenue received and expenditures made by the city.

(3) When so directed by the council, to see to implementation of and to supervise all systems recommended to be established by independent public accountants making audits for city functions.

(4) To report to the Council within sixty days after the close of the fiscal year a summary of the activities of the auditor's office during the preceding fiscal year and to report to the council in writing within sixty days after the completion of an examination of any department, agency or activity of the city, a summary of all findings resulting from the auditor's examination. A copy of each audit report shall be submitted to the council, the city manager and to the department, agency or office audited.

(5) To report immediately in writing to the city manager and to the council any unauthorized, illegal or irregular act or practice discovered affecting or involving public funds or the financial affairs of the city.

(c) In the performance of the auditor's duties, the auditor shall have access at any and all times to all books, records and accounts of each department, office, officer, employee or agency of the city subject to examination or audit by the auditor.

(d) Subject to the provisions of § 9 of this charter, the auditor shall have power to appoint such assistants and employees as the council shall authorize and appropriate funds to provide for.

(e) The municipal auditor shall devote full time and effort to post-audit examinations and reporting and shall receive only such compensation as may be fixed for the position by ordinance of the council. The auditor shall not serve in any capacity on any administrative board, commission, district, or agency of the city, county, or the Commonwealth, nor shall the auditor have a material direct or indirect financial or other economic or personal interest in the transactions of any officer, department, board, commission, district, or other organization for which the auditor is responsible to audit or cause to be audited. The auditor shall not be directly responsible for the collection or any money belonging to the Commonwealth of Virginia, the city of Roanoke, or other political subdivisions of the State or the city, nor shall the auditor be directly responsible for the handling or custody of state or local public funds. Neither the auditor nor any member of the auditor's staff shall engage in or be associated with any partisan political activity or hold any other public office.

The Auditor shall neither conduct nor supervise an audit or post-audit of any office, department, program or activity of the city for which the auditor was responsible or in which the auditor may have participated or been employed during any preceding two years. The council shall provide otherwise for any necessary audit or post-audit of any such office, department, program and activity falling within the proscription of this provision.

The council shall assign to the auditor no administrative or other duties, except such as may be incidental to the objectives and functions of post-auditing or such as do not act to impair the independence of the auditor's audits. (1974, c. 149. 2002, c. 685)

§ 26. City attorney.

The city attorney shall be elected at the time, in the manner, and for the term provided by § 9 of this charter. The city attorney shall be the legal advisor of and attorney and counsel for the city and the school board of the city and for all officers, and departments thereof, in matters relating to their official duties. The city attorney shall prosecute all suits, actions and proceedings for and on behalf of the city and the school board of the city, and defend all suits, actions and proceedings against the same, and shall prepare all contracts, bonds and other instruments in writing, in which the city or the school board of the city are interested or concerned, and shall endorse on each his or her approval of the form and correctness thereof, provided that in the case of bonds to be issued by the city, it shall be sufficient if the city attorney certifies to the council his or her approval thereof as to form in a separate writing, to be filed and preserved with the records of the council.

The council, the city manager, or any officer, board or commission may require the opinion of the city attorney upon any question of law involving their respective powers and duties.

The city attorney shall apply in the name of the city to a court of competent jurisdiction for such injunction or injunctions as may be necessary to restrain and prevent the misapplication of the funds of the city, or the invasion or abuse of its corporate powers, or the usurpation of authority by any city official, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

When an obligation or contract made on behalf of the city granting a right or easement or creating a public duty is being evaded or violated, the city attorney, when directed by council, shall institute and prosecute such suit or suits as may be necessary to enforce the forfeiture thereof, or the specific performance thereof, as the nature of the case may require.

In case any officer, board or commission shall fail to perform any duty required by law, the city attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

Whenever the city or school board shall purchase or otherwise acquire real estate or any interest therein, unless other provision is made by the council, the city attorney shall conduct such title examination as he or she deems appropriate before the purchase price thereof shall be paid. The city attorney shall perform such other duties as may be required of him or her by ordinance or resolution of the council. (1952, c. 216; 1977, c. 201; 1980, c. 71; 2002, c. 685)

§ 27. (1952, c. 216; 1954, c. 89; 1972, c. 625; repealed 1974, c. 149)

§ 27.1. (1974, c. 149; repealed 2002, c. 685)

§ 28. (1952, c. 216; 1956, c. 393; 1966, c. 73; 1972, c. 625; repealed 1974, c. 149)

§ 29. (1952, c. 216; 1974, c. 149; repealed 2002, c. 685)

§ 30. (1952, c. 216; repealed 1976, c. 573)

§ 30.1. The City Sergeant's office may be closed on Saturdays upon the order of the senior judge from the point of service of the courts of record in the city. (1954, c. 89)

§ 31. Police department.

The police department shall be composed of a chief of police and such officers, patrolmen and other employees as the council may determine. The chief of police shall have the immediate direction and control of the department, subject, however, to the supervision of the city manager and to such rules, regulations and orders as the city manager may prescribe. The chief of police shall issue all orders, rules and regulations for the government of the whole department. The members of the police department shall be appointed and may be removed by the city manager or the city manager's designee. The council may by ordinance prescribe rules and regulations governing the residence or non-residence of any or all members of the police department. Each member of the department shall, before entering upon the duties of office, take and subscribe an oath before the city clerk that he or she will faithfully without fear or favor perform the duties of his or her office, and such oath shall be filed with the city clerk and preserved with the records of the clerk's office. And in addition, the officers of the department shall, if so required by the council, give bond in such penalty and with such security as the council may by ordinance prescribe.

No person except as otherwise provided by general law or by this charter shall act as special police, special detective or other special police officer for any purpose whatsoever except upon written authority from the city manager. Such authority, when conferred, shall be exercised only under the direction and control of the chief of police and for a specified time; provided, however, that the council may from time to time designate the maximum number of such special police, special detective or other special police officers.

The officers constituting the police department of the city shall be, and they are, hereby invested with all of the power and authority which pertains to the office of constable at common law in taking cognizance of and in enforcing criminal laws of the state and the ordinances and regulations of the city, and it shall be the duty of each such officer to use his or her best endeavors to prevent the commission within the city of offenses against the laws of the State, and against the ordinances and regulations of the city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of the city, and to secure the inhabitants thereof from violence and the property therein from injury. Except as provided by general law, such officers shall have no power or authority in civil matters, but shall execute any criminal warrant or war-

rant of arrest that may be placed in their hands by any judge of the city, and shall make due return thereof.

The chief of police shall prescribe the uniforms and badges for the members of the police department, and direct the manner in which the members of the department shall be armed. Any person other than a member of said department who shall wear such uniform or badge as may be prescribed, may be subjected to such fine or imprisonment, or both, as may be prescribed by the council by ordinance. (1952, c. 216; 1966, c. 73; 1970, c. 207; 1980, c. 71; 2002, c. 685)

§ 32. Fire department.

The fire department shall be composed of a chief and such other officers, firefighters and employees as the council may determine. The fire chief shall have immediate direction and control of the department, subject, however, to the supervision of the city manager, and to such rules and regulations and orders as the city manager may prescribe. The city manager shall issue all orders, rules and regulations for the government of the whole department.

The members of the fire department shall be appointed and removed by the city manager or his or her designee. In case of riot, conflagration or emergency, the city manager or his or her designee may appoint additional firefighters and officers for temporary service.

The chief of the fire department and the chief's assistants are authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire. The fire chief shall prescribe the uniform and badges for the members of the fire department.

Whenever any building in the city shall be on fire it shall be lawful for the chief of the fire department to order and direct such building or any other building that the chief may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down or destroyed; and no action shall be maintained against the chief or any person acting under the chief's authority or against the city therefor.

The council may establish within the fire department an emergency medical service. (1952, c. 216; 1980, c. 71; 2002, c. 685)

§ 33. The annual budget.

The city manager, at least sixty days prior to the beginning of each fiscal year, shall submit to the council a budget for the ensuing fiscal year. It shall be the duty of the head of each department, the judge of each court, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the commissioner of the revenue, the city treasurer, the sheriff, the attorney for the Commonwealth and clerk of courts to file with the city manager by March 15 of each year estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on forms furnished by the city manager and it shall be the duty of the head of each such department, judge, board,

commission, office or agency to supply all the information required to be submitted thereon for the timely preparation of the budget. The city manager shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as the city manager may deem proper subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board budget the city manager may recommend a revision in category totals only.

The budget submitted to the council shall contain the following:

a) An itemized statement of the appropriations recommended with comparative statements showing appropriations made for the current and next preceding year.

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements of the taxes and other revenues for the current and next preceding year, and of the increases or decreases estimated or proposed.

(c) A fund statement showing a condition of the various appropriations, the amount of appropriations remaining unencumbered, and the amount of revenues remaining unappropriated.

(d) An explanation of the estimates for the ensuing year; also a work program showing the undertakings to be begun and those to be completed during the next year and each of several years in advance.

(e) A statement of the financial condition of the city.

(f) Such other information as may be required by the council.

(g) Such other information as the city manager deems appropriate or advisable.

For any fund, the total proposed expenditures shall not exceed estimated income plus available fund balances that council has specifically approved for designated purposes.

The city manager shall submit to the council with the budget a budget message which shall incorporate the most current statement of the financial condition of the city, shall explain the budget and shall describe its important features. It shall set forth the reasons for salient changes from the previous year in cost and revenue items. As a part of the budget message, with relation to the proposed expenditures for capital projects included in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year. (1952, c. 216; 1956, c. 393; 1962, c. 442; 1970, c. 207; 1981, c. 364; 2002, c. 685; 2015, cc. 347, 689)

§ 34. The annual appropriation.

Before the end of each fiscal year, the council shall pass an annual appropriation ordinance which shall be based on the proposed budget submitted by the city manager, and shall levy such tax for the ensuing fiscal year as in its discretion shall be sufficient to meet all just demands against the city on any account, subject, however, to the provisions and limitations contained in Section 2 and Section 33 of this charter. (1952, c. 216; 1962, c. 442; 1966, c. 73; 1970, c. 207)

§ 35. Fiscal year; determination of when licenses and taxes payable.

The council may determine when the fiscal year of the city shall begin and end, and may change the same from time to time. The council may also determine when city licenses and taxes are payable. (1952, c. 216; 2002, c. 685)

§ 36. Unencumbered balances; money not to be withdrawn or obligations incurred except pursuant to appropriations.

At the close of each fiscal year, or upon the completion or abandonment at any time within the year of any work, improvement, or other object for which a specific appropriation has been made, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to further appropriation. No money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred except pursuant to the appropriations made by the council. (1952, c. 216, 2002, c. 685)

§ 37. City treasurer.

The city treasurer shall be elected at the time, in the manner and for the term provided in § 18 of this charter. The treasurer shall give bond in such sum as the council may prescribe with surety to be approved by the council, conditioned for the faithful discharge of the treasurer's official duties in relation to the revenue of the city, and of such other official duties as may be imposed upon the treasurer by this charter and the ordinances of the city. The treasurer shall collect and receive all city taxes, levies, assessments, license taxes, rents, school funds, fees and all other revenues or moneys accruing to the city, except such as council shall by ordinance make it the duty of some other officer or persons to collect, and for that purpose shall be vested with any and all powers which are now or may hereafter be vested in such city treasurer as collector of state taxes. The treasurer shall be the custodian of all public money of the city, and all other money coming into his hands as city treasurer. The city treasurer shall keep and preserve such moneys in such banks or trust companies as may be determined by ordinance or by the provisions of any law applicable thereto, and may permit securities pledged by the depositories of city funds to be held in custody by the Federal Reserve Bank of Richmond, Virginia, in accordance with any operating circular or circulars of such bank. The treasurer shall perform such other duties, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance. For such services the city treasurer shall receive such compensation as the council may from time to time prescribe by ordinance in conformity with general law. (1952, c. 216; 1956, Ex Sess, c. 3; 2002, c. 685)

§ 38. Commissioner of revenue.

The commissioner of the revenue shall be elected at the time, in the manner and for the term provided in § 18 of this charter. The commissioner shall give bond in such sum as the council may by ordinance prescribe, with surety to be approved by the council, conditioned for the faithful performance of all the commissioner's duties under this charter, and under any ordinance of the city. The commissioner shall perform such duties not inconsistent with the laws of the State in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. The commissioner shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. The commissioner shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council. The council may by ordinance require that all tax bills shall be made out by the commissioner of the revenue and delivered in such manner as the ordinance may prescribe. For all such services the commissioner of the revenue shall receive such compensation as the council may from time to time prescribe by ordinance in conformity with general law. (1952, c. 216; 2002, c. 685)

§ 39. Vacancies in the office of city treasurer or commissioner of revenue.

In case of any vacancy in the office of the city treasurer or commissioner of the revenue, the council shall select a qualified person to fill the office in which such vacancy occurs for the unexpired term; provided that if the term of office so filled does not expire for two years or more after the next regular municipal election for the election of council members following such vacancy, and such vacancy occurs in time to permit it, a city treasurer or commissioner of the revenue, as the case may be, shall then be elected and shall from and after the date of his qualification succeed such appointee and serve the unexpired term. (1952, c. 216; 2002, c. 685)

§ 40. Contracts for public improvements; purchases.

Any purchase, public work, or improvement, costing more than $50,000, except as provided in the next succeeding section, shall be executed by contract. All contracts for more than $50,000 shall be awarded after public advertisement and competition, as may be prescribed by general law. The city council shall have the power to reject any and all bids, and all advertisements shall contain a reservation of this right. (1952, c. 216; 1970, c. 207; 1989, c. 129; 1990, c. 33; 1997, c. 305; 2002, c. 685)

§ 41. Improvement by direct labor, emergency work.

After bids shall have been advertised for and received for making any public improvement or doing any public work, the council may authorize the making of such improvement or doing such work by the direct employment of the necessary labor and purchase of the necessary materials and supplies on the basis of detailed estimates submitted by the city manager; provided the probable cost of such work of improvements as shown by such estimate is less than the bid of the lowest responsible bidder for the same work improvement; and provided, further, that the city manager shall certify to the council

that in his opinion the cost of making such improvement or doing such work will not exceed such estimate. Separate accounts shall be kept of all work and improvements so done or made.

In an emergency requiring immediate action, the city manager may make any purchase or cause any such improvements to be made or other public work to be done by direct employment of the necessary labor and purchase of the necessary material and supplies without previously advertising for or receiving bids therefor. Every such case shall be reported by the city manager in writing to the council at its next regular meeting with a statement of the facts constituting such emergency. Separate accounts shall be kept of all such work; provided that nothing in this or the next preceding section shall prevent the city from doing maintenance and repair work by direct labor and from maintaining a reasonable workforce for that purpose. (1952, c. 216; 1989, c. 129; 2002, c. 685)

§ 42. Alterations or modifications of contracts.

When it becomes necessary in the prosecution of any work or improvement under contract to make alterations or modifications of such contract, such alterations or modifications shall be made on order of the city council. However, when the amount involved in the proposed alterations or modifications does not exceed twenty-five percent of the amount of the contract or $50,000, whichever is greater, such alterations or modifications may be made on the order of the city manager if the funds necessary therefor have been appropriated. No such order shall be effective until the price to be paid for the work and material, or both, and the credits, if any, to be allowed the city, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and by the city manager. (1952, c. 216; 1978, c. 77; 1995, c. 292; 2002, c. 685)

§ 43. Public advertising.

All public advertising or publications necessary under this charter shall be in a newspaper of general circulation, published in the city, provided, however, that when the city provides for the regular periodic publication of an official bulletin of general circulation independent of any newspaper, advertising or publication therein shall be sufficient except where otherwise required by law. (1952, c. 216; 1956, c. 393)

§ 44. Actions against the city for damages.

No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received, shall have been filed with the city attorney, the mayor, or city manager, within six months after such cause of action shall have accrued, except if the complainant during such six-month period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the six-month

period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from such injury so as to be able to give such notice. (1952, c. 216; 1976, c. 573; 2002, c. 685)

§ 45. Laying out of streets.

No property within the corporate limits of the city or within three miles of such limits (or five miles as provided by Article 2, Chapter 23, of Title 15 of the Code of Virginia, 1950, except as to any lands within the overlapping boundaries under the jurisdiction of any incorporated town as defined by said Article), as now or hereafter established, shall be laid out with streets, alleys or public easements or ways thereon, except in accordance with such rules, regulations and provisions which may have been or hereafter be established, from time to time, by ordinance of the city council. To provide for the proper and orderly development of the city and its environs the council shall have the power, by ordinance, to make and enforce rules, regulations and provisions for the laying out of such streets, alleys, public ways or easements and shall have power to require, by the recordation of plats or otherwise, that the title to land so laid out shall thereby vest in the city or in such county as the land may be situate.

Notwithstanding anything in this section contained, the city shall not be liable for any accidents or injuries which may occur or be sustained upon any street, alley, boulevard or way, heretofore or hereafter laid out, until and unless the street, alley, boulevard or way shall have been accepted by the city, and the approval of any plan or plat shall not be taken as an acceptance by the city of any street, alley, boulevard, way or public place shown on such plan or plat. (1952, c. 216; 2002, c. 685)

§ 46. (1952, c. 216; 1962, c. 442; repealed 1976, c. 573)

§ 47. Bond issues; borrowing in anticipation of issuance of bonds.

(a) The council may, in the name and for the use of the city, cause to be issued bonds for any one or more of the following purposes: To provide for parks and other recreational purposes, water supply, water works, electric lights or other lighting system, suitable equipment against fire, or for erecting or improving bridges, viaducts, school buildings, jails, city halls, fire houses, libraries, museums, and other public buildings, incinerators, auditoriums, armories, airports and equipment and furnishings for same; to provide for hospitals and clinics, a local bus transportation system to operate on regular schedules; grading, paving, repaving, curbing, or otherwise improving any one or more of the streets or alleys, or widening existing ones; or to provide for locating, instituting and maintaining sewers, drains and culverts or any other permanent public improvement; to provide for the acquisition of automobiles, trucks and other automotive and movable equipment or a revolving fund for the establishment of a pool of automobiles, trucks and other automotive and movable equipment. No such bonds shall be issued under this charter except by an ordinance or a resolution adopted by a recorded affirmative vote of a majority of all members elected to council. Any bonds issued under this charter may be dated, may mature at such time or times not exceeding forty years from their date or dates, may be subject to redemption or repurchase at such price or prices and under such terms and

conditions and may contain such other provisions, all as determined before their issuance by the council or in such manner as the council shall provide. Any such bonds may bear interest payable at such time or times and at such rate or rates as determined by the council or in such manner as the council may provide, including the determination by reference to indices or formulas or by agents designated by the council under guidelines established by it. The council may fix the denomination or denominations of the bonds and the place or places of payment. Any such bonds may be issued in registered or book entry form, or in any combination of such forms, as the council may determine. The council may sell any bonds authorized under the provisions of this charter in such manner, either at public or private sale, and for such price as the council may determine. All proceeds received by the city from the sale of bonds issued under this charter shall be deposited and invested in accordance with the provisions of the Public Finance Act of 1991, as from time to time amended.

(b) The council, in its discretion, may require that an ordinance adopted by the council authorizing the issuance of general obligation bonds, as defined by the Public Finance Act of 1991, as may from time to time be amended, be approved by the affirmative vote of the majority of the qualified voters of the city voting on the question at an election for such purpose to be called, held and conducted in accordance with an ordinance or a resolution adopted by the council providing for such election.

(c) In no case shall the city issue any bonds or other interest-bearing obligations which, including existing indebtedness, shall at any time exceed ten percent of the assessed valuation of the real estate in the city subject to taxation, as shown by the last preceding assessment for taxes. In determining the limitation for the city there shall not be included the classes of indebtedness described in paragraphs (1), (2), (3) and (4) of subsection (a) of Section 10 of Article VII of the Constitution of Virginia.

(d) The said council shall determine the form and the manner of execution of the bonds. Any bonds issued under the provisions of this charter may bear or be executed with the facsimile signature of any official authorized to sign or to execute such bonds. If any law shall provide for the sealing of bonds with the official or corporate seal of the city, a facsimile of such seal may be imprinted on the bonds, and it shall not be necessary in such case to impress such seal physically upon such bonds.

In case any officer whose signature or a facsimile of whose signature shall appear on any bonds shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. Any such bond may bear the facsimile signature of, or may be signed by, any person who at the actual time of the execution of such bonds shall be the proper officer to sign such bond although at the date of such bond such person may not have been such officer. When all signatures on bonds are facsimiles, the bonds must be authenticated by an agent appointed by the council or in such manner as the council may provide.

(e) In anticipation of the issuance of bonds under the provisions of this section or under the provisions of the Public Finance Act of 1991, as from time to time amended, and of the receipt of the proceeds of sale of such bonds, the council may, in the name and for the use of the city, by an ordinance or a resolution adopted by the council, cause to be borrowed money for the purpose for which such bonds have been authorized and within the maximum authorized amount of the bond issue. Negotiable notes shall be issued for all moneys borrowed in anticipation of the issuance of bonds under this section or of the Public Finance Act of 1991, as from time to time amended. The ordinance or resolution authorizing any such borrowing shall specify the maximum rate of interest to be paid by the city on such notes, and such notes shall mature and be paid within five years from the date of their original issuance. Any such notes may be extended or refinanced from time to time, provided that no note issued upon any such extension or refinancing shall mature later than five years from the date of the original issuance of such notes. The city may, in its discretion, retire any such loans by means of current revenues, special assessments, or other funds, in lieu of retiring them by means of bonds, and may, thereafter, provide for the issuance of the maximum amount of bonds that has been authorized without reduction by the amount of such loans retired in such manner. The issuance of such notes and other details thereof shall be governed by provisions of the ordinance or the resolution of the council authorizing such borrowing, not inconsistent with the provisions contained in this section.

(f) Notwithstanding any other provision of law, the council is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the city are assessed, levied and collected, a tax upon all taxable property within the city, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on any general obligation bonds or notes of the city issued under the provisions of this charter to the extent other funds of the city are not lawfully available and appropriated for such purpose.

(g) All such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth and are made securities in which public officers and bodies of the Commonwealth, counties, cities and towns and municipal subdivisions of the Commonwealth, insurance companies and associations, savings banks, savings institutions, savings and loan associations, trust companies, beneficial and benevolent associations, administrators, guardians, executors, trustees and other fiduciaries in the Commonwealth may properly and legally invest funds under their control. (1952, c. 216; 1962, c. 442; 1966, c. 73; 1970, c. 207; 1985, c. 136; 1992, c. 258; 2002, c. 685)

§ 48. (1952, c. 216; repealed 2002, c. 685)

§ 49. (1952, c. 216; 1974, c. 149; repealed 2002, c. 685)

§ 50. Special assessments.

All local or special assessments shall be made and collected as council shall prescribe by ordinance and in accordance with law, and such special assessments shall have priority over all other claims or liens, whether prior or subsequent thereto. (1952, c. 216)

§ 51. Lien of taxes.

There shall be a prior lien on all real estate and on each and every interest therein for the city taxes as assessed thereon, from the commencement of the year for which they were assessed, and also for all local assessments which may be made thereon according to law. There shall also be a lien on any land or premises for the amount of expense incurred by the city in abating any nuisance thereon or cutting or removing weeds therefrom, after notice to the owner thereof by publication or otherwise as may be provided by ordinance; provided, however, that the lien for the amount of any such local assessment or for the expense of abating any nuisance or cutting or removing weeds from any premises shall not be good against a purchaser of land or premises for value without notice except and until from the time that the same shall be recorded in records or books kept for that purpose in the office of the city clerk and recorded and indexed in the office of the clerk of the circuit court in the name of the person or persons owning such estate or land at the time the lien accrued. The council may require such real estate in the city delinquent for the non-payment of taxes, or assessments or expenses incurred as above provided, to be sold for taxes or assessments or expenses, with interest thereon at the maximum rate authorized by general law of the Commonwealth, and such percentage as may be prescribed for charges; and the council may regulate the terms on which the real estate so delinquent may be sold or redeemed. (1952, c. 216; 1982, c. 399; 2002, c. 685)

§ 52. Distraint and sale of goods and chattels for unpaid taxes; payment of taxes by tenants or fiduciaries.

All goods and chattels of any person against whom taxes for the city are assessed may be distrained and sold for taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for state taxes.

A tenant by whom payment is made or from whom payment is obtained, by distress or otherwise, of taxes or levies due the city, by a person under whom he holds, shall have credit for the same against such person out of the rents he may owe him, except when the tenant is bound to pay such taxes and levies by an express contract with such persons. And where taxes or levies are paid to the city by any fiduciary on any estate in his hands or for which he may be liable, such taxes and levies shall be refunded out of the estate. (1952, c. 216; 1977, c. 201; 1980, c. 71; 2002, c. 685)

§ 53. License taxes.

(a) License taxes may be imposed by ordinance on businesses, trades, professions, and callings and upon the persons, firms, associations and corporations engaged therein and the agent thereof, except in cases where taxation by the localities shall be prohibited by the general law of the State, and nothing herein shall be construed to repeal, or amend any general law of the State with respect to taxation.

(b) The council may require every person, firm or corporation using or operating a cart or motor vehicle on the streets of the city to secure a license and to pay a tax therefor, whether such vehicle is used or operated for compensation or not.

(c) The council may subject any person, firm or corporation who or which without having obtained a license therefor, shall follow any business, occupation, vocation, trade, pursuit, calling, or shall do any other act for which a license is required by this section, to such fine or penalty as it is authorized to impose for any violation of its laws.

(d) The council may, in its discretion, determine whether or not the commissioner of the revenue shall receive fees for issuing and transferring city licenses, and it may fix the amount of such fees and change the same from time to time; provided, however, that no such fees shall be payable out of the city treasury, but shall be paid by the person obtaining the license or transfer, and such license or transfer may be withheld by the commissioner of the revenue until such fees are paid.

(e) Council may provide by ordinance for revoking any license for failure to comply with conditions upon which same is granted. (1952, c. 216; 2002, c. 685)

§ 53.1. Rehabilitation Incentive Program.

Council shall be authorized to establish by ordinance a grant program to encourage the rehabilitation and use of older residential, commercial and industrial buildings, for the improvement and revitalization of the city. Such ordinance shall specify the age of buildings and type and extent of rehabilitation qualifying for rehabilitation grants, shall establish a formula for determining the amounts of such grants, which shall be related to the value added to the buildings by renovation, and shall set the time and procedure for payment, which may be in one lump sum or in installments. (1978, c. 77)

§ 54. School board members.

The city shall not be subdivided into school districts, but for the purpose of the election and qualification of school board members of the School Board of the City of Roanoke shall be considered as one district. Seven (7) members shall be elected by council as prescribed by ordinance, and they and shall serve the city at large.

The members of the school board now in office shall continue until the end of the terms for which they were elected. (1952, c. 216; 2002, c. 685)

§ 55. (1952, c. 216; repealed 2002, c. 685)

§ 56. Powers and duties of the school board.

The school board members of the city school board shall be a body corporate under the name and style of the School Board of the city of Roanoke, and shall have all of the powers, perform all of the duties and be subject to all of the limitations now provided, or which may hereafter be provided by law in regard to school boards of cities and except that all real estate with the buildings and improvements

thereon heretofore or hereafter purchased with money received from the sale of bonds of this city, appropriated by the council or received from any other source for the purpose of public education, shall be the property of the city of Roanoke, unless such money so received from any other source be received on other conditions. The school board shall transmit to the council and to the city manager a detailed statement of all moneys received by the board or placed to its credit. Separate accounts shall be kept by the board of moneys appropriated by the council, and moneys received from other sources, and every such statement shall show the balance of each class of funds on hand or under control of the board as of the date thereof.

The school board shall on or before March 15 each fiscal year prepare and submit to the council or its designee for its information in making up its proposed annual budget a detailed estimate, in such form as the council or its designee shall require, of the amount of money required for the conduct of the public schools of the city for the ensuing fiscal year, with an estimate of the amount of all funds which will probably be received by the board for the purpose of public education from sources other than appropriations by the council.

The council may, at its discretion, by ordinance provide for an audit of the affairs and records of the school board by the municipal auditor or by any other competent person or firm selected by the council. (1952, c. 216; 1956, c. 393; 1962, c. 442; 1978, c. 77; 1981, c. 364; 2002, c. 685; 2015, cc. 347, 689)

§ 57. Extraterritorial jurisdiction of the city and general district court.

The city shall have and may exercise all police power granted by general law or this charter with respect to city-owned land and property lying beyond the corporate limits of the city.

The general district court of the city shall have jurisdiction of all offenses committed within one mile from the corporate limits of the city against its ordinances prescribing rules and regulations, and penalties for violation of such rules and regulations, relating to city-owned land and property beyond its corporate limits. Beyond such one-mile limit, the general district court having criminal jurisdiction in the municipal corporation wherein the offense was committed, or the general district court of the county wherein such offense was committed shall have jurisdiction of offenses against the aforesaid ordinances of the city committed more than one mile from its corporate limits; and appeals may be taken in such cases to the court of record having jurisdiction in said other municipality, or county. All fines and costs assessed upon conviction in such other jurisdictions shall be paid into the treasury of the county or municipality wherein the offense was committed and tried. (1952, c. 216; 1966, c. 73; 1976, c. 573; 2002, c. 685)

§ 57A. Clerks of court.

Notwithstanding any provision of general law, the clerk of the circuit court of the city shall be paid a salary as provided by law, which salary shall be in full compensation for services and shall be in lieu

of the retention by such clerk of any and all official fees and commissions of whatever kind or character, and from whatever source derived, and the council shall provide for the payment of such salary out of the treasury of the city. The expenses of the office of such clerk, including compensation of deputies and employees, shall be likewise paid out of the treasury of the city on duly authenticated vouchers, when and as such expenses are incurred, or may become due and payable.

All fees and commissions of every kind or character received or collected by such clerk, and from whatever source derived, shall be paid into the treasury of the city. All fees and commissions of every kind and character, whether payable by the State, the United States, or by private persons, firms or corporations, now or hereafter receivable by law or ordinance by such clerk, shall continue to be paid to and collected by him, and shall be paid into the treasury of the city. The city shall not be required to pay any such clerk any fees or commissions for services performed for such city. (1982, c. 399)

§ 58. Ownership and custody of books, records, et cetera.

All books, records and documents used by any city officer, or employee, attorney for the commonwealth, commissioner of the revenue, clerk of court, or treasurer for this city, in his office or pertaining to his duties shall be deemed the property of the city, and the chief officer in charge of such office shall be responsible therefor. Any such officer or person made by this section responsible for the keeping of such books, records and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, as the case may be, deliver to his successor or the city clerk, as may be proper, all such records and documents. Any such officer or person failing to deliver such books, records or documents, as required by this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding six months, or both, in the discretion of the court or jury before whom the case is tried. (1952, c. 216; 2002, c. 685)

§ 59. Qualification of members of the council and other officials.

The members of the council before entering upon the duties of their respective offices shall each take the oaths prescribed by the laws of this State for state officers. Such oaths may be administered by any judge of a court of record within the city, and the certificate thereof shall be filed with the city clerk and entered upon the journal of the council. Every other person elected or appointed to any office under this charter or under any ordinance of the council shall before entering upon the duties of office take and subscribe oaths together with such other oaths as may be required by ordinance, before any person authorized to administer an oath, and the certificate of the same shall be filed in the office of the city clerk. The clerk of the circuit court of the city shall notify all persons elected by the people under this charter of their election, and the city clerk shall notify all persons elected by the council of their election. If any person elected to any office in the city shall after receiving notice of election fail to take such oaths and give such bonds, with surety, as may be required by law or ordinance, he shall be considered as having declined such office, and the same shall be deemed vacant, and such

vacancy shall be filled according to the provisions of this charter. (1952, c. 216; 1976, c. 573; 2002, c. 685)

§ 60. Bonds of officers and employees.

Except in the case of officers whose bonds are specially provided for by this charter, the council in fixing the salary of any officer, clerk or employee of the city, shall determine whether such officer, clerk or employee shall give bond and the amount or penalty thereof. All officers required by this charter to give bond, and all officers, clerks and employees of whom bond is required by the council shall, before entering upon their respective duties, give bond with surety to be approved by the council, conditioned for the faithful performance of the duties of their respective offices, which bond, unless otherwise specially provided by this charter, shall be payable to the said city, and in such penalty as the council may by ordinance prescribe. The council shall accept as surety on any such official bond only a good solvent surety or fidelity company authorized to do business in this State. The council may provide that the premium on any such bond shall be paid by the city. The sureties on the bond of any such officer shall be equally liable for the acts of any deputy or deputies of such officer as for those of such officer himself. Unless otherwise specially provided in this charter, all such bonds shall be filed with and preserved by the city clerk. The parties to bonds taken in pursuance of this section shall be subject to the same proceedings on such bonds for enforcing the conditions and terms thereof by motion or otherwise before the circuit court of the city, as are now or may hereafter be provided by law in the case of collectors of the county levy and the sureties on their bonds for enforcing payment of the county levies. (1952, c. 216; 1976, c. 573; 2002, c. 685)

§ 61. (1952, c. 216; 1976, c. 573; repealed 1989, c. 129)

§ 62. Zoning.

(a) For the promotion of health, safety, morals, comfort, prosperity, or general welfare of the general public, the council may, by ordinance, divide the area of the city into one or more districts of such shape and area as may be deemed best suited to carry out the purposes of this act, and in such district or districts may establish, set back building lines, regulate and restrict the location, erection, construction, reconstruction, alteration, repair or use of buildings and other structures, their height, area and bulk, and percentage of lot to be occupied by buildings or other structures, the size of yards, courts and other open spaces, and the trade, industry, residence and other specific uses of the premises in such district or districts. Any ordinance enacted under the authority of this act may exempt from the operation thereof any building or structure used or to be used by a public service corporation (not otherwise exempted) as to which proof shall be presented to the city that the exemption of such building or structure is reasonably necessary for the convenience or welfare of the public.

(b) All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

(c) Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(d) The council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, conducted in conformity with state law, at which parties in interest and citizens shall have an opportunity to be heard.

(e) Such regulation, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed.

(f) In order to facilitate the creation of a convenient, attractive and harmonious community, the council may, after recommendation from the planning commission and public notice and hearing pursuant to state law, establish design overlay districts to encourage compatible development in areas of the city identified on an adopted comprehensive plan as having historic value or unique architectural value and located within an area designated on an adopted plan for conservation, rehabilitation or redevelopment. In such areas, city council shall adopt specific standards as to new construction or rehabilitation within view from public streets and provide for a design review process. City council may establish a fee applicable to such design review process which shall not exceed the actual cost of such review process or $200.00, whichever is less.

(g) The council shall appoint a commission to be known as the planning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

(h) In case any building or structure is erected, constructed, reconstructed, altered, repaired, or converted; or any building, structure or land is used in violation of this act or of any ordinance or other regulation made under authority conferred hereby, the proper authorities of the city, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

(i) Such regulations shall be enforced by the division of building inspection which is empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing

the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of this or the preceding paragraph. The owner or general agent of the building or premises where a violation of any provision of such regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violations shall exist shall be guilty of a misdemeanor, punishable as permitted by state law. In any case of the existence of a violation of any provision of such regulations the owner, lessee, tenant or agent shall be subject to a civil penalty as permitted by state law. (1952, c. 216; 1978, c. 77; 1989, c. 129; 1991, c. 449; 1991, c. 466; 1993, c. 706; 1994, c. 243, 2002, c. 685)

§ 62.01. Board of zoning appeals.

(a) The council may appoint a board of zoning appeals, and in the regulations and restrictions adopted pursuant to the authority of this act may provide that the board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

(b) The board of zoning appeals shall consist of seven members, each to be appointed for a term of three years and removable for cause by the council, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

(c) The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act. Meetings of the board shall be held at the call of the chairman and such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board, and shall be a public record.

(d) Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken in the manner provided by state law by filing with the officer from whom the appeal is taken and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(e) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of zoning appeals after the notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of zoning appeals or by a court of record on application therefor, following notice to the officer from whom the appeal is taken and on due cause shown.

(f) The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(g) The board of zoning appeals shall have the following powers:

(1) To hear and decide appeals from any order, requirement, decision, or determination made by an administrative official in the administrative enforcement of this charter or of any ordinance adopted pursuant thereto.

(2) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

(3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, provided that the spirit of the ordinance shall be observed and substantial justice done.

(h) In exercising the above-mentioned powers such board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(i) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

(j) Any person or persons, jointly or severally, aggrieved by any decision of the board of zoning appeals, or any officer, department, board or bureau of the municipality, may present to a court of record of the city a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

(k) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of zoning appeals to review such decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(l) The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(m) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceeding upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(n) Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

(o) All issues in any proceeding under this section shall have preference over all other civil actions and proceedings, except where otherwise provided by general law. (2002, c. 685)

§ 62.02. Architectural Review Board.

The council shall appoint an Architectural Review Board. Such board may be authorized to delegate to an agent its authority to issue any certificate of appropriateness. The agent, pursuant to such delegation, shall act only upon an application completed pursuant to the applicable city ordinance, and shall apply the same guidelines and review standards applicable to the board. Any person aggrieved by any decision of the agent made pursuant to this delegation may appeal to the board within a reasonable time as provided by city ordinance by filing with the board a notice of appeal specifying the grounds thereof. A decision of the board may be appealed to the city council and thereafter to the circuit court pursuant to the provisions of the Code of Virginia. (2002, c. 685)

§ 62.1. Authority of city council to impose civil penalties for wrongful demolition of historic buildings.

(a) Notwithstanding the provisions of any state law which authorizes civil penalties for the violation of a local zoning ordinance, city council may adopt an ordinance which establishes a civil penalty for the demolition, razing or moving of a building or structure without obtaining any required demolition permit and certificate of appropriateness when such building or structure is located within any historic zoning district of the city. The penalty established by the ordinance shall be imposed on the party deemed by

the court to be responsible for the violation and shall not exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition.

(b) An action seeking the imposition of such a penalty shall be instituted by petition filed by the city in circuit court, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The filing of any action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.

(c) The defendant, within twenty-one days after the filing of the petition, may file an answer and, without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties, or as established by the court, the petition shall be dismissed from the court's docket.

(d) Nothing in this section shall preclude any other action by the zoning administrator or by the city, as authorized by law, either by separate action or as a part of the petition seeking a civil penalty. (1991, c. 449; 2002, c. 685)

§ 63. Power to appoint boards or commissions of citizens.

The council may provide for the appointment of boards or commissions, to be composed of such number of citizens as the council may deem expedient to act in an advisory capacity in conjunction with any one or more of the officers of the city. The members of all such commissions shall serve without compensation, unless otherwise provided by law. (1952, c. 216; 2002, c. 685)

§ 64. Working prisoners and other persons convicted of offenses.

Subject to the general laws of the State regulating the working of those convicted of offenses against the State, the council shall have the power to provide by ordinance for the supervision, management, and control of persons convicted of violating the laws of the Commonwealth of Virginia or the ordinances of the city of Roanoke who are referred to the city for public service work by courts of record and not of record. (1952, c. 216; 1981, c. 364)

§ 65. Pensions, relief and retirement funds.

The council shall maintain and preserve the systems for the pension, relief and/or retirement of employees of the city existent on the effective date of this charter and none of the privileges and benefits provided for or available to the members of such systems shall be curtailed or lessened; provided, however, that the council shall, from time to time, by ordinance, make such reasonable changes in such systems as will keep them actuarially sound and may, likewise, increase the privileges and benefits provided for or available thereunder to the members thereof; and provided, further, that the council may, at any time, limit the operation of such systems to those employees who are members thereof on the effective date of such limitation.

The council of the city shall continue to have authority to establish and maintain a fund or funds for the pension, relief and/or retirement of persons in the service of the city; to receive gifts, devises and bequests of money or property for the benefit of such fund or funds; to make contributions of public moneys thereto on such terms and conditions as it may see fit; and to make rules and regulations for the management, investment and administration of such fund or funds not inconsistent with this charter.

In addition, the council shall have authority, by ordinance, to provide for the participation of the city and its employees, the employees of the school board and the employees of any board or commission established by the council, in any welfare, relief, retirement, or security program established by the Congress of the United States or by the General Assembly of Virginia.

The council may, in its discretion, provide for participation in any pension or retirement fund by any deputies or employees of the commissioner of the revenue, treasurer, Commonwealth's attorney, the clerk of courts or city sergeant, whose salaries are paid in whole or in part by the city, and allow them to participate in any such welfare, relief, retirement or security program. (1952, c. 216; 2002, c. 685)

§ 66. General laws to apply.

All general laws of the State applicable to municipal corporations now in existence or hereafter enacted and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted by the council pursuant to authority conferred by this charter shall be applicable to the city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the council to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this charter. (1952, c. 216; 2002, c. 685)

§ 67. Attorney for Commonwealth to prosecute violations of ordinances.

The attorney for the Commonwealth shall prosecute the violations of all city ordinances, both in the general district court and upon appeal, and shall notify the city attorney in all such prosecutions in which the validity of a city ordinance is attacked. (1952, c. 216; 1976, c. 573; 2002, c. 685)

§ 68. Present ordinances and rules and regulations continued in effect.

All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed. (1952, c. 216)

§ 69. Continuance of officials and officers.

Except where this charter may otherwise provide, all officials and officers of the city holding office immediately prior to the effective date of this charter, whether such office be elective or appointive, shall continue in such office until the expiration of their respective current term of office or until their

respective successors shall have been elected or appointed and qualified or until such office may be lawfully terminated. (1952, c. 216)

§ 70. Continuance of internal organization of the city.

Except where this charter may otherwise provide, the several departments, commissions, boards and other administrative units of the city functioning at the effective date of this charter are hereby continued until otherwise provided by ordinance. (1952, c. 216)

§ 71. Continuance of contracts.

All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public works begun prior to the taking effect of this charter shall be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws. (1952, c. 216)

§ 72. Partial invalidity.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the charter, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1952, c. 216; 2002, c. 685)

§ 73. Citation of charter.

This charter may for all purposes be referred to or cited as the Roanoke Charter of 1952. (1952, c. 216)

Editor's note: Complete amendments listing for the City of Roanoke:

Current charter

Charter, 1952, c. 216.

Amendments to current charter

1954, c. 89 (§§ 27, 30.1 [added])

1956, c. 393 (§§ 2, 4, 12, 13, 14, 19, 23, 28, 33, 43, 56)

1956, Extra Session, c. 3 (§ 37)

1962, c. 442 (§§ 2, 4 through 8, 10, 15, 16, 17, 21, 33, 34, 46, 47, 56)

1966, c. 73 (§§ 2, 4, 5, 6, 8, 21.1 [added], 28, 31, 34, 47, 57)

1970, c. 207 (§§ 2, 12, 13, 14, 19, 31, 33, 34, 40, 47)

1972, c. 625 (§§ 4, 6, 8, 9, 10, 16, 18, 27, 28)

1974, c. 149 (§§ 1 [repealed], 1.1 [added], 2.1[added], 7, 8, 9, 18, 23, 25 [repealed], 25.1 [added], 25.2 [added], 27 [repealed], 27.1 [added], 28 [repealed], 29, 49)

1976, c. 573 (§§ 1.1, 10, 14, 30 [repealed], 44, 46 [repealed], 57, 59, 60, 61, 67)

1977, c. 201 (§§ 6, 8, 26, 52)
1978, c. 77 (§§ 14, 21.1, 42, 53.1 [added], 56, 62)
1980, c. 71 (§§ 2.2 [added], 10, 21, 21.1, 26, 31, 32, 52)
1981, c. 364 (§§ 33, 56, 64)
1982, c. 399 (§§ 51, 57A [added])
1985, c. 136 (§ 47)
1989, c. 129 (§§ 2, 6, 40, 41, 61 [repealed], 62)
1990, c. 33 (§ 40)
1991, c. 466 (§ 62)
1991, c. 449 (§§ 2, 62, 62.1 [added])
1992, c. 258 (§ 47)
1993, c. 706 (§62)
1994, c. 243 (§§ 25.1, 62)
1995, c. 292 (§ 42)
1997, c. 305 (§ 40)
2002, c. 685 (§§ 1.1, 2.1, 2.2, 3, 4 through 18, 20 through 24, 25.1, 25.2, 26, 27.1 [repealed], 29 [repealed], 31, 32, 33, 35, 36, 37 through 42, 44, 45, 47, 48 [repealed], 49 [repealed], 51, 52, 53, 54, 55 [repealed], 56, 57, 58, 59, 60, 62, 62.01 [added], 62.02 [added], 62.1, 63, 65, 66, 67, 72)
2015, cc. 347, 689 (§§ 8, 9, 21, 23, 25.1, 33, 56)

Rocky Mount, Town of

County of Franklin

History of incorporation

Incorporation and charter, 1873, c. 90; repealed 1962, c. 447.
Charter, 1874, c. 259; repealed 1962, c. 447.
Charter, 1962, c. 447; repealed 2000, c. 952.

Current charter

Charter, 2000, c. 952.

Article 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the Town of Rocky Mount, as the same are now or may hereafter be established by law, shall constitute and continue to be a body politic and corporate under the name of the Town of Rocky Mount (the town), and as such shall have perpetual

succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure. (2000, c. 952)

§ 1.2. Boundaries.

The corporate limits or boundaries of the town, unless and until changed in the manner prescribed by law, shall be the same as set forth in the order entered December 19, 1961, which order is recorded in the Clerk's Office of the Circuit Court of Franklin County, Virginia, in Common Law Order Book 38, page 579, and as enlarged and set forth in the order entered February 8, 1999, which order is recorded in the Clerk's Office of the Circuit Court of Franklin County, Virginia, in Chancery Order Book 74, page 641, and Deed Book 643, page 371. (2000, c. 952)

Article 2. Powers.

§ 2.1. General grant of powers.

The town shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers which, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive but in addition to this general grant. (2000, c. 952)

§ 2.2. Construction.

The powers which are now or may hereafter be conferred upon or delegated to the town under the Constitution and general laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by the town. (2000, c. 952)

§ 2.3. Adoption of certain sections of the Code of Virginia.

The powers set forth in Chapter 11 (§ 15.2-1100 et seq) of Title 15.2 of the Code of Virginia (1950), and any acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the town. (2000, c. 952)

§ 2.4. Eminent domain.

The town is hereby empowered to acquire by condemnation, gift, lease, purchase or bequest, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as the council deems expedient.

The powers of eminent domain set forth in Title 15.2, Chapter 1.1 (§ 25-46.1 et seq) of Title 25, and Chapter 1 (§ 33.1-1 et seq) of Title 33.1 of the Code of Virginia (1950), as amended, and all acts amendatory thereof and supplemental thereto, are hereby conferred upon the town except that the powers of eminent domain specified in Chapter 1 of Title 33.1 of the Code shall be limited to acquisition for streets and for water and sewage facilities. Certificates issued pursuant to §§ 33.1-119

through 33.1-132 of the Code of Virginia (1950), as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town manager. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of §§ 33.1-119 through 33.1-132 of the Code of Virginia (1950), as amended, shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities. (2000, c. 952)

Article 3. The Council.

§ 3.1. Definitions.

As used in this charter, the term "officer" refers to council members and persons appointed by and responsible to the council, such as the town clerk, the town manager, and the town attorney; "officials" refers to administrative department heads; and all other persons employed by the town are designated "employees." (2000, c. 952)

§ 3.2. General powers and duties of the council.

The government of the town shall be vested in the council which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the town and for ensuring the implementation thereof by the town administration. (2000, c. 952)

§ 3.3. Composition and qualifications.

The council shall be composed of seven council members, one of whom shall be the mayor, to be elected from the town at large. The council members shall be qualified voters of the town. (2000, c. 952)

§ 3.4. Election and term of office.

The council shall be elected in the manner provided by Virginia elections laws. Three council members shall be elected on the first Tuesday in May of the year 2000 and every four years thereafter. A mayor and three other council members shall be elected on the first Tuesday in May of the year 2002 and every four years thereafter.

The term of office for all council members shall begin on the first day of July next following their election, and each shall serve for a term of four years or until a successor shall have been elected and qualified. The council members may succeed themselves as often as the voters may choose. (2000, c. 952)

§ 3.5. Voters of the town.

The voters of the town shall be the actual residents of the town who are qualified to vote for members of the General Assembly. (2000, c. 952)

§ 3.6. Compensation; expenses.

The council may determine the annual salary of its members by ordinance or resolution but no ordinance or resolution increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. (2000, c. 952)

§ 3.7. Mayor and vice mayor.

The mayor as a member of the council shall have the same powers and duties as other members of the council, with a vote, but no veto. In addition, the mayor shall preside at meetings of the council, shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes but shall have no administrative duties.

At the first meeting of the council in July of each even-numbered year, the council shall elect from its members a vice mayor who shall serve for a term of two years. The vice mayor shall act as mayor during the absence or disability of the mayor, and, if a vacancy occurs, shall become mayor until the next regular councilmanic election. At that election, a mayor shall be elected to fill the unexpired term. (2000, c. 952)

§ 3.8. Absence or disability of mayor and vice mayor.

If both the mayor and vice mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice mayor, the town clerk or acting town clerk shall call the meeting of the council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the clerk any of the powers and duties of the mayor, except as expressly stated in this section. (2000, c. 952)

§ 3.9. Prohibitions.

Except as otherwise authorized by law, a member of council shall not be eligible during his or her tenure of office as such member, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, a member of council may be compensated as a member of the board or commission.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officials or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

Except for the purpose of discussions, informal reviews, inquiries and official investigations, the council or its members shall communicate with town officials and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such official or employee, either publicly or privately. (2000, c. 952)

§ 3.10. Vacancies.

The office of a council member shall become vacant upon his death, resignation, or removal from office in any manner authorized by law.

A vacancy on the council shall be filled within sixty days, for the unexpired term, by a majority vote of the remaining members, if the vacancy occurs two years or less before the date of expiration of such term. If the vacancy occurs more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of council only until the next councilmanic election, at which election the voters of the town shall elect a person to serve as council member for the remaining two years of the term.

If a vacancy is being filled by voters at the next councilmanic election, the candidates receiving the highest number of votes will be entitled to full terms and the candidate receiving the next highest number shall be entitled to the unexpired term caused by the vacancy. (2000, c. 952)

§ 3.11. Town clerk.

The council shall appoint a town clerk who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, keep all papers, documents and records pertaining to the town, keep and attest the town seal, and perform such other duties as are assigned to the clerk by this charter or by the council. (2000, c. 952)

§ 3.12. Independent audit.

The council shall provide for an independent annual audit of all town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually. If the Commonwealth makes such an audit, the council may accept it as satisfying the requirements of this section. (2000, c. 952)

§ 3.13. Procedure.

The council shall meet regularly at least once in every month, at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor or of any two members upon no less than twenty-four hours' notice to each member, except in cases of extreme emergency when the time limit may be waived. No business shall be transacted by the council in such special meeting which has not been stated in the notice unless all members of the council are present

and give their unanimous consent to the consideration of such business, and such business is an emergency or of an unusual nature.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the council, except as provided in the preceding sentence, shall be valid or binding unless adopted by the affirmative vote of four or more members of the council.

An affirmative recorded vote of five of the members is required for the adoption of any ordinance or resolution having for its object the levying of taxes or contracting a debt. (2000, c. 952)

§ 3.14. Town attorney.

An attorney shall be appointed by and serve at the pleasure of the council. He shall be qualified to practice law in the Commonwealth of Virginia. He shall serve as chief legal advisor to the council, and may also serve as legal advisor to the town administration. (2000, c. 952)

§ 3.15. Committees, boards and commissions.

The council may create committees, boards and commissions to be composed of such numbers of citizens as the council may deem expedient as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and the powers and duties of such committees, boards and commissions consistent with the general law.

All members of committees, boards and commissions appointed by the town council may be removed by the council unless otherwise provided by the general law. (2000, c. 952)

Article 4. The Town Manager.

§ 4.1. Appointment, qualifications and compensation.

A town manager shall be appointed by and serve at the pleasure of the council. The amount of compensation shall be fixed by the council. The manager shall be appointed solely on the basis of executive and administrative qualifications in the profession of public management and administration. The manager need not be a resident of the town or the Commonwealth at the time of appointment but may reside outside the town while in office only with the approval of the council. (2000, c. 952)

§ 4.2. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town. The manager shall be responsible to the council for the proper management and administration of all town affairs placed in his charge by or under this charter. The manager shall have the following powers and duties:

1. The manager shall appoint and, when deemed necessary for the good of the service, suspend or remove any town employees and appointive administrative officials provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The manager may authorize any administrative official who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that official's department, office or agency.

2. The manager shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by other law.

3. The manager shall attend all council meetings and shall have the right to take part in discussion but may not vote.

4. The manager shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by the manager or by officials subject to the manager's direction and supervision, are faithfully executed.

5. The manager shall prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget.

6. The manager shall submit to the council and make available to the public a complete report on the finance and administrative activities of the town as of the end of each fiscal year.

7. The manager shall make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to the manager's direction and supervision.

8. The manager shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the manager deems desirable.

9. The manager shall ensure that adequate and accurate personnel records are maintained on all employees of the town.

10. The manager shall provide a system for handling complaints from citizens.

11. The manager shall perform such other duties as are specified in this charter or may be prescribed by the council. (2000, c. 952)

§ 4.3. Acting town manager.

By letter filed with the town clerk within thirty days after assuming duties, the manager shall designate, subject to approval by the council, a qualified town administrative official to exercise the powers and perform the duties of manager during his absence, disability or suspension. During such absence, disability or suspension, the council may revoke such designation at any time or appoint another official of the town to serve until the manager shall resume his duties. (2000, c. 952)

§ 4.4. Removal.

The council may remove the manager at any time at the pleasure of the council. The action of the council in suspending or removing the manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council. (2000, c. 952)

Article 5. Administrative Departments.

§ 5.1. Creation of departments.

The council may establish all departments, offices and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth.

Administrative departments shall include but shall not be limited to departments concerned with public safety, finance, public works and planning. (2000, c. 952)

§ 5.2. Direction by manager.

All departments, offices and agencies except as otherwise provided by this charter or by general law shall be under the direction of the town manager and shall be administered by an official appointed by and subject to the direction and supervision of the manager. (2000, c. 952)

Article 6. Financial Procedures.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on the first day of July and end on the last day of June. (2000, c. 952)

§ 6.2. Submission of budget and budget message.

On or before the fifteenth day of April of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. (2000, c. 952)

§ 6.3. Budget message.

The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial

policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable. (2000, c. 952)

§ 6.4. Budget.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall begin with a clear, general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual income and expenditures of the preceding fiscal year. The budget shall indicate in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

2. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

3. Anticipated net income or net loss for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated available funds. (2000, c. 952)

§ 6.5. Capital program.

The manager shall prepare and submit to the council a five-year capital program at least three months prior to the final date for submission of the budget.

The capital program shall include:

1. A clear general summary of its contents;

2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

3. Cost estimates, method of financing and recommended time schedule for each such improvement; and

4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. (2000, c. 952)

§ 6.6. Council action on budget.

The council shall publish in one or more local newspapers the general summary of the budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public; and

2. The time and place, not less than two weeks after such publication, for a public hearing on the budget.

After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to any amount greater than the total of estimated available funds.

The council shall adopt the budget before the first day of the fiscal year for which adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. (2000, c. 952)

§ 6.7. Council action on capital program.

The council shall publish in one or more local newspapers the general summary of the capital program and a notice stating:

1. The times and places where copies of the capital program are available for inspection by the public; and

2. The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

The council by resolution shall adopt the capital program, with or without amendment, after the public hearing and on or before the fifteenth day of April of the current fiscal year. (2000, c. 952)

§ 6.8. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town. (2000, c. 952)

§ 6.9. Amendments after adoption.

If during the fiscal year the manager certifies that there are available for appropriation funds in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated funds to meet such appropriations, the council may by such emergency ordinances authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

If at any time during the fiscal year it appears probable to the manager that the funds available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance or resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another. (2000, c. 952)

§ 6.10. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if five years pass without any disbursement from or encumbrance of the appropriation. (2000, c. 952)

§ 6.11. Temporary loans.

The council may negotiate and secure short term loans for the purpose of paying current expenses or debts of the town. Such loans shall be evidenced by bonds or notes bearing interest, payable in not more than one year from the date of issue. The aggregate of such short term bonds and notes outstanding at any one time shall not exceed an amount equal to fifteen percent of the previous year's revenues. (2000, c. 952)

§ 6.12. Municipal assessment.

The assessment of real and personal property in the town for the purpose of municipal taxation may be set by the town council in such manner as the council may provide in accordance with the Constitution and the general laws of the Commonwealth. (2000, c. 952)

§ 6.13. Assessments of local improvements.

The council may impose special assessments for local improvements and force payment thereof, subject to such limitations prescribed by the laws of the Commonwealth as may be in force at the time of the imposition of such special assessments.

The council may provide that the persons, firms, and corporations against whom the special assessments have been made may pay such assessments in equal installments over a period not exceeding ten years, together with interest on the unpaid balances as allowed by the Constitution and the general laws of the Commonwealth. (2000, c. 952)

Article 7. General Provisions.

§ 7.1. Charter amendment.

Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth. (2000, c. 952)

§ 7.2. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (2000, c. 952)

§ 7.3. Oaths of office and official bonds.

All elected or appointed officers and officials of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the town clerk and the Clerk of the Circuit Court of Franklin County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer or official within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant unless general law otherwise provides, in which event general law shall prevail. (2000, c. 952)

§ 7.4. Books, records, et cetera.

All books, records and documents used by any elected or appointed town officer, official or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this charter, the general laws of the Commonwealth or the Rocky Mount Town Code as responsible for the keeping of such books, records and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, deliver to

the town clerk all such books, records, documents and town property. Any person failing to deliver such books, records, documents and property shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined no less than one hundred dollars and not more than five hundred dollars, or imprisoned not exceeding six months, or both, at the direction of the court or jury before whom the case is tried. (2000, c. 952)

Article 8. Transitional Provisions.

§ 8.1. Ordinances.

All ordinances, resolutions, orders and regulations of the town not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. Ordinances, resolutions, orders and regulations which are in force when this charter becomes effective and which are inconsistent with this charter are repealed. (2000, c. 952)

§ 8.2. Continuity of terms of officers.

The officers of the town who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified. (2000, c. 952)

§ 8.3. Citation of act.

This act may for all purposes be referred to or cited as the charter for the Town of Rocky Mount, Virginia, of the year 2000. (2000, c. 952)

Round Hill, Town of

County of Loudoun

History of incorporation

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

Current charter

Charter, 1938, c. 175.

Amendments to current charter

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

§ 1. The town of Round Hill, in the county of Loudoun, shall continue to be a town corporate, in the name and style of the town of Round Hill, in Virginia, and as such shall have and may exercise all the powers that may be conferred upon or delegated to towns and municipal corporations under the Constitution and the laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein; and in addition to all powers and privileges conferred upon it by this charter, shall have, exercise and enjoy all the rights, immunities, powers and privileges

and be subject to all the duties and obligations now appertaining to and incumbent upon the town as a municipal corporation. Included specifically in § 1 of this charter are the powers set forth in §§ 15.1-792 through 15.1-907, inclusive of Chapter 18 of Title 15.1 of the Code of Virginia, as hereafter amended, which are hereby conferred on and vested in the town of Round Hill. (1938, c. 175; 1974, c. 343)

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

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

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

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

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

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

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

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

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

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

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

(i) To own, operate and maintain water works and to acquire in any lawful manner, in any county of the State or from the United States government such water, lands, property rights and riparian rights as the council of said town may deem necessary for the purpose of providing an adequate water supply to said town and of piping or conducting the same; to lay all necessary mains and service lines within or without the corporate limits of said town; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply, and for protecting the same from pollution and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the water shed tributary to any such water supply, whenever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

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

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

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

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

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

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

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

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

(q) To compel the abatement of nuisances within the town, or upon property owned by the town beyond its limits at the expense of the person, persons, corporations or firms causing the same, or of the owner or occupant of the grounds or premises whereon the same may be, and to collect said expense by suit or motion, or by distress and sale; to require all lands, lots or other premises within the town to be kept clean, sanitary or free from stagnant water, weeds, filth, or unsightly deposits, or

to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent slaughter houses or other noisome or offensive business within the said town, the keeping of hogs, or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment thereon; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise, to regulate the location of stables and the manner in which they shall be constructed or kept; to regulate the location, construction, operation or maintenance of bill boards; to provide how, when and under what conditions awnings may project over the streets and sidewalks from buildings, and the manner in which sidewalks may be used for advertising or display signs or merchandise; to generally define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, or welfare of the inhabitants of the town.

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

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

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

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

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

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

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

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

(z) To make and enforce ordinances appertaining to ardent spirits, provided, however, that no such ordinances shall be in conflict with any of the provisions of the Alcoholic Beverage Control Act or of the general laws of the Commonwealth with respect to alcoholic beverages.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 24. The mayor shall be the chief executive officer of the town and shall preside at all meetings of the council. In the absence of or vacancy in the office of the mayor, a vice-mayor elected by majority vote of the council shall act in his place and stead, but if both the mayor and vice-mayor shall be absent, the council may, by a majority vote, select one of its members to act as mayor pro tem. The mayor shall perform such other duties consistent with his office as may be imposed by the council; he shall

have and exercise all powers and authority conferred by general law on mayors of towns not inconsistent with this charter. He may deputize such policeman and assistant policemen as may be necessary. The mayor or person acting as mayor, shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the State, shall require. Subject to the provisions of §§ 16 and 32 of this charter, in case of any tie vote in the council, the mayor shall cast the deciding vote. (1938, c. 175; 1974, c. 343)

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

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

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

The six councilmen shall be elected at large by the qualified voters of the town and their term of office shall be for four years; subject, however, to provisions for the terms for the years1974 and 1976. An election shall be held on the first Tuesday in May, 1974, to elect three members who shall serve for terms of four years from July 1, 1974, and thereafter until their successors have been elected and qualify; three additional members shall be elected on the first Tuesday of May, 1974, and shall take office on July 1, 1974, and their term of office shall expire on July 1, 1976; these three members whose terms are for two years shall be selected by determining the three members who have received the smallest number of votes during the May,1974 election. Thereafter, elections shall be held on the first Tuesday of May of each even-numbered year to fill the vacancies of the three councilmen whose term of office expires in that year or to fill the vacancy of any member who has resigned or been removed from office during his term. The mayor and councilmen shall take office thereafter on July 1 of the year in which they have been elected. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by vacancy or expiration of the term of office or removal of the members of said body, or any of them. Vacancies in the council shall be filled within sixty days after such vacancy occurs for the unexpired term or until the next election, by majority vote of the remaining members of the council, except where otherwise inconsistent with the provisions of this charter. (1974, c. 343)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rural Retreat, Town of

County of Wythe

History of incorporation

Incorporated by Circuit Court of Wythe County, July 24, 1911; repealed 1954, c. 235.
Charter, 1954, c. 235; repealed 2014, c. 791.

Current charter

Charter, 2014, c. 791.

Chapter 1. Continuation of Town and Boundaries.

§ 1.1. Continuation of Town.

The inhabitants of the territory embraced within the present limits of the Town of Rural Retreat, in Wythe County, Virginia, as hereinafter defined, or as the same may be hereafter altered and established by law, shall constitute and continue body politic and corporate to be known and designated as the Town of Rural Retreat, and as such shall have and may exercise all powers that are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though said powers were specifically enumerated herein, and no enumeration of particular powers herein shall be held to be exclusive. (2014, c. 791)

§ 1.2. Boundaries.

The territory embraced within the present limits of the Town of Rural Retreat is described in metes and bounds in an order of incorporation of the Town entered by the circuit court of Wythe County, Virginia, on the 24th day of July, 1911, and as amended through past or future annexation as approved and recorded by the circuit court of Wythe County, Virginia. (2014, c. 791)

Chapter 2. Powers.

§ 2.1. Powers of the Town.

The Town of Rural Retreat shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including but not limited to those powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, known as the uniform charter powers, as now exist and as hereafter amended. All other powers that are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia are hereby conferred upon the Town of Rural Retreat, Virginia. (2014, c. 791)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification, and terms of office.

A. The government of the Town of Rural Retreat shall be vested in a mayor and a body to be known as the council of the Town of Rural Retreat, which council shall consist of six members, all of whom as well as the mayor shall be residents and qualified voters of the Town.

B. The mayor and council members of the council in office on the effective date of this act shall serve until their successors have been elected or qualified. Municipal elections within the Town of Rural Retreat shall take place on the first Tuesday in May of each even-numbered year. At each such regular municipal election, three council members shall be elected to terms of four years each. The mayor shall be elected for a term of four years. The terms of office for both council members and the mayor so elected shall commence on the first day of July immediately following such election and shall continue until their successors have been elected and qualified.

C. The mayor shall preside over the meetings of the council, shall have the same right to speak therein as other members, and shall vote only in case of a tie but shall have no veto. He shall be recognized as the head of town government for all ceremonial purposes and purposes of military law. At the regularly scheduled meeting of the council held in the month of July following a municipal election, the council shall choose, by a majority vote of all members thereof, one of its members to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of the mayor. In the absence or disability of both the mayor and vice-mayor, the council shall by majority vote of those present choose one of its members to perform the duties of mayor. (2014, c. 791)

§ 3.2. Qualifications of mayor and council members.

Any person qualified to vote in the Town shall be eligible for the office of council member or mayor. (2014, c. 791)

§ 3.3. Powers of the council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia and shall have the power, in its discretion, to appoint a town manager, a town attorney, a town clerk, a treasurer, and a sergeant, who shall have the powers and duties provided in § 15.2-1107 of the Code of Virginia. The persons so appointed shall have such duties and shall serve for such terms and at such compensation as the council may determine. One person may be appointed to more than one office. (2014, c. 791)

§ 3.4. Vacancies.

A vacancy in the office of vice-mayor shall be filled for the unexpired term by a majority vote of the members of the council. Vacancies on the council and in the office of mayor shall be filled for the unexpired term as provided by general law. (2014, c. 791)

Chapter 4. Miscellaneous.

§ 4.1. Eminent domain.

The power of eminent domain as set forth in Title 15.2 and Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 of the Code of Virginia are hereby conferred upon the Town of Rural Retreat, including the power to issue certificates pursuant to Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 of the Code of Virginia. (2014, c. 791)

§ 4.2. Fiscal year.

The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the following year. (2014, c. 791)

§ 4.3. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance and resolution and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one general subject. (2014, c. 791)

§ 4.4. Ordinances to remain in force.
All ordinances in force as of the effective date of this act in the Town of Rural Retreat and not inconsistent with this charter shall be and remain in force until altered, amended, or repealed by the town council. (2014, c. 791)

§ 4.5. Acts in conflict with charter.
All acts or parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter. (2014, c. 791)

Saint Paul, Town of
County of Wise

History of incorporation
Incorporated by Circuit Court of Wise County, April 12, 1911.

Current charter
Charter, 1978, c. 111.

Amendments to current charter
1979, c. 170 (§ 2.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.
The inhabitants of the territory comprised within the present limits of the town of Saint Paul as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the town of Saint Paul, and such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1978, c. 111)

§ 1.2. Boundaries.
The territory embraced within the town of Saint Paul is that territory in the county of Wise and Russell County, Virginia as set forth by Common Law Order under date of April 12, 1911, in the Clerk's Office for the Circuit Court of Wise County, Virginia, and by the Common Law Order under date of December 19, 1972 in the Clerk's Office of the Circuit Court of Russell County, Virginia. (1978, c. 111)

Chapter 2. Powers.

§ 2.1. The town of Saint Paul shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as amended. (1978, c. 111; 1979, c. 170)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office.

A. The town of Saint Paul shall be governed by a town council composed of seven members, all of whom shall be qualified voters of the town.

B. The council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. The council shall be elected in the manner provided by law, as follows: At the regular municipal election to be held on the first Tuesday in May, 1978, six members shall be elected. The three members each of whom has received more votes in such election than either of the other three members shall serve as members of the council for terms of four years each. The remaining three members shall serve for terms of two years each. At the regular municipal election to be held on the first Tuesday in May, 1980, and every two years thereafter, three councilmen shall be elected each for a term of four years beginning on the first day of July next following their election. Each councilman elected as hereinabove provided shall serve for the term stated or until his successor shall have been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

C. At the regular municipal election to be held on the first Tuesday in May of 198, and every two years thereafter, the qualified voters shall elect a mayor to serve for a term of two years or until his successor shall have been elected and qualified. The mayor shall preside at meetings of the council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall have the same powers and duties as other members of council; however, the mayor shall vote only in case of a tie and shall have no veto powers. (1978, c. 111)

§ 3.2. Vacancies.

Vacancies on the council and in the office of Mayor shall be filled for the unexpired term by a majority vote of the remaining members of council. (1978, c. 111)

§ 3.3. Qualification of members.

Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. (1978, c. 111)

§ 3.4. Powers of council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of Virginia and shall have the powers in their discretion to appoint a vice-mayor, town manager, clerk, treasurer, town attorney, and a chief of police, who shall have such duties and shall serve at the pleasure of the Council and at such compensation as the council may determine, consistent with general law. (1978, c. 111)

Chapter 4. Miscellaneous.

§ 4.1. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia as amended are hereby conferred upon the town of Saint Paul. (1978, c. 111)

§ 4.2. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the following year. (1978, c. 111)

§ 4.3. Ordinances continuing.

All ordinances now in force in the town of Saint Paul, not inconsistent with this charter, shall remain in force until altered, amended, or repealed by the council. (1978, c. 111)

§ 4.4. Legislative procedure.

Except in dealing with parliamentary procedure the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1978, c. 111)

§ 4.5. Office of town sergeant not to be created.

In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1978, c. 111)

Salem, City of

History of incorporation

Incorporated as a town by a 1924 Act of Assembly.
Granted a charter as a City of the Second Class by order of the Circuit Court 1967.
Town charter, 1924, c. 288; repealed 1968, c. 150.

Current charter

Charter, 1968, c. 150.

Amendments to current charter

1971, c. 208 (§ 11.2)
1973, c. 141 (§§ 3.1, 4.1, 4.4, 4.5, 4.6)
1974, c. 144 (§ 2.7 [added])

1975, c. 144 (§§ 5.1, 6.8, 10.1 through 10.8 [repealed])
1980, c. 391 (§§ 2.6, 8.1, 11.2)
1984, c. 112 (§ 4.5)
1985, c. 23 (§ 8.3)
1987, c. 18 (§ 1.2)
1991, c. 14 (§ 1.2)
1993, c. 357 (§§ 2.6, 5.2)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the city of Salem, in Roanoke County, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the city of Salem, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which the city may alter, renew or amend at its pleasure. (1968, c. 150)

§ 1.2. Boundaries.

The boundaries of the city of Salem shall be as set out in § 3, Chapter 288, of the Virginia Acts of Assembly of 1924, and as added to in the following Annexation Order of the Circuit Court of Roanoke County;

(1) G. W. Akers, et al. v. Town of Salem, et al., entered November 13, 1952, recorded in Common Law Order Book 20, at page 294, in the office of the Clerk of the Circuit Court of Roanoke County.

(2) Town of Salem v. County of Roanoke, entered October 31, 1959, recorded in Common Law Order Book 22, at page 48, in the office of the Clerk of the Circuit Court of Roanoke County.

(3) Town of Salem v. County of Roanoke et al., entered August 17, 1966, in Common Law Order Book 24, at page 159, in the office of the Clerk of the Circuit Court of Roanoke County.

(4) James K. Washenberger, et al. v. City of Salem, et al., entered December 20, 1983, in Common Law Order Book 37, at page 1348, in the office of the Clerk of the Circuit Court of Roanoke County.

(5) Voluntary Settlement Agreement of Roanoke County and the City of Salem entered December 18, 1987, in Chancery Order Book 112, at page 360, in the office of the Clerk of the Circuit Court of Roanoke County. (1968, c. 150; 1987, c. 18; 1991, c. 14)

Chapter 2. Powers Generally.

§ 2.1. General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers

pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the said Constitution and laws, and which in the opinion of the city council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive, but shall be held to be in addition to this general grant of powers. (1968, c. 150)

§ 2.2. Adoption of certain provisions of Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-915 of Chapter 18 of Title 15.1 of the Code of Virginia, as in force January 1, 1968, and any act amendatory thereof or supplementary thereto, are hereby conferred on and vested in the city of Salem. (1968, c. 150)

§ 2.3. Contractual relationships.

The city may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, with neighboring political subdivisions, with authorities, including regional authorities, and with private agencies on such terms and for such periods as the city council may determine to be in the public interest in order to promote the education, health, safety, and general welfare of its residents. Such contracts may include, but shall not be limited to, schools, libraries, sewage collection and disposal, water supply, police and fire protection, mass or rapid transit, parks, playgrounds and open spaces. (1968, c. 150)

§ 2.4. Eminent domain.

The powers of eminent domain set forth in Title 15.1 Title 25, Chapter 1.1and Title 33, Chapter 1, of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the city of Salem.

(a) In any case in which a petition for condemnation is filed by or on behalf of the city, a true copy of a resolution or ordinance duly adopted by the city council declaring the necessity for any taking or damaging of any property, within or without the city, for the public purposes of the city, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the city. The city may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33-70.3 to 33-70.11, inclusive, Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the city council, signed by the mayor and countersigned by the city treasurer. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the city; provided, that the provisions of § 33-70.1, Code of Virginia, as amended, shall not be used for the acquisition of lands,

easements or related interests in property located outside of the city, except for the acquisition of said interests necessary for streets, water, sewer or utility pipes or lines or related facilities.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the city, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund or any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the city or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the city. (1968, c. 150)

§ 2.5. Acquisition and disposal of property for certain purposes.

The city is authorized to acquire, in any lawful manner, for the purpose of encouraging commerce, manufacture, education and the building of homes, lands within and without the city, not exceeding at any one time 1,000 acres in the aggregate, and from time to time, to sell, dispose of, lease or donate the same or any part thereof for commercial, industrial, educational or residential uses and purposes, including any land now owned by the city. The city may also donate any land now or hereafter owned by the city for hospital purposes. (1968, c. 150)

§ 2.6. Property assessments.

(a) The city council may provide for the annual assessment and reassessment of real estate for taxation. The city manager shall appoint an assessor of real estate to assess all real estate within the city for taxation. The city manager shall prescribe the duties and terms of his office, may remove him for cause, shall fix his compensation, which shall be payable out of the treasury of the city, and may provide for such technical and clerical assistance as may be necessary or advisable and for the payment of any other expenses that may be properly incident to the function of his office.

(b) All real estate shall be assessed at its fair market value and the taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

(c) The assessor shall prepare the land books and extend the taxes thereon and perform all the duties required by law to be performed in respect to real estate assessments. The clerk of the circuit court shall furnish to the assessor the list of real estate transfers within the city.

(d) Notwithstanding the provisions of § 58.1-3370 of the Code of Virginia, the Circuit Court of Salem, or the judge thereof in vacation, shall appoint for the city a board of equalization of real estate assessments, to be composed of five members, who shall be freeholders of the city, and who shall be selected by the court or judge from the citizens of the city to serve staggered terms. Members shall be appointed for terms of three years with no more than two terms expiring in any one year. Initial terms

may be for less than three years. All terms shall run from December 1 in the year of appointment until November 30 in the year of expiration, the terms of the members first appointed shall begin on the day of appointment. Members shall hold over until a successor is appointed and qualifies. Such court or judge thereof in vacation may reappoint any member upon the expiration of his term and shall fill any vacancy upon the board for the unexpired term. The members of the board shall receive per diem compensation for the time actually engaged in the duties of the board, to be fixed by the city council, and paid out of the treasury of the city; provided, the city council may limit the per diem compensation to such number of days as in its opinion is sufficient for the completion of the work of the board. Such board of equalization shall have and may exercise the power to revise, correct and amend any assessment of real estate made by the assessor in the calendar year in which they serve and to that end shall have all the powers conferred upon boards of equalization by Chapter 32 of Title 58.1 of the Code of Virginia, and any acts amendatory thereof and supplemental thereto. Notwithstanding such chapter, however, the board of equalization may adopt any regulations providing for the oral presentation, without formal petitions or other pleading or requests for review, and looking to the further facilitation and simplification of proceedings before the board.

(e) The city of Salem and any person aggrieved by any correction or assessment made by the assessor or the board of equalization may apply for relief in the manner provided by §§ 58.1-3382, 58.1-3982 and 58.1-3984 of the Code of Virginia and any acts amendatory thereof and supplemental thereto.

(f) This section shall not apply to any real estate assessable under law by the State Corporation Commission.

(g) All provisions of law relating to the assessment of real estate in cities not in conflict with the provisions of this section shall apply to the assessment made pursuant thereto. (1968, c. 150; 1980, c. 391; 1993, c. 357)

§ 2.7. Differences in rate of taxation--taxing districts pursuant to Article X, Section 1 of the Constitution of Virginia.

The city council may, from time to time, provide for differences in the rate of taxation to be imposed upon real estate by the city within all or parts of areas added to its territorial limits. Such differences in the rate of taxation shall bear a reasonable relationship to differences between nonrevenue producing governmental services giving land urban character which are furnished in one or several areas in contrast to the services furnished in other areas of the city. In so doing the city council may, from time to time, establish such taxing districts as may be necessary to reasonably differentiate between those areas added to the territorial limits of the city receiving contrasting services as hereinabove provided, and having once established such taxing districts, the city council may, from time to time thereafter, alter, amend or abolish the same as the character or extent of such services are changed. (1974, c. 144)

Chapter 3. Elections.

§ 3.1. Election of councilmen.

On the first Tuesday in May 1974, and on the first Tuesday in May every two years thereafter, there shall be held a general municipal election, at which the members of the city council shall be elected. All other municipal elections that may be held shall be known as special municipal elections. (1968, c. 150; 1973, c. 141)

§ 3.2. General law to control registration, nominations and elections.

Unless otherwise provided in this charter, registration, nominations and elections held under this charter shall be in accordance with the general laws of the Commonwealth. (1968, c. 150)

§ 3.3. How regular municipal election for election of councilmen conducted.

The candidates in any regular municipal election for the election of councilmen, equal in number to the places to be filled, who shall receive the highest number of votes at such election, shall be declared elected.

In any such election, each elector shall be entitled to a vote for as many persons as there are vacancies to be filled, and no more. No elector shall in such election cast more than one vote for the same person.

In counting the vote, any ballot found to contain a greater number of names for the office of councilmen than the number of vacancies in the council to be filled shall be void, but no ballot shall be void for containing a less number of names than is permitted hereby. (1968, c. 150)

§ 3.4. Election of other city officers; filling of vacancies.

All other city officers required by the Constitution and general laws of the Commonwealth to be elected by the qualified voters of the city shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1968, c. 150)

§ 3.5. Advisory referendum.

The city council, by majority vote of the entire council, may submit to the qualified voters of the city for advisory purposes, any question or group of questions relating to the affairs of the city. Any such advisory referendum shall be conducted in the manner provided for bond elections, but the results thereof shall not be binding upon the city council. There shall be no right of appeal from or recount of the results of an advisory referendum. (1968, c. 150)

Chapter 4. City Council.

§ 4.1. Composition of council; staggered terms and term of office of councilmen.

The city council shall consist of five members. At the general municipal election held in May 1974, and every four years thereafter, two members shall be elected for terms of four years. At the general municipal election held in May 1976, and every four years thereafter, three members of council shall be elected for terms of four years. All members of the city council shall serve until their successors have been elected and have qualified. (1968, c. 150; 1973, c. 141)

§ 4.2. Eligibility for office of councilman.

Any person qualified to vote in the city shall be eligible to the office of councilman. (1968, c. 150)

§ 4.3. Filling of vacancies on council.

Vacancies in the city council shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining members. Should, however, the remaining members cast a tie vote, or otherwise be unable to agree, the clerk of council shall, after the expiration of thirty days, certify this fact to the Circuit Court of Salem, and the court, or the judge thereof, shall proceed to enter an order appointing a qualified person or persons to fill such vacancy or vacancies. (1968, c. 150)

§ 4.4. Election, term of office and duties of mayor.

At the first meeting of the city council in July of each even-numbered year, the city council shall elect from its members a mayor, who shall serve for a term of two years. The mayor shall preside at meetings of the city council and perform such other duties consistent with his office as may be imposed by the city council. He shall have a vote and voice in the proceedings of the city council, but shall have no power of veto. He shall be the official head of the city and he shall be clothed with all the powers and authority in civil and criminal matters as may be prescribed by the laws of the Commonwealth. In times of public danger or emergency, he, or during his absence or disability, the city manager, may take command of the police and maintain order and enforce the laws, and for this purpose, may deputize such assistant policemen as may be necessary. During his absence or disability, except as above provided, his duties shall be performed by another member appointed by the city council. He shall authenticate by his signature such instruments as the city council, this charter or the laws of the Commonwealth shall require. (1968, c. 150; 1973, c. 141)

§ 4.5. Salaries of mayor and council.

The city council shall fix the salaries of the councilmen and the mayor. Salaries of councilmen and mayor shall be determined in the manner and within the amounts provided for in § 14.1-47.2 of the Code of Virginia. The salaries of the mayor and councilmen shall not be decreased during the term for which they were elected. (1968, c. 150; 1973, c. 141; 1984, c. 112)

§ 4.6. Meetings; quorum.

(a) On the first day of July following a regular municipal election, or if such day is a Sunday, then on the day following, the city council shall meet at nine o'clock a.m. at the usual place for holding the meetings of the city council, at which time the newly elected councilmen, after first having taken the oaths prescribed by law, shall assume the duties of their office. Thereafter, the city council shall meet at such times as may be prescribed by ordinance or resolution; except, that they shall regularly meet not less than once each month.

(b) The mayor, any member of the city council or the city manager may call special meetings of the city council at any time upon giving at least twelve hours written notice thereof, with the purpose of such meeting stated therein, to each member served personally or left at his usual place of business or residence, or such meeting may be held at any time without notice, provided all members of the city council attend. No business other than that mentioned in the call shall be considered at such meeting, unless all members of the city council are present and first give their unanimous consent to the consideration of such business.

(c) All meetings of the city council shall be public, and any citizen may have access to the minutes and records thereof at all reasonable times.

(d) A majority of all members of the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and compel the attendance of absentees. (1968, c. 150; 1973, c. 141)

§ 4.7. Votes to be recorded.

All votes and elections by the city council shall be viva voce and the vote shall be recorded in the journal of the council. (1968, c. 150)

§ 4.8. Rules of procedure; journal of proceedings.

The city council may determine its own rules of procedure and may punish its own members for misconduct. It shall keep a journal of its proceedings. (1968, c. 150)

§ 4.9. Council members to deal with administrative service through city manager.

Except for the purpose of inquiry, the city council and its members shall deal with the administrative service solely through the city manager, and neither the city council nor any member thereof, shall give orders to any of the subordinates of the city manager, either publicly or privately. Any such orders or other interference on the part of the city council or any of its members with subordinates or appointees of the city manager, instead of dealing or communicating direct with the city manager, is prohibited. (1968, c. 150)

§ 4.10. Interest of councilmen in contracts, sales, etc.

No member of the city council or other officer shall be interested, directly or indirectly, in the profits of any contract or work, or to be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services (other than official services). Any member of the city council or

any other officer of the city offending against the provisions of this section shall upon conviction thereof, be fined not more than $500 or be imprisoned not more than ninety days, or both, in the discretion of the court, and shall forfeit his office. (1968, c. 150)

§ 4.11. Effect of conviction of councilman of felony.

Any member of the city council who shall be convicted of a felony while in office shall thereby forfeit his office. (1968, c. 150)

§ 4.12. Council a continuing body.

The city council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1968, c. 150)

Chapter 5. City Manager.

§ 5.1. Administrative and executive head of government; appointment; term of office; absence or disability.

The city manager shall be the administrative and executive head of the city government. He shall be appointed by the city council solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or Commonwealth. He shall be appointed for an indefinite period and shall serve at the will of the city council. An assistant city manager may also be appointed by the city council for an indefinite period, who shall likewise serve at the will of the city council. He shall be responsible to the city manager for the administration of all city affairs placed in his charge by the city manager or under this charter. During the absence or disability of the city manager and the assistant city manager, the city council shall designate some properly qualified person to perform the duties of the office. (1968, c. 150; 1975, c. 144)

§ 5.2. Powers and duties generally.

The city manager shall be responsible to the city council for the proper administration of all affairs of the city coming within his jurisdiction under this charter, the general law or the ordinances or resolutions of the city council. He shall have power and it shall be his duty:

(a) To see that all laws and ordinances are enforced.

(b) To appoint and remove such city officers and employees as the city council shall determine are necessary for the proper administration of the city, except those in the legal and judicial departments, and the clerical and other attendants of the city council. The city manager shall report each appointment and removal to the city council at the next meeting thereof following any such appointment or removal.

(c) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise or any contract are faithfully kept and performed, and upon knowledge of any

violation thereof, to call the attention of the same to the city council, whose duty it shall be forthwith to direct such steps as are necessary to protect and enforce the same.

(d) To exercise supervision and control over all city departments and divisions created herein, or that may be created by the city council, and have general supervision over all public improvements, works and undertakings, except as otherwise provided in this charter.

(e) To attend all meetings of the city council, with the right to take part in the discussion, but having no vote.

(f) To recommend to the city council for adoption such measures as he may deem necessary or expedient.

(g) To prepare the annual budget and keep the city council fully advised as to financial conditions and needs of the city.

(h) To make all such contracts in behalf of the city as may be authorized by this charter, or in accordance with the provisions of the appropriation made by the city council or under continuing contracts or loans authorized under the provisions of this charter, or pursuant to resolution or ordinance of the city council.

(i) Unless and until otherwise provided by the city council, to act as city purchasing agent.

(j) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the city council. (1968, c. 150; 1993, c. 357)

§ 5.3. Temporary transfer of employees to other departments, etc.

The city manager may whenever the interests of the city require, irrespective of any other provisions of this charter, assign employees of any department, bureau, office or agency to the temporary performance of duties in another department, bureau, office or agency. (1968, c. 150)

§ 5.4. Council not to interfere in appointments or removals.

Neither the city council nor any of its members shall direct or request the appointment of any person to or his removal from any office or employment by the city manager or by any of his subordinates or in any way take part in the appointment of or removal of officers and employees of the city, except as specifically provided in this charter. (1968, c. 150)

§ 5.5. Relations with boards, commissions and agencies.

The city manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commission or agencies created by this charter or by ordinance and any other board or commission the city council may designate. (1968, c. 150)

Chapter 6. City Officers and Employees Generally.

§ 6.1. Appointment and term of office of appointive officers.

The city council may appoint a city clerk, a city attorney and such other officers for the city as they may deem necessary. Unless otherwise provided by this charter or by ordinance, such officers shall serve at the pleasure of the city council. (1968, c. 150)

§ 6.2. Deputies and assistants.

Unless otherwise provided by this charter or by general law, the city council may appoint such deputies and assistants to city officers as they may deem necessary. (1968, c. 150)

§ 6.3. Appointment of one person to more than one office.

The city council may appoint the same person to more than one appointive office, at the discretion of the city council. (1968, c. 150)

§ 6.4. Appointment of members of boards and commissions.

The city council shall appoint the members of such boards and commissions as are provided for in this charter, unless otherwise provided. The city council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. (1968, c. 150)

§ 6.5. Filling of vacancies in offices.

Unless otherwise provided herein, vacancies in any offices provided for in this charter shall be filled by the authority and in the manner provided herein for the original appointment or election of such officers. (1968, c. 150)

§ 6.6. Compensation.

Unless otherwise provided by law, the city council shall fix the compensation of all city officers and employees. (1968, c. 150)

§ 6.7. Oaths of office and official bonds.

Except as otherwise provided by general law or by this charter, all elected or appointed officers of the city shall take the oath of office and execute such bond as may be required by general law, by this charter, or by ordinance or resolution of the city council and file the same with the city clerk before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. (1968, c. 150)

§ 6.8. Residence of city officers and officials.

Every officer appointed by the city council, except the city manager or assistant city manager, and every appointed member of any board or commission shall, at the time of his appointment, be a qualified voter in the city. If any officer or appointee moves from the city, his office shall thereupon be deemed vacant. (1968, c. 150; 1975, c. 144)

§ 6.9. Failure of officers to perform duties.

If any officer of the city, whether elected by vote of the people or appointed by the city council or the city manager, shall fail or refuse to perform any of the duties required of him by this charter or by

ordinance or resolutions of the city council, he shall be fined not less than five dollars nor more than $100 for each offense, and he and his sureties on his official bond shall be liable for all damages which may accrue to the city or any other person by reason of such failure or refusal. (1968, c. 150)

§ 6.10. Officers to hold over until their successors are appointed and qualified.

Whenever, except as otherwise provided in this charter, any officer of the city, judge or member of any board or commission is elected or appointed for a fixed term, such officer, judge or member shall continue to hold office until his successor is appointed and qualified. (1968, c. 150)

§ 6.11. City clerk.

(a) The city clerk shall be the clerk of the city council, shall attend all meetings thereof and shall keep a permanent record of its proceedings. He shall keep all papers, documents and records pertaining to the city of Salem, Virginia, the custody of which is not otherwise provided for.

(b) He shall be custodian of the city seal, shall affix it to all documents and instruments requiring the seal and shall attest the same. He shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contract or agreement.

(c) He shall, upon final passage, transmit to the proper departments or officials copies of all ordinances or resolutions of the city council relating in any way to such departments or to the duties of such officials.

(d) He shall perform such other duties as are required by this charter or by the city council by ordinance or resolution. (1968, c. 150)

§ 6.12. City attorney.

(a) The city attorney shall have the management, charge and entire control of all the legal affairs of the city and shall be the legal advisor of, and the attorney and counsel for, the city and all its officers in matters relating to their official duty. He shall give written opinions to any officer or department or official board or commission of the city, when requested to do so, and shall file a copy of the same with the city clerk.

(b) He shall conduct for the city all cases in court whenever the city is a party thereto, and upon request of the mayor or city manager, he shall appear before the municipal court to represent the city for violations of city ordinances.

(c) He shall prepare or officially pass upon all contracts, bonds and instruments in writing in which the city is concerned, and shall certify before execution as to the legality and correctness thereof.

(d) He shall perform such other duties as may be prescribed by this charter or by the city council. (1968, c. 150)

Chapter 7. Ordinances and Resolutions.

§ 7.1. Council to act only by ordinance or resolution; confinement to one subject.

Except in dealing with parliamentary procedure, the city council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, authorizing the contracting of indebtedness or codifying ordinances, shall be confined to one general subject. (1968, c. 150)

§ 7.2. Introduction; enacting clause of ordinances.

Each proposed ordinance or resolution shall be introduced in a written or printed form. The enacting clause of all ordinances passed by the city council shall substantially be: "Be it ordained by the council of the city of Salem, Virginia." (1968, c. 150)

§ 7.3. Procedure for adoption.

No ordinance, or resolution having the effect of an ordinance, or resolution suspending an ordinance, unless it is an emergency measure, shall be passed until it has been read at two meetings not less than five days apart; provided, that the requirement of a second reading, by the affirmative vote of three members of the city council, may be confined to the reading of the title only. Any ordinance or resolution read at one such meeting may be amended and passed as amended at the next such meeting, provided the amendment does not materially change the purpose and character of the proposed ordinance. The ayes and noes shall be taken and recorded upon the final passage of all ordinances or resolutions and entered upon the journal of the proceedings of the city council. Except as otherwise provided in this charter, an affirmative vote of a majority of the members elected to the city council shall be necessary to pass any ordinance or resolution. (1968, c. 150)

§ 7.4. When ordinances to take effect; emergency measures.

(a) No ordinance passed by the city council shall take effect until at least ten days from the date of its passage; except, that the city council may, by the affirmative vote of three of its members, pass emergency measures to take effect at the time indicated therein.

(b) An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety, or providing for the immediate and necessary daily operation of a city department. The fact that an emergency exists shall be stated in every such measure. Ordinances appropriating money may be passed as emergency measures, but no measure selling or conveying any real estate or making a grant, renewal, extension of a franchise or other special privilege or regulating the rate to be charged for its service by any public utility, shall be so passed. (1968, c. 150)

§ 7.5. Recordation and authentication.

Every ordinance or resolution having the effect of an ordinance, when passed, shall be recorded by the city clerk in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the city clerk. (1968, c. 150)

§ 7.6. Evidence of passage; use as evidence in courts.

A record or entry made by the city clerk, or a copy of such record or entry duly certified by him, shall be prima facie evidence of the passage of any ordinance or resolution, its due publication and the terms thereof.

All ordinances and resolutions of the city council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified by the city clerk, or from any volume of ordinances printed by authority of the city council. (1968, c. 150)

Chapter 8. Financial Provisions.

§ 8.1. Public works or improvements; contracts for more than $5,000.

Any public work or improvement costing more than $5,000 shall be executed by contract, except where a specific work of improvement is authorized by the city council and directed to be done by force account. Such work shall be based on detailed estimates submitted by the department authorized to execute such work or improvement, and approved by the city manager. All contracts for more than $5,000 shall be awarded to the lowest responsible bidder in such manner and under such bond as may be prescribed by ordinance and after the city manager shall have made due advertisement for such time as the city council may prescribe, by newspapers or posted notices. But the city manager shall have the power to reject any or all of the bids and advertise again, and all advertisements shall contain a reservation of this right.

In an emergency requiring immediate action, the city manager may proceed to do the work by procuring the required labor and materials without the necessity of advertising. (1968, c. 150; 1980, c. 391)

§ 8.2. Bond issues generally.

(a) The city council may, in the name of and for the use of the city, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the city or solely upon the credit of specific property owned by the city or solely upon the credit or income derived from property used in connection with any public utility owned and operated by the city. But except as provided in subsection (b) of this section, no debt shall hereafter be contracted for a longer period than that of the probable life of the work or object for which the debt is to be contracted, to be determined by the director of public works and certified by him to the city council. No public improvement shall be considered to have a probable life of more than thirty years; except, that the probable life of public buildings other than schools may be forty years, concrete bridges forty years and parks and other real estate fifty years.

(b) Bonds issued for the refunding of previous issues shall in no case be for a greater period of time than thirty years.

(c) The city may issue bonds, hereafter called "serial bonds," payable in annual installments, the first of which shall be payable at any time the city council may prescribe in the ordinance authorizing the issue of such bonds, and the last of which shall be payable within the period of the probable life of the work or object for which the debt evidenced by such bonds was created, ascertained and certified as hereinabove provided.

(d) Pending the issuance and sale of any bonds, notes or other obligations authorized by this section, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the city to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans, or to use current funds to be ultimately repaid from the proceeds of such bonds, notes or other obligations, or from the city taxes and revenues, as the case may be; provided, that the proceeds of sale of bonds shall not be used, except for the purposes set out in this subsection, or for permanent improvements and utilities or refunding matured issues, unless approved by vote of the people.

(e) The credit of the city shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, association or corporation. The city council shall not issue any bonds, notes or other obligations of the city, or increase the indebtedness thereof, to an amount greater than eighteen percent of the assessed valuation of the real estate in the city subject to taxation; provided, that in determining the limitation of the power of the city to incur indebtedness, there shall not be included the classes of indebtedness mentioned in subsections (a) and (b) of Section 127 of the Constitution of Virginia.

(f) Bonds based solely upon the credit of specific property owned by the city or solely upon the credit of income derived from property used in connection with any public utility owned or operated by the city shall be issued subject to this charter and any law applicable thereto. Any specific undertaking from which the city may derive revenue may be combined with any other undertaking from which the city may derive revenue for the purpose of financing any of such undertakings and said combined undertaking shall be a specific undertaking from which the city may derive revenue.

(g) Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold. All other matters relating to such bonds may be determined by resolution within the limitations prescribed by such ordinances or by this charter.

(h) However, if there shall be omitted from this charter any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of the city, the provisions of the general law with reference to similar bonds shall supply such omission.

(i) Any bonds issued by the city under this charter shall be signed by the mayor and attested by the clerk under the seal of the city, and shall be made payable at the office of the city treasurer or such other place, in or out of the Commonwealth, as the city council may provide. Such bonds shall be advertised by the city manager and sold by the city treasurer, under supervision of the mayor, city manager and city clerk, and the sale reported to and approved by the city council, and the proceeds from such sale shall be paid to the city treasurer. (1968, c. 150)

§ 8.3. Submission of budget; annual tax levy and appropriation ordinance.

The city manager shall, not less than thirty days before the last regular meeting of the city council in the month of May of each year, submit to the city council for its information, a budget for the ensuing fiscal year, and before the end of each fiscal year, the city council shall lay its levy for the ensuing fiscal year, on all property, real and personal, subject to taxation for city purposes. The city council shall, not later than July 1 following of each year, adopt its annual budget and pass its annual appropriation ordinance. (1968, c. 150; 1985, c. 23)

§ 8.4. Preparation of budgets.

It shall be the duty of the head of each department, each board of commission and each other office or agency supported in whole or in part by the city, including the commissioner of revenue and the city sergeant, to file with the city manager, at such time as the city manager may prescribe, estimates of revenue and expenditure for that department, board, commission, office or agency for the ensuing fiscal year. (1968, c. 150)

§ 8.5. School budget.

It shall be the duty of the school board to file its budget estimates with the city manager. The action of the city council on the school budget shall relate to its total only, and the school board shall have authority to expend in its discretion the sum appropriated for its use; provided, that if it receives an appropriation greater or less than its original request, it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The school board shall have power to order, during the course of the fiscal year, transfers from one item of appropriation to another; provided, that nothing in this section shall be construed to be in conflict with the provisions of the general law of the Commonwealth. (1968, c. 150)

§ 8.6. Disposition of unencumbered balance of appropriation; obligations to be in accordance with appropriation, etc.

At the close of each fiscal year, or upon the completion or abandonment at any time within the year of any work, improvement or other object for which a specific appropriation has been made, the unencumbered balance of such appropriation shall revert to the respective fund from which it was appropriated, and shall be subject to further appropriation; provided, that this does not prohibit the city council from giving the city manager permission to authorize such transfer within a department as may be necessary to meet unexpected obligations. No obligations shall be incurred by an officer or

employee of the city, except in accordance with the provisions of the appropriation made by the city council or under continuing contracts and loans authorized under the provisions of this charter. (1968, c. 150)

§ 8.7. Certification of availability of funds as prerequisite to expenditure of money.

No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city council or be authorized by an officer of the city unless the city treasurer shall first certify to the city council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury or safely assured to be forthcoming and available in time to comply with or meet such contract, agreement, obligation or expenditure. No contract, agreement or other obligation involving the expenditure of money payable from the proceeds of bonds of the city shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of this charter in reference to city bonds. (1968, c. 150)

§ 8.8. Contingent fund.

Provision shall be made in the annual budget and annual appropriation ordinance for a reasonable contingent fund for use in any of the affairs of the city. Such contingent fund shall be under the joint control of the city manager and the city council. (1968, c. 150)

§ 8.9. Audit of accounts upon death, etc., of officer; annual audit.

Upon the death, resignation, removal or expiration of the term of any officer of the city, the city manager shall order an audit and investigation to be made of the accounts of such officer and report to the city council.

As soon as practicable after the close of each fiscal year, an annual audit shall be made of all accounts of all city officers. Such audit shall be made by qualified public accountants, selected by the city council, who have no personal interest, direct or indirect, in the financial affairs of the city or any of its officers or employees. The city council may at any time provide for an examination or audit of the accounts of any officer or department of the city government. (1968, c. 150)

Chapter 9. Public Property and Franchises.

§ 9.1. Transfer of franchises.

No public utility franchise granted by the city shall be transferable except with the approval of the city council expressed by ordinance. Copies of all authorized transfers and mortgages or other documents affecting the title or use of any such public utility shall be filed with the city clerk within ten days after the execution and delivery thereof. (1968, c. 150)

§ 9.2. Rights reserved to city in grant of franchises.

All grants, renewals, extensions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the city:

(a) To repeal the same by ordinance at any time for misuse or nonuse or for failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.

(b) To require proper and adequate extensions of plant and services and the maintenance of the plant and fixtures at the highest practical standard of efficiency.

(c) To establish reasonable rates and standards of service and quality of products and prevent unjust discrimination in service or rates.

(d) To prescribe the form of accounts and at any time to examine and audit the accounts and other records of such utility, and to require annual and other reports by such public utility; provided, that if forms of account shall have been prescribed by the State Corporation Commission for public utilities throughout the Commonwealth, the forms so prescribed shall be controlling so far as they go, but the city council may prescribe more detailed forms for the utilities within its jurisdiction.

(e) To impose such other regulations as may be conducive to the safety, welfare and convenience of the public. (1968, c. 150)

§ 9.3. Extensions of public utilities.

All extensions of public utilities within the city shall become a part of the aggregate property of such public utility, shall be operated as such and shall be subjected to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain such extension shall terminate with the original grant. (1968, c. 150)

§ 9.4. Applicability of state law; conflicts with jurisdiction of State Corporation Commission.

If there shall be omitted from this charter any provision essential to the valid sale or granting, renewing, extending or amending of any franchise, privilege, lease or right of any kind to use any public property in the city, the provisions of the general law with reference to this subject shall supply such omissions; provided, that nothing contained in this charter shall affect any franchise heretofore granted or any contract heretofore made with a public utility corporation, nor shall anything contained in this charter be construed to conflict with the jurisdiction of the State Corporation Commission. (1968, c. 150)

Chapter 10. Courts and Administration of Justice. (Repealed)

§§ 10.1 through 10.8. (1968, c. 150; Repealed, 1975, c. 144)

Chapter 11. Public Education.

§ 11.1. School district.

The city of Salem shall constitute a separate school district. (1968, c. 150)

§ 11.2. School board; appointment and term of office of members.

The school board of the city shall consist of five members, who shall be appointed by the city council to serve staggered terms. Of the three members first appointed, one shall serve a term expiring at midnight, December 31, 1968, one shall serve a term expiring at midnight, December 31, 1969, and one shall serve a term expiring at midnight, December 31, 1970. Additional appointees may be initially appointed to less than three-year terms, as council may determine. Upon the expiration of each term of office, their successors shall be appointed for a term of three years.

Provided, however, that if the city becomes a part of a school division composed of the city and one or more other cities or counties, the city council shall appoint the number of members of the division school board at the time and for such terms as may be prescribed by the general laws of the Commonwealth. (1968, c. 150; 1971, c. 208; 1980, c. 391)

§ 11.3. Same; powers.

Except as otherwise provided in this charter, the school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of the Commonwealth, including the right of eminent domain within and without the city. None of the provisions of this charter shall be interpreted to refer to or include the school board unless the intention to do so is expressly stated or is clearly apparent from the context. (1968, c. 150)

§ 11.4. Same; contracts with other school boards.

The school board, by and with the consent of the city council, shall have the right to contract with the school boards of other political subdivisions of the Commonwealth to provide for the education of city children upon such terms and conditions as the respective school boards may agree, provided the same do not conflict with the Constitution of Virginia. (1968, c. 150)

§ 11.5. Same; control and title to property.

All recreation facilities and grounds located on property owned by the school board shall be under the exclusive control and supervision of the school board. The title to property and buildings devoted to public school purposes shall be in the school board. (1968, c. 150)

§ 11.6. Same; borrowing.

The school board may borrow, subject to the approval of the city council, from the Literary Fund of Virginia or from such other sources as may be available to it by general law. (1968, c. 150)

§ 11.7. Definitions.

The terms "member of the school board" and "school board" shall have the same meaning as "school trustee" and "school trustees" as used in the Code of Virginia. The term "board" or "boards" as used in this charter, shall not include the school board unless the school board is specifically named. (1968, c. 150)

Chapter 12. Miscellaneous Provisions.

§ 12.1. Investigations as to city affairs.

The city council, the city manager and any officer, board or commission authorized by them or either of them, shall have power to make investigation as to city affairs, and for that purpose to subpoena witnesses, administer oaths, and compel the production of books and papers.

Any person refusing or failing to attend, testify or produce such books and papers may, by summons issued by such board or officer, be summoned before the municipal court by the board or official making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be fined by the municipal court not exceeding $100 or imprisoned not exceeding thirty days, and such person shall have the right to appeal to the Circuit Court of Salem. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1968, c. 150)

§ 12.2. Who may administer oaths, etc.

The commissioner of the revenue, city clerk, city treasurer and city manager shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties. (1968, c. 150)

§ 12.3. Certain permits from council or manager involving variations from ordinances to be revocable.

Every permit given or authorized by the city council or city manager to vary from the ordinances of the city establishing fire limits and providing for the character of materials which may be used in the construction of buildings within such fire limits, and every permit authorizing a variance from the ordinances of the city relating to obstruction in, over and under, or encroachments on the streets, alleys, parks and other public grounds and property of the city and every permit authorizing a variance from any other ordinance of the city, shall be deemed to be a license and not a franchise or grant, and shall be revocable at the will of the city council. (1968, c. 150)

§ 12.4. Actions against city for damages, etc.

(a) No action shall be maintained against the city for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the city, or any officer, agent or employee thereof, unless a written statement, verified by oath of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the city, its officers, agents, or employees of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the city council for this purpose, and the city is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may

be filed within 120 days. No officers, agents or employees of the city shall have authority to waive such conditions precedent or any of them.

(b) In any action against the city to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the city for such negligence, every such person or corporation shall be joined as defendant with the city in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the city, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it is ascertained by the judgment of the court that some person or corporation other than the city is primarily liable, there shall be a stay of execution against the city until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the city when not primarily liable, shall pay such judgment, in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the city assign the judgment to the city, without recourse on the plaintiff, and the city shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce such judgment, or an action at law, or scire facias to revive such judgment.

(e) No order shall be entered or made, and no injunction shall be awarded by any court or judge to stay proceedings of the city in the prosecution of their works, unless it is manifest that they, their officers, agents or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(f) The city council is authorized and empowered to compromise any claim for damages or any suit or action brought against the city. (1968, c. 150)

§ 12.5. Delivery of property, books, etc., to successor in office or city clerk.

Any person holding a city office and vacating the same on account of removal or otherwise shall deliver over to his successor in office, or to the city clerk, all property and books and papers belonging to the city or appertaining to such office which may be in his possession or under his control, and in case of his failure to do so within ten days after he shall have vacated the office, or within such time thereafter as the city council shall elect, and upon due notification or request of the city clerk, he shall forfeit and pay to the city a sum not in excess of $500, to be sued for and recovered with costs, and all books, records and documents used in such office by virtue of any provisions of this act or of any ordinance or resolution of the city council, or by order of any superior officer of the city, shall be deemed the

property of the city as appertaining to such office, and the incumbent of such office and his sureties on his bond shall be responsible therefor. (1968, c. 150)

§ 12.6. Settlement of controversies among city officers.

In the event the city manager or other officer elected by the city council, in the administration of their respective duties, shall disagree or have any controversy with any of the officers of the city elected by the voters, such matter in dispute or controversy shall be referred to the city council for review and decision. (1968, c. 150)

§ 12.7. Code references.

All references in this charter to the Code of Virginia are to the Code of Virginia of 1950, as amended. (1968, c. 150)

§ 12.8. Continuation of officers and boards.

The present members of the city council and all other city officials and board and commission members shall continue to hold office until their successors shall have been elected or appointed and shall have qualified as provided by this charter. Any member of the city council shall be eligible for reelection. (1968, c. 150)

§ 12.9. Ordinances, resolutions, rules and regulations continued in effect.

All ordinances and resolutions of the city and the former town of Salem and all rules, regulations and orders legally made by any department, board, commission or officer of the city or of the former town of Salem, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1968, c. 150)

§ 12.10. Variation and ratification of bonds, taxes and contracts.

All bonds issued and sold, all contracts, agreements and obligations made at any time prior to the enactment of this charter or any amendment thereto by the council and government of the city and the former town of Salem, not inconsistent with the Constitution of Virginia and general law, all taxes assessed and levied when the city was a town, and when the city was in transition from the status of a town to that of a city of the second class to the effective date of this charter and its amendments, are hereby validated, ratified and confirmed; and all proceedings authorizing the issuance of bonds, notes or other obligations of the city of Salem heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this charter, and such bonds, notes or other obligations may be authorized, sold or issued in accordance with the provisions of law in force prior to the effective date of this charter as amended, or in accordance with the provisions of this charter. (1968, c. 150)

§ 12.11. Original appointment of certain officers.

Upon this charter becoming effective, the judge of the 20th Judicial Circuit shall pass an order entered in term time or vacation, appointing a circuit court clerk, a city sergeant, a Commonwealth's attorney, a commissioner of the revenue and a city treasurer for the city, whose terms of office shall extend until the next regular general election for such officers, for respective offices of circuit court clerk, city sergeant, Commonwealth's attorney, commissioner of the revenue or city treasurer, as the case may be. The clerk of the circuit court, city sergeant, Commonwealth's attorney, commissioner of the revenue and city treasurer shall assume their respective duties and take the oath of office prior to the first day of the next succeeding term of court. (1968, c. 150)

§ 12.12. Severance clause.

If any clause, sentence, paragraph or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which such judgment, order or decree shall have been rendered. (1968, c. 150)

Saltville, Town of

Counties of Smyth and Washington

History of incorporation

Incorporated by an 1894 Act of Assembly.
Charter, 1893-94, c. 792; repealed 1895-96, c. 254.
Charter, 1895-96, c. 254; repealed 1968, c. 374.
Charter, 1968, c. 374; repealed 1986, c. 224.

Current charter

Charter, 1986, c. 224.

§ 1. Incorporation.

The inhabitants of the territory comprised within the limits of the Town of Saltville, in the Counties of Smyth and Washington, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the Town of Saltville, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew and amend at its pleasure. (1986, c. 224)

§ 2. Boundaries.

The boundaries of the Town of Saltville shall be and remain as now established, unless hereafter changed as provided by law, and shall remain as set out in paragraph 1 of Chapter 254 of the Acts of Assembly of 1895-96, approved February 7, 1896. (1986, c. 224)

§ 3. Powers of town generally.

The Town of Saltville shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though all such powers were specifically enumerated herein. In addition, the powers set forth in §§ 15.1-838 through 15.1-907, inclusive, of the Code of Virginia are hereby expressly conferred on and vested in the Town of Saltville. (1986, c. 224)

§ 4. Mayor.

The mayor shall be elected for a term of two years on the first Tuesday in May, 1984, and every two years thereafter. His term of office shall begin on the first day of July, succeeding his election. His compensation shall be fixed by the council.

(a) The mayor shall be the presiding officer of the council but shall not vote therein except in the case of a tie.

(b) The mayor shall be the chief ceremonial officer of the town.

(c) The mayor shall see that all ordinances and resolutions of the council are faithfully performed and executed.

(d) If any vacancy occurs in the office of mayor by reason of death, resignation or otherwise, the same shall be filled by the council for the unexpired portion of the term.

(e) The council may designate one of its members as president pro tempore to act as mayor upon the mayor's absence or disability to act, and he shall, during such absence or disability of the mayor to act, perform all the duties and exercise all the powers and authority of the mayor. (1986, c. 224)

§ 5. Town council.

The town council shall consist of six resident qualified voters of the Town of Saltville. Every two years beginning on the first Tuesday in May, 1984, one-half of the council shall be elected, each elected member holding office for four years. Councilmen's terms of office shall begin on the first day of July following their election. Nothing herein shall affect the terms of current members of town council.

(a) If any vacancy occurs on the council by reason of death, resignation or otherwise, the same shall be filled by the council for the unexpired portion of the term.

(b) The administration and the government of the town shall be vested in the council which, except in dealing with questions of parliamentary procedure, shall act only by ordinance or resolution. All ordinances, unless making appropriations or authorizing the contracting of indebtedness or issuance of bond or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title.

(c) Each councilman may receive a salary for his services as such, the amount thereof to be fixed by the council, provided that no act to increase the salary of the councilmen shall become effective during the incumbent council members' term in office.

(d) The council shall by ordinance fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon written request by the mayor or any three councilmen. At least twelve hours' written notice shall be given to the other members of the council of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof in writing either prior or subsequent to the meeting.

(e) The council shall appoint a clerk, a treasurer, and chief of police and may appoint a town attorney and town manager and such other officers and create such boards and departments as it deems necessary and proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more such offices, in the discretion of and with the unanimous approval of the council. (1986, c. 224)

§ 6. Retention of officers and employees.

All town officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation of law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law. (1986, c. 224)

§ 7. Continuation of ordinances and resolutions.

All ordinances and resolutions heretofore made and adopted by the town, not in conflict with this charter, shall be in and remain in full force and effect until altered, amended or repealed by the council of the town. (1986, c. 224)

Saxis, Town of

County of Accomack

History of incorporation

Incorporation and charter, 1896, c. 441; repealed 1912, c. 208.
Incorporated by order of the Circuit Court of Accomack County, March 18, 1959 (Book 1958-62, p. 68).

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

Virginia:- In the Clerk's Office of the Circuit Court for the County of Accomack, in the vacation of the said Court, on the 18th day of March, A.D., 1959.
The following order under the hand of the Honorable Jeff F. Walter, Judge of the 31st Judicial Circuit, was this day received in said Clerk's Office, and pursuant to the order of the said Judge and the statute in such cases made and provided, entered as a vacation order, as follows, to-wit:

"IN THE CIRCUIT COURT OF ACCOMACK COUNTY, VIRGINIA.
In the Matter of the Incorporation of the
Town of Saxis, Accomack County, Virginia

This day came the petitioners, Mary C. Miles and others, by R. Norman Mason and J. Brooks Mapp, their Attorneys, to be heard upon the petition and Exhibit A filed therewith, said petition and Exhibit having been heretofore filed in the papers in this cause; upon the order filed herein on January 9, 1959; upon two petitions filed in the Clerk's Office of the Circuit Court for the County of Accomack, on February 4, 1959, the one being signed by thirty, and the other by forty-five persons, who were qualified to vote at the November, 1958, regular election all of whom reside within the limits of the proposed town of Saxis, both of said petitions asking and petitioning that the petitions filed herein by Mary C. Miles and others be granted, and for the incorporation of the proposed town of Saxis; upon the two affidavits of Annabelle Miles, Joan White and Vernon Drewer, Jr., attached to said petitions, and likewise filed in said Clerk's Office on February 4, 1959, said affidavits stating that only One Hundred and Forty-one (141) residents within the limits of the proposed town of Saxis were qualified to vote at the November, 1958, regular election; upon the letter of February 5, 1959, from V. A. Chandler, Treasurer of Accomack County, certifying that Donald Foster and Moody K. Miles, Jr. were qualified to vote at the November, 1958, regular election, said letter having been filed in said Clerk's Office on February 7, 1959; and upon the petition of Basil C. Lewis filed in said Clerk's Office on February 9, 1959, said petition certifying that said Lewis was qualified to vote at the November, 1958, regular election, and resides within the proposed town of Saxis.
In consideration whereof, the Court having considered the petition for incorporation heretofore filed herein by Mary C. Miles and others, said petition being in the following words and figures, to-wit:
To the Honorable Jeff F. Walter, Judge of the Circuit Court for the County of Accomack, Virginia:
Your undersigned Petitioners respectfully show unto the Court as follows:

(1) That Saxis is an unincorporated Town, or thickly settled community situated in Accomack County, Virginia.

(2) That more than twenty of the undersigned Petitioners are duly qualified voters of and reside within the unincorporated Town or thickly settled community, known as Saxis, Accomack County, Virginia, as shown by the metes and bounds thereof hereinafter set forth.

(3) That the said unincorporated Town of Saxis, as hereinafter set forth by metes and bounds and prayed to be incorporated as a Town, lies in and is wholly situated within the County of Accomack, in the State of Virginia.

(4) That it will be to the best interest of the inhabitants of the said unincorporated Town, a thickly settled community, known as Saxis, as hereinafter set forth by metes and bounds, that the said Town or thickly settled community, be incorporated; that the prayer of your Petitioners in their petition is reasonable; that the general good of the community affected will be promoted by

incorporation; that the number of inhabitants of the said unincorporated Town of Saxis within the area prayed to be incorporated exceeds Three Hundred and does not exceed Five Thousand and that the area of land designated to be embraced within the limits of the said Town is not excessive.

(5) That the area included within the limits of the said Town of Saxis prayed to be incorporated is 192.5 Acres and that the metes and bounds of the said Town of Saxis prayed to be incorporated are as follows:

Beginning at a point designated on said plat as Point A, which said point is at approximate mean low water mark at the mouth of Ewell's Gut and from thence running along the Pocomoke Sound designated by a line on said plat, as mean low water mark proposed corporate limits to the mouth of Starling Creek and from thence following the said mean low water mark along the approximate Northeast side of Starling Creek to a point which is 55 feet, plus minus from mean low water mark to point number 10, as shown on said plat and from said point on low water mark continuing South 32 degrees 08 minutes 00 seconds W. 55 feet plus minus as aforesaid to point Number 10 as shown on said plat and from thence continuing South 32 degrees 08 minutes 00 seconds West a distance of 156.8 feet to point Number 9 as shown on said plat and from thence following a line designated on the plat as, edge of high land and marsh proposed corporate limits to a point marked D and from this point continuing South 24 degrees 53 minutes West a distance of 208.8 feet to a point marked C and from thence continuing South 30 degrees 46 minutes East a distance of 1262.5 feet to a point marked B in the center of a ditch designated as Ewell's ditch or gut and from thence continuing along the center of said ditch or gut South 69 degrees 22 minutes East for a distance of 375 feet plus minus to the point of beginning.

The metes and bounds hereinabove set out are fully delineated on a plat marked Exhibit A, to be filed with the Court upon presentation of this petition.

Wherefore your petitioners pray that the said unincorporated Town or thickly settled community encompassed within the metes and bounds above set forth not specified, shall be incorporated as the Town of Saxis, under and by virtue of the law of Virginia for such cases made and provided and that all such things may be ordered and done that may be required or necessary for the accomplishment thereof. And your petitioners will ever pray, etc."

The Court having likewise heard and considered the evidence offered in open Court in behalf of the petitioners, and the evidence offered in opposition to the granting of the petition for incorporation, and the three petitions above referred to of Seventy-six (76) persons residing within the limits of the proposed town of Saxis, who were qualified to vote at the November 1958 regular election, and the aforesaid affidavits that only One Hundred and Forty-one (141) persons residing within the limits of the proposed town of Saxis, were qualified to vote at said 1958 regular election; and it appearing to the Court from the papers heretofore filed herein, and from the aforesaid evidence offered in behalf of the petitioners, and in opposition to the granting of said petition, that said petition, with notice attached of

the time and place that same would be presented, was published in full in the Peninsula Enterprise, which is a newspaper published in Accomack County, Virginia, once a week for four successive weeks and posted at the front door of the Court House of the Circuit Court of Accomack County, Virginia, for four weeks, same having been published in said Peninsula Enterprise for four successive weeks from and after the 11th day of September, 1958, and having been posted at the front door of the Court House aforesaid for four successive weeks, beginning with September 10, 1958, which copy of said petition posted at the Court House door was offered at the hearing of the petition for incorporation with the evidence of Wescott B. Northam, said copy being ordered filed in the papers in this cause; and it further appearing to the Court that more than twenty of the signers of said petition are duly qualified voters of the unincorporated town of Saxis, Accomack County, Virginia, within the State of Virginia, within the limits thereof designated in the said petition; and it further appearing to the Court that the said unincorporated town of Saxis as set forth in the metes and bounds thereof in said petition, lies wholly within Accomack County, Virginia; and the Court being satisfied that it will be to the best interest of the inhabitants of said town of Saxis; that the prayer of the petition is reasonable; that the general good of the community will be promoted; that the number of inhabitants of said town exceeds Three Hundred (300), and does not exceed Five Thousand (5,000) within the metes and bounds thereof as hereinafter set out; that the area of the land designated to be embraced within the town is not excessive, the Court doth order and decree that the unincorporated town of Saxis be, and the same hereby is, incorporated as a town by the name and style of the town of "Saxis," with the metes and bounds as follows:

> Beginning at a point designated on said plat as point A, which said point is at approximate mean low water mark at the mouth of Ewell's Gut and from thence running along the Pocomoke Sound designated by a line on said plat, as "mean low water mark proposed corporate limit" to the mouth of Starling Creek and from thence following the said mean low water mark along the approximate Northeast side of Starling Creek to a point which is 55 feet, plus minus from mean low water mark to point number 10, as shown on said plat and from said point on low water mark continuing South 32 degrees 08 minutes 00 seconds W. 55 feet plus minus as aforesaid to point Number 10 as shown on said plat and from thence continuing south 32 degrees 08 minutes 00 seconds West a distance of 156.8 feet to point Number 9 as shown on said plat and from thence following a line designated on the plat as "edge of high land and marsh proposed corporate limit" to a point marked D and from this point continuing South 24 degrees 53 minutes West a distance of 208.8 feet to a point marked C and from thence continuing South 30 degrees 46 minutes East a distance of 1262.5 feet to a point marked B in the center of a ditch designated as Ewell's ditch or gut and from thence continuing along the center of said ditch or gut South 69 degrees 22 minutes East for a distance of 375 feet plus minus to the point of beginning.

The area contained within the above boundaries is One Hundred Ninety-two and Five Tenths Acres (192.5 A), and said area and the metes and bounds hereinabove set out are full delineated on a plat

made by J. B. Gibb, C. L. S., dated September 2, 1958, with a legend on said plat of "Map of proposed corporate limits for the town of Saxis, Accomack County, Virginia," which plat was offered in evidence with the evidence of J. B. Gibb, upon the hearing of the aforesaid petition, it being further ordered and decreed that said plat be filed with this decree as a part thereof, and the Clerk record same in the Plat Book in the Clerk's Office of Accomack County.

The Court doth further order and decree that hereafter the inhabitants within the bounds hereinabove set forth shall be a body politic and corporate, with the powers, privileges and duties conferred upon and appertaining to towns under the general law.

It is further ordered and decreed that an election be held on Tuesday, the 9th day of June, 1959 at Lilliston Linton's Store, in the town of Saxis, for the election of a Mayor and six Councilmen for said town, and it is likewise ordered and decreed that said Mayor and six Councilmen, when so elected, shall constitute the Mayor and Councilmen of said town to serve such town for a term of two years beginning on September 1, 1959.

3/18/59

To Robt. M. Oldham, Clerk:

Enter this vacation order.

Jeff F. Walter, Judge of the 31st Judicial Circuit.

PLAT OF TOWN OF SAXIS RECORDED
IN PLAT BOOK NO. 10, PAGE 27.

Scottsburg, Town of

County of Halifax

History of incorporation

Incorporated by order of Circuit Court of Halifax County, March 22, 1926.

Circuit Court Order, March 22, 1926; repealed 1975, c. 351.

Current charter

Charter, 1975, c. 351.

Article I. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory embraced within the present limits of the town of Scottsburg, in the county of Halifax, Virginia, as the same now, or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the town of Scottsburg; and as such, and by that name, shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure. (1975, c. 351)

§ 1.02. Boundaries.

The boundaries of the town of Scottsburg shall be as set forth in the metes and bounds description as set forth on the map of said town dated January, 1926, made by S. H. Farmer, SHC, as filed in the Clerk's Office of the Circuit Court of Halifax County, Virginia, in Farmer's File 34, #827, and are incorporated herein by reference. (1975, c. 351)

Article II. Powers.

§ 2.01. General grant of powers.

The powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on July 1, 1974, and subsequent amendments thereto, and all other powers which are now or may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a town government are hereby specifically conferred upon and vested in the town of Scottsburg, and no enumeration of the particular powers in this charter shall be held to be exclusive but shall be in addition to the general grant of powers. (1975, c. 351)

§ 2.02. Additional powers.

In addition to the powers granted by other sections of this charter, the town shall have the power to raise annually by taxes and assessments, as permitted by general law, in the town such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the town, in such manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general grant of power, the town shall have power to levy and collect ad valorem taxes on real estate, tangible personal property and machinery and tools; to levy and collect taxes for admission to or charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes; to levy and collect taxes from purchasers of any public utility service used within the town, which taxes may be added to and collected with bills rendered purchasers of such service; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation, or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of any kinds for the privilege of using the streets and other public places in the town, require taxes to be paid on such licenses, and prohibit the use of streets, alleys and other public places in the town without such license. (1975, c. 351)

§ 2.03. Grants and gifts.

The town shall have the power to receive and accept from any federal or State agency grants of any kind and to do all things and to make any covenants or agreements which may be necessary or

required in order to obtain and use such federal or State grants. The town may receive and accept aid, contribution or gifts from any source of money, property, labor or other things of value. (1975, c. 351)

§ 2.04. Contractual relationship.

In the public interest the town may enter into contractual relationships with the federal government or any agency or department thereof; the Commonwealth, its departments, bureaus, boards and agencies; other political subdivisions; and special authorities, whether regional or not, on such terms and for such periods as the council may determine. (1975, c. 351)

§ 2.05. Eminent domain, generally.

(a) The powers of eminent domain set forth in Title 15.1, Chapter 1.1 of Title 25 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town of Scottsburg.

(b) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of the ordinance or resolution duly adopted by the council, declaring the necessity for any taking or damaging of any property within or without the town, for the purpose of the town, shall be filed with the petition. (1975, c. 351)

Article III. Mayor and Council.

§ 3.01. Election, qualification and term of office of councilmen and mayor.

(a) The town of Scottsburg shall be governed by a town council composed of five councilmen and a mayor, all of whom shall be qualified voters of the town. The terms of the councilmen and mayor shall be four years.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. An election for mayor and councilmen to fill the vacancies caused by the expiration of the terms of the mayor and councilmen shall be held on the day specified by general law for the holding of municipal elections in every even-numbered year. The mayor and councilmen elected under this act shall enter upon the duties of their office on the first day of July next succeeding his or their election. (1975, c. 351)

§ 3.02. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1975, c. 351)

§ 3.03. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1975, c. 351)

§ 3.04. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (1975, c. 351)

§ 3.05. General grant of power to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1975, c. 351)

§ 3.06. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council, but shall not vote, except in the case of tie. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various officers are faithfully performed. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose, may deputize such assistant policemen as may be necessary. He, or the person acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1975, c. 351)

§ 3.07. Vice-mayor.

The town council shall elect from its members by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council. (1975, c. 351)

§ 3.08. Meetings of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. The council shall keep a journal of its official proceedings and its meetings shall be open to the public. Three members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by three members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (1975, c. 351)

§ 3.09. Rules of order and procedure.

The town council shall establish its own rules of order and procedure, and may take appropriate action against its own members and other persons for violations thereof. (1975, c. 351)

§ 3.10. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. (1975, c. 351)

Article IV. Town Manager.

§ 4.01. Appointment.

The town council may appoint a chief administrative officer of the town who shall be called the town manager, fix his salary and delegate to him such administrative duties, powers and responsibilities as it believes to be in the best interest of the town. During his tenure of office the town manager shall reside within the town. The town manager shall serve at and during the pleasure of the town council. (1975, c. 351)

§ 4.02. Duties.

It shall be the duty of the town manager to (a) attend all meetings of the town council with the responsibility to counsel and advise but with no voting rights; (b) keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration and make such recommendations as he deems desirable; (c) prepare and submit the annual budget to the town council and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit to the town council at a regular meeting in September of each year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year; (e) present adequate financial and activity reports as required by the town council; (f) arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council; and (g) perform such other duties as may be prescribed by this charter or required in accordance therewith by the mayor or the town council or which may be required of the chief administrative officer of a town by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter. (1975, c. 351)

§ 4.03. Temporary transfer of personnel between departments and removal of personnel.

The town manager shall have the power, whenever the interests of the town require, to assign employees of any department, bureau, office, or agency under his supervision to the temporary performance of duties in another department, bureau, office or agency. The town manager shall not have the right or power to appoint, transfer, or remove the town clerk, town sergeant, chief of police, town attorney,

town treasurer, but the town council may delegate to the town manager the authority to appoint and remove other personnel. (1975, c. 351)

§ 4.04. Relations with boards, commissions and agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions, or agencies created by this charter or by ordinance and any other board or commission the town council may designate. (1975, c. 351)

§ 4.05. Acting town manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. (1975, c. 351)

Article V. Appointive Officers.

§ 5.01. Appointments.

The town council shall appoint a town clerk, a chief of police, a town attorney and a town treasurer and may appoint such other officers of the town as they deem necessary. Each and every officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law as well as such additional duties not inconsistent with general law as this charter or the council may prescribe. (1975, c. 351)

§ 5.02. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as they deem necessary. (1975, c. 351)

§ 5.03. Term of office.

Officers and deputy and assistant officers appointed by the town council shall serve at and during the pleasure of the town council. (1975, c. 351)

§ 5.04. Bonds.

Officers and deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1975, c. 351)

§ 5.05. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1975, c. 351)

§ 5.06. Appointment of One Person to More than One Office.

The town council may appoint the same person to more than one appointive office. (1975, c. 351)

§ 5.07. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the

custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspections business hours. (1975, c. 351)

§ 5.08. Town treasurer.

The town treasurer shall have the custody of all the funds and securities of the town, and shall receive and discharge all of its moneys and funds in accordance with the instructions of the town council. The treasurer shall enter or cause to be entered regularly, in the books of the town to be kept for that purpose, full and accurate accounts of all moneys received and disbursed by him on account of the town, and of all business transactions of the town involving the receipts or disbursement of moneys by him, and shall exhibit his books and accounts to the council and mayor whenever called upon to do so. (1975, c. 351)

Article VI. Miscellaneous.

§ 6.01. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1975, c. 351)

§ 6.02. Fiscal year.

The fiscal year of the town shall begin on July one of the year and end on June thirtieth of the year following. (1975, c. 351)

§ 6.03. Present officials to continue.

The present elected officials of the town shall be and remain in office until the expiration of their several terms, and until successors have been duly elected and qualified. (1975, c. 351)

§ 6.04. United States government employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission. (1975, c. 351)

§ 6.05. Ordinances in force.

All ordinances now in force in the town of Scottsburg, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1975, c. 351)

§ 6.06. Severability.

If any provision of this charter or the applicability thereof to any person or circumstances is held invalid, the remainder of this charter and the applicability thereof and of such provision thereof and of such provision to other persons or circumstances shall not be affected thereby. (1975, c. 351)

County of Albemarle

History of incorporation
Established, 1818, c. 111; repealed 1932, c. 344.
Incorporation and charter, 1833, c. 193; repealed 1932, c. 344.
Charter, 1932, c. 344; repealed 1998, c. 243.

Current charter
Charter, 1998, c. 243.

Amendments to current charter
2010, c. 571 (§§ 1.2, 4.1)
2020, cc. 125, 1252 (§§ 3.1, 3.4, 3.5, 3.9, 5.1, 5.4, 5.6, 5.8, 5.9, 5.10, 5.11, 5.12 [added], 5.13 [added])

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Scottsville, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Scottsville, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1998, c. 243)

§ 1.2. Boundaries.

The boundaries of the town lying within the County of Albemarle, Virginia, shall be established by the annexation order of the Circuit Court of Albemarle County, Virginia, entered in deed book 1347, page 257, on September 27, 1993, and in deed book 3803, page 75, on September 30, 2009. That portion of the town lying within the boundaries of the County of Fluvanna, Virginia, shall be as previously established by law and as heretofore laid off into lots, streets, and alleys, as shown on the plat of said town. (1998, c. 243; 2010, c. 571)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Scottsville shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1998, c. 243)

Chapter 3. Mayor and Council.

§ 3.1. Governing body.

There shall be a mayor who shall be an elector of said town, and who, together with the six members of the council, shall constitute the governing body of the town. He or she shall be elected by the qualified electors of said town at the general election to be held on the first Tuesday in May 1998, and every four years thereafter, and shall enter upon the duties of his or her office on the first day of July next succeeding his or her election, and shall continue in office until his or her successor is elected and qualified.

There shall be six members of the council, all of whom shall be electors of said town, who, together with the mayor, shall constitute the governing body of said town, and they shall be elected to serve staggered four-year terms by the qualified electors of said town at the general election to be held on the first Tuesday in May 1998, and every two years thereafter. All members of the council shall enter upon the duties of that office on the first day of July next succeeding their election, and shall continue in office until their successors are elected and qualified.

However, in 2020, the mayor and the three town council candidates receiving the greatest number of votes shall be elected for terms of four years, and the three town council candidates receiving the next greatest number of votes shall be elected for terms of two years. Beginning in 2022 and every four years thereafter, three council members shall be elected at the time of the May general election, with terms to commence on July 1 following the election. Beginning in 2024 and every four years thereafter, the mayor and three council members shall be elected at the time of the May election, with terms to commence on July 1 following the election. (1998, c. 243; 2020, cc. 125, 1252)

§ 3.2. Swearing in of officers.

The mayor and members of council, and other municipal officers of said town, before entering upon the duties of their respective offices, shall be sworn in according to the laws of the Commonwealth by anyone authorized to administer oaths. (1998, c. 243)

§ 3.3. Continuation of officers.

The mayor and members of council in office in said town at the time of the passage of this act shall be continued in office until the expiration of the terms for which they were elected, and until their successors are duly elected and qualified according to law. (1998, c. 243)

§ 3.4. Mayor chief executive.

The mayor shall be the chief executive officer of the town, and may receive a salary to be fixed by the council. He or she shall see that the ordinances and bylaws of the town are fully executed and enforced. (1998, c. 243; 2020, cc. 125, 1252)

§ 3.5. Powers of mayor.

The mayor shall preside over the deliberations of the council, but shall have no vote except in case of a tie. The mayor shall have the power to appoint and swear in special policemen for any occasion when in his or her judgment it is expedient for the peace and good government of the territory under the criminal jurisdiction of said town, and at such compensation as may be fixed by the council. In case of a vacancy in the office of town sergeant, the mayor shall have power and authority to fill same by temporary appointment until the council shall meet and appoint a town sergeant, such temporary appointment by the mayor to be at such compensation as may be fixed by the council. (1998, c. 243; 2020, cc. 125, 1252)

§ 3.6. Mayor's state of the town statement.

It shall be the duty of the mayor to communicate to the council as often as he shall deem it expedient, or be required to do so by the council, a general statement of the situation and conditions of the town in relation to its government, finances, and improvements, with such recommendations as he shall deem proper. (1998, c. 243)

§ 3.7. Filling of vacancy in office of mayor.

In case a vacancy shall occur in the office of mayor the council shall appoint one of their number to fill such vacancy for the unexpired term. (1998, c. 243)

§ 3.8. Filling of vacancy on council.

In case of a vacancy happening in the council by death, resignation, removal, or otherwise, the council shall appoint a qualified person to fill the vacancy for the unexpired term. (1998, c. 243)

§ 3.9. Appointment of vice-mayor.

The council shall appoint one of its members vice-mayor who shall, in the absence or inability of the mayor, preside over the meetings of the council. In the absence or the inability of the mayor, the vice-mayor shall have the powers of, and perform the duties of the mayor. (1998, c. 243; 2020, cc. 125, 1252)

§ 3.10. Council meetings.

The council shall meet in regular session once in each month at a date fixed by ordinance, or resolution. A majority of the members elected to the council shall constitute a quorum. (1998, c. 243)

§ 3.11. Power of mayor, council members to call special meetings.

The mayor shall have power to call a special meeting of the council whenever he deems it necessary, stating the purpose for which the meeting is called, and in case of absence, inability, or refusal of the mayor to call a special meeting, the council may be convened by the order of any two members thereof. (1998, c. 243)

Chapter 4. Courts.

§ 4.1. Jurisdiction of courts within the town.

The Albemarle County General District Court, the Albemarle County Juvenile and Domestic Relations Court, and the Circuit Court of Albemarle County, or the Fluvanna County General District Court, the Fluvanna County Juvenile and Domestic Relations Court, and the Circuit Court of Fluvanna County, as applicable, or their successors, shall have the same jurisdiction both criminal and civil within the town as provided by law. (1998, c. 243; 2010, c. 571)

Chapter 5. Appointive Officers.

§ 5.1. Town sergeant; police officers.

The council shall appoint a town sergeant who shall be the chief police officer of the town, and who shall hold office at the pleasure of the council with such salary as shall be fixed by the council. The town sergeant may at any time be removed from office by a majority of votes of the council.

The town sergeant shall perform such other duties as the council may direct. He or she shall be vested with all the powers that the general laws of the Commonwealth confer upon constables and police officers.

The council may require the town sergeant to execute before the mayor bond, with surety to be approved by him or her in the amount to be approved by the council, conditioned for the faithful performance of the duties of town sergeant. (1998, c. 243; 2020, cc. 125, 1252)

§ 5.2. Town treasurer.

The council shall appoint a town treasurer who shall hold office at the pleasure of the council, and who shall receive such compensation as may be fixed by the council and may hold other appointive office or not. (1998, c. 243)

§ 5.3. Qualifying, bond of treasurer.

The treasurer shall qualify and give bond before the council with surety approved by it in a penalty to be approved by the council. (1998, c. 243)

§ 5.4. Duties of treasurer.

The treasurer shall receive all money belonging to the town, and shall perform such other duties as are, or may be, prescribed by the council. He or she shall keep his or her books and accounts in such manner as the council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and council. (1998, c. 243; 2020, cc. 125, 1252)

§ 5.5. Collection of taxes, licenses, assessments.

The treasurer, or by order of the council of the town, the town sergeant, or any other person appointed by the council, shall collect all taxes, licenses, and assessments which may be levied by the council, and for this purpose the said treasurer, or other person appointed by the council as aforesaid, shall be vested with power and be subject to the liabilities and penalties now prescribed by law in regard to the county treasurer of the Commonwealth of Virginia in the levying and collecting of taxes, and said

treasurer, or person appointed as aforesaid to collect said taxes, shall have full power to levy on property and sell the same for the payment of such taxes as the said county treasurers of the Commonwealth of Virginia are now empowered by law to do, and such sales shall be made upon the notice, and in such manner as now prescribed by law in sales of personal property for state taxes. (1998, c. 243)

§ 5.6. Deposit of town moneys.

The treasurer shall be required to keep all moneys in his or her hands belonging to the town in such place, or places, of deposit as the town council by ordinance may provide or direct. (1998, c. 243; 2020, cc. 125, 1252)

§ 5.7. Manner of payment of town money.

No money shall be paid out by the town treasurer except by order of the council and upon a warrant, or check, of the clerk of the council signed by the mayor, or in such other manner as may be prescribed by the council. (1998, c. 243)

§ 5.8. Report of treasurer.

The treasurer shall report to the town council, or a committee thereof, as often as required a full and detailed account of all receipts and expenditures during the month, and the state of the treasury. He or she shall also keep a record of all warrants, or orders, their dates, amount, number and the person to whom paid, specifying also the time of payment; and such warrants, or orders, shall be examined at the time of making such report to the council by the auditing committee thereof who shall examine and compare the same with the books of the treasurer and report discrepancies, if any, to the council. (1998, c. 243; 2020, cc. 125, 1252)

§ 5.9. Town clerk.

The council shall appoint a town clerk, who shall hold office at the pleasure of the council, and who shall receive such compensation as may be fixed by the council and may hold other appointive office or not.

The town clerk shall have the custody of the corporate seal, and he or she shall keep all the papers that by the provisions, or the direction of the council, are required to be filed with, or kept by him or her; and he or she shall perform such other acts and duties as the council may require. He or she shall receive such compensation as may be allowed by the council. (1998, c. 243; 2020, cc. 125, 1252)

§ 5.10. Appointment; duties of clerk of the council.

The council shall appoint a clerk, to be known as the clerk of the council, who may either be a member of the council or hold other appointive office or not.

The clerk of the council shall attend the meetings of the council and keep the record of its proceedings and he or she shall perform such other acts and duties as the council may require. He or she shall receive such compensation as may be allowed by the council. (1998, c. 243; 2020, cc. 125, 1252)

§ 5.11. Appointment of town attorney.

The council shall designate from time to time or annually in its discretion, a discreet and competent attorney at law, licensed to practice his or her profession in all the courts of the Commonwealth, and shall fix his or her compensation.

The town attorney shall advise the mayor and council and the town officers on any official matter presented to him or her, and shall prosecute the violation of all town ordinances, upon authorization from the council. (1998, c. 243; 2020, cc. 125, 1252)

§ 5.12. Town administrator.

The council shall appoint a town administrator, who shall be the executive officer of the town and shall be responsible to the town council and mayor for the proper administration of the town government. It shall be the duties of the town administrator to:

(a) Attend all meetings of the town council, with the right to speak when recognized but not to vote;

(b) Keep the mayor and town council advised of the financial condition, with advice from the town treasurer, and the future needs of the town and all matters pertaining to its proper administration, and make such recommendations as may seem desirable with the assistance of other Charter officers to the mayor and town council;

(c) With the mayor, prepare and submit, with the assistance of the town treasurer and other town officers, the annual budget of the town and be responsible for its administration after its adoption;

(d) Submit adequate reports as required by the town council and mayor; and

(e) Perform such other duties as may be prescribed by this Charter, or required in accordance therewith by the mayor and town council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the town, except those appointed by the town council pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town administrator, who shall report each appointment or removal to the mayor and town council immediately. The town council shall designate a person to act as town administrator in case of the absence, incapacity, death, or resignation of the town administrator, until his or her return to duty or appointment of a successor. Until such time as the town council appoints any such town administrator, the duties and powers outlined herein shall be given to the mayor or such other person as may be designated by the town council. The removal of such town administrator shall be by majority vote of the town council. (2020, cc. 125, 1252)

§ 5.13. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, at the discretion of the town council, subject to limitations set forth in the Constitution of Virginia and Title 15.2 (§ 15.2-100 et seq.) of the Code of Virginia, as amended from time to time. (2020, cc. 125, 1252)

Chapter 6. Miscellaneous.

§ 6.1. Posting of ordinances containing penalty.
Every ordinance of the council, imposing a penalty for its violation, shall, upon its passage, be conspicuously posted in said town. (1998, c. 243)

§ 6.2. Continuation of current ordinances.
All ordinances now in effect, not in conflict with the provisions of this act, shall continue in force until altered, amended, or repealed by the council. (1998, c. 243)

§ 6.3. Severability.
If any section, or provision, of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said act. (1998, c. 243)

Shenandoah, Town of

County of Page

History of incorporation
Originally the Town of Milnes.
Incorporation and charter, Milnes, 1884, c. 108; repealed 1926, c. 163.
Name changed, 1890, c. 181; repealed 1926, c. 163.
Charter, Shenandoah, 1908, c. 181; repealed 1926, c. 163.

Current charter
Charter, 1926, c. 163.

Amendments to current charter
1928, c. 301, c. 347 (§§ 5-a [added], 6, 7, 21)
1932, c. 318 (§§ 5-a, 6, 26-a [added])
1938, c. 11 (§ 26)
1952, c. 473 (§§ 7, 19, 20, 21)
1962, c. 124 (§§ 4, 4.1 [added])
1972, c. 108 (§§ 4, 4.2 [added])
1999, cc. 132, 165 (§ 5)

§ 1. Be it enacted by the general assembly of Virginia, That the Town of Shenandoah, in the County of Page, shall continue to be a town corporate, in the name and style of the Town of Shenandoah and as such shall have and exercise all the powers conferred upon towns of less than five thousand

inhabitants by the general laws of this State concerning towns now in force or that hereafter may be enacted for the government of towns so far as the same are not inconsistent with this act. (1926, c. 163)

§ 2. The boundaries of said town shall be as follows:

Beginning on the east side of the Shenandoah river, at the corner between D. W. Wyant and Shenandoah Iron and Lumber Mining and Manufacturing Company; thence north thirty-nine east, one hundred and fifty-five and two-tenths poles, to a large pine tree near a pond, and east of the Gem furnace; continuing the same course one hundred and seventy-nine and four-tenths holes in all, to a bunch of white oaks north twenty-five west, eight-tenths of a pole from a stake, corner to J. H. Pollard's acre lot; thence north fourteen and three-fourths west, one hundred and thirty-five poles to a locust tree on a hill; the same course continuing and forty-one eightieths mile to a stake on the line between Dovel and Singlinger; thence north seventy-eight west, one hundred and fifty-six poles to the corner between William Peters and George Kite, at the river; thence up the river to the beginning. (1926, c. 163)

§ 3. The government of said town shall be vested in a town council, which shall be composed of the mayor and six councilmen, each of whom shall be a qualified voter within the said town. (1926, c. 163)

§ 4. The mayor shall be elected on the first Tuesday in May, 1974, and every two years thereafter, and shall hold office for two years from the first day of July next succeeding his election. (1926, c. 163; 1962, c. 124; 1972, c. 108)

§ 4.1. Six councilmen shall be elected on the second Tuesday in June, 1963, and shall hold office from the first day of September next succeeding their election for the following terms: the three candidates for councilman receiving the largest number of votes shall hold office for terms of four years each, and the three candidates for councilman receiving the next highest number of votes shall hold office for terms of two years each; and each two years thereafter, three councilmen shall be elected to hold office for terms of four years from the first day of September next succeeding their election. (1962, c. 124)

§ 4.2. Notwithstanding the provisions of § 4.1, there shall be six councilmen, who shall serve four-year staggered terms as provided in § 4.1; three of whom shall be elected on the first Tuesday in May, 1974, and shall hold office from the first day of July following their election, and three of whom shall be elected on the first Tuesday in May, 1976, and shall hold office from the first day of July following their election. (1972, c. 108)

§ 5. The council shall appoint a clerk and town sergeant, and if they deem it advisable a deputy town sergeant, and also a town treasurer and such other officers as the council may deem necessary and

proper, all of whom shall hold office at and during the pleasure of the council, and said officers shall qualify and execute bonds in the manner prescribed by resolution of the council, and the council shall have power to fill the vacancy in any of these offices created by death, resignation, removal or otherwise. (1926, c. 163; 1999, cc. 132, 165)

§ 5-a. The council of the said Town of Shenandoah shall at its first meeting in September in the year in which its members are elected appoint a justice of the peace for the said town, who shall be an elector of said town, and who shall enter upon the duties of his office immediately upon qualification in the manner prescribed by law for the qualification of justices of the peace, and shall continue in office until his successor shall have been appointed and qualified. His term of office shall be coincident with that of the other officers of said town. The said justices of the peace shall be clothed with all the powers, authority and jurisdiction in both civil and criminal matters within said town as are now vested in and conferred upon the mayors of incorporated towns of this Commonwealth by the general laws of the State, and an appeal shall lie to the circuit court of Page County in all cases and in the same manner in which appeals are now granted and taken from the decision of the mayors of towns. The said justices of the peace shall receive as compensation for his services the same fees that are allowed by law to justices of the peace, and such other compensation as the town council may prescribe.

If for any reason the said justice of the peace shall be unable to perform the duties of his office, or shall be absent from the County of Page, the council of said town may appoint some other person as a substitute for said justice of the peace, who shall act in his place and stead during such time as said justice of the peace shall be unable to perform the duties of his office, or shall be absent from the said County of Page. (1928, cc. 301, 347; 1932, c. 318)

§ 6. The mayor shall be the chief executive officer of the town, and shall by virtue of his office possess no power, authority or jurisdiction to try violations of the town or to act as a justice of the peace in either civil or criminal matters, and all such power, authority and jurisdiction as is customarily exercised by the mayor of towns shall be vested in a justice of the peace to be appointed by said council as herein more fully set forth. (1926, c. 163; 1928, cc. 301, 347; 1932, c. 318)

§ 7. The salary of the mayor shall be fixed by the town council. (1926, c. 163; 1928, cc. 301, 347; 1952, c. 473)

§ 8. The mayor shall preside over the council, but shall have no vote except in the case of a tie. (1926, c. 163)

§ 9. In case a vacancy shall occur in the office of mayor the vacancy shall be filled by appointment by the council of any one eligible to such office. (1926, c. 163)

§ 10. If the mayor be absent during any meeting of the council, it shall elect one of its number as president pro tempore. (1926, c. 163)

§ 11. The Town of Shenandoah shall have the right to maintain, operate, acquire, construct and keep waterworks and electric plants, and any other plants or property with towns have the right to conduct, maintain, acquire, operate and construct under the general laws of this State. (1926, c. 163)

§ 12. For the purpose of properly conducting its waterworks, electric plant and other public works, the council may employ such officers, agents and employees as it may deem necessary, and fix the compensation of the same; may promulgate and establish such rules and regulations in regard to the use and maintenance of such water, water systems, electric plant and public works as it thinks best; may fix the rates for the use of water, electricity, et cetera, from its works, and provide for the collection of the same; may change and alter the rates at any time, without notice; and the council shall be the sole judge of the rates to be charged for such service; and the council is granted all the powers which a municipal corporation has in the operation of its public works. (1926, c. 163)

§ 13. The town may construct, maintain and operate sewers and sewage systems, and charge for connections therewith, and the use thereof such rates as the council may deem proper, and may change the same from time to time. The council may establish and promulgate any rules and regulations in regard to the connection, or continued use thereof as it may deem proper; may refuse any connection, and disconnect the same if for any reason the connection, or continued use thereof, becomes inimical to the public welfare, or detrimental to the sewerage system, or if the charges therefor be unpaid, and the council may be the sole judge when the same is to be disconnected or when the connection is to be refused. (1926, c. 163)

§ 14. The Town of Shenandoah shall constitute a separate road district and no property in the town shall be liable for any assessment for road purposes in the County of Page. (1926, c. 163)

§ 15. The Town of Shenandoah shall continue to be a single and separate school district, under the name and title of Milnes school district, and the council shall have the power to appoint three school trustees to serve, one, two and three years, respectively, and annually thereafter it shall appoint a school trustee for said district to serve for three years. (1926, c. 163)

§ 16. If at any time the mayor shall believe that an emergency exists, or that it is necessary for the good order and preservation of the laws that additional policemen be provided, he shall have the right to furnish and qualify such additional policemen, whose compensation shall be fixed by the council. (1926, c. 163)

§ 17. The bonded indebtedness of said town shall be limited to the provisions of the present Constitution of Virginia, and the manner of creating same shall be in accordance therewith. (1926, c. 163)

§ 18. All ordinances of the town, must, before becoming effective, be enacted by a majority vote of the council, and be approved by the mayor, and if disapproved by the mayor, shall become effective, only

upon the affirmative vote of the council by at least four members thereof entered of record. (1926, c. 163)

§ 19. It shall be the duty of the town clerk to keep a correct and proper record of the proceedings of the council, and to publish in such manner as the council may indicate, the bylaws, ordinances and resolutions that may from time to time be adopted. He shall, under such ordinances and resolutions as the council may adopt, issue licenses to all persons engaged in a pursuit, business, occupation, calling, profession or other purpose for which a license shall be required, shall prepare the tax tickets, and shall perform such other duties as may be required of him by the council and by the provisions of this act, for which services he shall receive such compensation as the council may determine to be right and proper. (1926, c. 163; 1952, c. 473)

§ 20. The treasurer of said town shall be the disbursing agent of the town and may have the custody of all moneys. He shall receive all moneys belonging to and received by the town and keep a correct account of all receipts from all sources and expenditures of all departments. He shall collect all taxes and assessments, light bills, water rents, and other charges belonging to and payable to the town, and for that purpose he is hereby vested with any and all powers which are now or may hereafter be vested in county and city treasurers for the collection of county, city and State taxes under the general law.

(a) No money shall be paid out by the town treasurer except by order of the council and upon a warrant of the clerk of the council, countersigned by the mayor.

(b) He shall keep and deposit all moneys or funds in such manner and only in such places as may be determined by ordinance.

(c) He shall annually at the end of each fiscal year publish, either in a newspaper published in Page County or by posting in front of the treasurer's office, a statement showing all the receipts and income of the said town and from what source, and all disbursements made and for what purpose.

(d) He shall make such other reports, from time to time, as may be required by ordinance or by resolution of the council.

(e) His compensation for the performance of his duties shall be fixed by the council. (1926, c. 163; 1952, c. 473)

§ 21. The town sergeant shall be a conservator of the peace, and in civil cases that may rise within the corporate limits of the town he shall be vested with all the powers which the general laws of this State confer upon sheriffs; his jurisdiction as a police officer, except as otherwise provided by law, shall extend one mile beyond the corporate limits. He shall possess the like right of distress and power in collecting municipal taxes possessed by a sheriff in collecting State and county taxes. He shall receive as compensation for the discharge of his duties, unless otherwise ordered, the same fees as a

sheriff, and he may receive such other compensation as may be prescribed by the town council. (1926, c. 163; 1928, cc. 301, 347; 1952, c. 473)

§ 22. The clerk, treasurer and sergeant shall be under direct control of the council, and shall perform such other duties as may be required of them by this act and by resolutions or ordinances of the council. And they shall be subject to removal by a vote of at least four members of the council for incompetence, misconduct or negligence of duty, after reasonable notice. (1926, c. 163)

§ 23. The council shall have regular or stated meetings twice a month, at such time as shall be fixed by their body, and such extra or special meetings as may be called by the mayor or by three other member of the council, for the transaction of stated or special business; but the purpose for which a special or extra meeting is called must be stated in writing. Four members of the body shall constitute a quorum for the transaction of any business. (1926, c. 163)

§ 24. The council shall be the judge of the election and qualification of its members, and it shall have the power to fill all vacancies in its own body and in any other office of the town, for the unexpired term. (1926, c. 163)

§ 25. The council may elect such committees for the various departments of the town as it may desire from its members. The committees shall be elected at the regular meeting in September, 1927, and vacancies shall be filled by the council as they occur. (1926, c. 163)

§ 26. The town council may make ordinances and bylaws for carrying into effect the provisions of this act; may enact ordinances to secure and promote the general welfare of the inhabitants of the town, including the right to appropriate and pay over to any person, firm, corporation or association, as an inducement for the location of any plant, manufacturing establishment or industry within its corporate limits, such reasonable sum or sums as may be necessary for such purpose, or, in lieu of such payment or in addition thereto, to acquire such lands and buildings, or to acquire such lands and erect such buildings thereon, as may be necessary for the use of such plant, establishment or industry, and to lease or sell such land and buildings to such person, firm, corporation or association at such price and on such terms and conditions as it may deem advisable; may prescribe fines and other punishments for the violation of any of the ordinances of the town; may levy and impose privileges and all other kinds of taxes not prohibited by State law; provided, that said tax levy shall be laid at the first regular meeting of the council in August, or as soon thereafter as possible; may prevent any animals or fowls from running at large on the streets of the town, and subject such animals or fowls to such confiscation, penalties, et cetera, and impose such fines on the owners thereof, as it may deem proper; may impose taxes not prohibited by the general laws on all animals in the town; may prohibit cruelty to animals or fowls, and provide penalties therefor; may restrain and punish beggars, peddlers and vagrants; may prevent and disperse riots; disturbances and unlawful or disorderly assemblages; may suppress houses of ill fame and bawdy houses, and may provide that upon evidence of general

reputation that such houses, or other places, are used for the purpose of lewdness, the same shall be abated as nuisances; may punish and prohibit wagering and betting regardless of the amount won or lost; may prevent or restrain indecent or lewd conduct, pictures or exhibitions in the town; may prohibit immoral and lewd picture shows, or motion pictures calculated to injure the morals of the town; may prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town; may offer rewards for the apprehension of persons committing felonies in the town, not to exceed one hundred dollars in each case; to prescribe rules and regulations for the location and orderly building of blacksmith shops, garages, and all other shops, structures and control or prevent the storage of firecrackers, gunpowder or other works manufactured or prepared therefrom, kerosene oil, gasoline, or other combustible materials.

To compel the abatement and removal of all nuisances within the said town at the expense of the person or persons causing the same or the owner or occupant of the ground or premises wherein the same may be found, and to require all lands and lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits or to make them at the expense of the owners or occupants thereof; to regulate or prevent slaughterhouses or other noisome and offensive business within the town and generally to define, prohibit, abate and suppress and prevent all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants. (1926, c. 163; 1938, c. 11)

§ 26-a. The town council may organize and maintain a volunteer fire department for the purpose of extinguishing fires and protecting the buildings and property located within said town from destruction by fires and conflagrations; and said council may enact ordinances and regulations for the control and regulation of said fire department.

The council of said town shall annually at the first meeting in September elect or appoint for said fire department a principal engineer, who shall be designated chief of the fire department, and at the same time shall elect or appoint four fire wardens, and the duties of said officers shall be such as are prescribed under the general laws of the State and the ordinances of said Town of Shenandoah. In addition to the above powers and duties, the said fire chief and four wardens, when on active duty in attendance upon a fire, shall have the authority and power to make arrests for the violation of any State law or town ordinance, and to said extent are hereby constituted special police of said town. (1932, c. 318)

§ 27. The council may impose a tax of fifty cents per annum upon the residents of the town, male and female, who have attained the age of twenty-one years. (1926, c. 163)

§ 28. The town council may require a license tax for anything for which a State license tax is required, and for which under the general laws of the State a license tax may be required by a city or town and in addition thereto, within the limitations imposed by the Constitution and laws of the State and of the

United States, the council may impose a license tax on any business or thing carried on or done in the town, whether a license tax is required therefor by the State or not. (1926, c. 163)

§ 29. The said council shall have the power, whenever they deem it expedient, to lay sewers and to have the sidewalks, footways, and gutters along any street or alley in said town, as of such width as they may prescribe, properly paved or otherwise suitably improved, altered or repaired, as they may think fit, and for such purpose may lay and levy and collect a special tax from the abutting property owners, the town shall bear one-half of the expense of constructing new sidewalks and other improvements and conveniences above specified, and such abutting property owners shall be assessed to pay the other half, which assessment shall be proportioned to the number of feet that such property fronts the said improvements or conveniences. Such special tax shall be collected in the same manner as other taxes are collected, and in all cases where a lessee or tenant shall pay such special tax it shall be an offset or credit against a like amount of rent then due or that may thereafter accrue. (1926, c. 163)

§ 30. The town council shall have the power and authority, without reference to a vote of the people, to provide by ordinance for the issuance of new bonds, for the redemption and liquidation of any lawfully issued bonds, when they fall due, become subject to call, or can for any reason be refunded or redeemed. Said new bonds shall not exceed in amount the original bonds to be redeemed, liquidated, or refunded, may be registered, serial or coupon, and shall be sold, at not less than par, to the highest bidder for cash; provided, that no such new bonds shall bear a higher rate of interest than six per centum per annum; and provided, further, that the proceeds of the sale of the new bonds so issued shall be used only in the payment of the old bonds, which are subject to call, redemption or can otherwise be refunded or redeemed. Such bonds shall be paid in lawful money of the United States and a sinking fund shall be created and maintained sufficient to redeem such bonds at maturity, and be applied to such redemption and to no other purpose. (1926, c. 163)

§ 31. The council shall have the right, in certain localities and upon certain streets to be named by them, to prescribe and locate building lines, and regulate the height and construction of buildings and require building permits for the regulation of the same; and to make regulations regarding the building and construction of houses in the town. (1926, c. 163)

§ 32. The council shall have the right to license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs or prohibit the holding of the same or any of them within the town. (1926, c. 163)

§ 33. The council shall have the right to make and enforce ordinances similar to the prohibition laws of the State. (1926, c. 163)

§ 34. The council shall have the right to require the owners of real estate abutting upon paved or other improved sidewalks to remove the snow therefrom, to prevent skating or riding of bicycles thereon, and of all other improper uses thereof, and to punish such violation by fine. (1926, c. 163)

§ 35. The town council may, by ordinance, impose punishment for any offense upon which a punishment is imposed by the State of Virginia. (1926, c. 163)

§ 36. The town council shall have all powers and authority that are now or may hereafter be granted to councils of town by the general laws of this State; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of this State to town councils, but not herein specified. (1926, c. 163)

§ 37. All ordinances now in force in the Town of Shenandoah, not inconsistent with this act, shall be and remain in force until altered, amended or repealed by the town council. (1926, c. 163)

§ 38. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1926, c. 163)

§ 39. All acts or parts of acts in conflict with the provisions of this act are hereby repealed; provided, however, that the present members of the town council, and other officers of the corporation, shall continue in office until the first day of September, 1927, or until their successors have qualified. (1926, c. 163)

Smithfield, Town of

County of Isle of Wight

History of incorporation

Established, 1752, c. 30.
Charter, 1856, c. 249; repealed 1900, c. 396.
Charter, 1900, c. 396; repealed 1952, c. 548.

Current charter

Charter, 1952, c. 548.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

§ 1. The Town of Smithfield, in the Commonwealth of Virginia, in the County of Isle of Wight, shall continue to be a town corporate, in the name and style of the Town of Smithfield, and as such shall have and may exercise the powers and privileges hereinafter set forth, and all powers and privileges conferred upon it by this charter and which are now, or may be hereafter delegated to towns in

accordance with the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1952, c. 548)

§ 2. The corporate limits of the Town of Smithfield as heretofore established, and unless and until changed in the manner prescribed by law, are hereby reestablished to include all of the territory described by certain annexation decrees of the Circuit Court of Isle of Wight County, Virginia, entered on October 27, 1960, November 16, 1966, June 13, 1978, and October 27, 1997, all of which are of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Common Law Order Book 12, at page 294, Common Law Order Book 12, at page 423, Common Law Order Book 22, at page 478, and Common Law Order Book 41, at page 718, respectively. (1952, c. 548; 1982, c. 69; 1999, cc. 140, 520)

§ 3. Powers of the Town of Smithfield.

In addition to the powers and privileges described elsewhere in this charter the Town of Smithfield shall have the powers and privileges set forth in succeeding sections to the extent that they are not in conflict with the Constitution or the general laws of this State. (1952, c. 548)

§ 4. The fiscal year for the town shall begin on the first day of July and end on the thirtieth day of June, unless and until changed by ordinance. (1952, c. 548; 1982, c. 69)

§ 5. The town shall have power:

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

(b) To expend the money of the town for all lawful purposes. (1952, c. 548)

§ 6. The town shall have power:

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

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

(c) To lease or authorize the leasing of any property which the town would have the right and power to lease were it an individual, subject to the provisions of the Constitution of Virginia.

(d) To construct, own and operate a facility to be used for public and private activities generally associated with auditoriums, community centers, convention centers, entertainment halls or exhibit

halls, as such terms are generally used, to provide for parking, utility and food services in connection with such facility, to charge and collect fees for the use of such facility, and to enter into contracts related to the exercise of such powers. (1952, c. 548; 1999, cc. 140, 520)

§ 7. The town shall have power to establish, enter, open, widen, extend, grade, construct, maintain, light, sprinkle or clean public streets, highways, alleys, parkways or parks or to alter or close the same; to regulate the weight of loads to be hauled or carried over or upon the streets; to regulate the use of all such highways, parks, streets, alleys, parkways and public places; to prevent the obstruction, destruction or injury to any of such streets, alleys or highways; to require any railroad company operating a railroad at the place where any highway or street is crossed within the limits of the town to erect and maintain at such crossing any style of gate deemed proper, and keep a man in charge thereof, or keep a flagman at such crossing during such hours as the council may require in accordance with the general law of the State and to regulate the length of time such crossing may be closed due to any operation of the railroad; to regulate the operation and speed of all cars, motorcycles, bicycles or vehicles upon said streets or highways as well as the speed of all engines, cars, or railroad trains within the town; to permit or prohibit poles or wires for electric, telephone or telegraph purposes to be erected or gas lines or watermains to be laid in the streets or alleys, and to prescribe and collect an annual charge for such privileges hereafter granted; to require the owner or lessee of any electric light, telephone or telegraph pole or poles or wires now in use or hereafter erected to change the location or remove the same. (1952, c. 548)

§ 8. The town shall have power to acquire by gift, purchase or by the exercise of the power of eminent domain within this State, land or any interest or estate in land, rock quarries, gravel pits, sand pits, water or water rights and the necessary roadways thereto, either within or without the town, or acquire and install machinery and equipment and build the necessary roads or tramways thereto, and operate the same for the purpose of producing materials required for any and all purposes of the town. (1952, c. 548)

§ 9. The town shall have power:

(a) To raise annually, by taxes and assessments in said town, such sums of money in such manner as the council thereof shall deem necessary or expedient for the use, benefit and purposes of said town, in accordance with the Constitution of the United States, the Constitution of Virginia and the laws of the Commonwealth. Ordinances relating to taxation, levy or assessment shall remain in effect from passage to amendment or repeal.

(b) To fix or set, levy and collect taxes and assessments on persons and property; and to impose special or local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) To impose, fix or set, levy and collect a license tax, fee or assessment for the conduct, maintenance or operation of privileges, amusements, business, manufacture, professions, occupations or callings; to issue a license or permit and collect charges, or fees therefor and to prorate license fees or charges for the unexpired portion of the fiscal year. Such powers shall not be exercised so as to conflict with § 58-500 of the Code of Virginia. (1952, c. 548)

§ 10. The town shall have power:

(a) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection.

(b) To require every owner of a motor vehicle to obtain a license to operate the same by making application to the treasurer of the town and to require said owner to pay an annual license fee therefor, to be fixed by the council, but the license fee shall not exceed the amount charged by the State on said motor vehicle.

(c) To make and enforce ordinances to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation or otherwise, provided, however, that no such ordinances shall be in conflict with any of the provisions of the Alcoholic Beverage Control Act or the general laws of this Commonwealth with respect to such alcoholic beverages, liquids, and articles. (1952, c. 548)

§ 11. (1952, c. 548; repealed 1982, c. 69)

§ 12. (1952, c. 548; repealed 1982, c. 69)

§ 13. The town shall have the power:

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

and enforce adequate penalties for the violation of any such rules and regulations and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

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

(c) To establish, impose and enforce the collection of water, light, gas and sewerage rates, and rates and charges for other services, products, or conveniences operated or furnished by the town; and the council may prescribe a different rate to be paid for such services and conveniences rendered to users or customers without the corporate limits of the town. (1952, c. 548)

§ 14. The town shall have power to grant franchises for public utilities, subject to the provisions of the Constitution and general laws of the Commonwealth of Virginia. (1952, c. 548)

§ 15. The town shall have power to charge and collect fees for permits to use public facilities or for public service or privileges, and to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits. (1952, c. 548)

§ 16. The town shall have power:

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

(b) To collect and dispose of sewerage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to make reasonable charges thereof; to acquire and operate reduction or other plants for the utilization or destruction of any or all of said materials, to contract, regulate and collect for the disposal thereof, and to require or regulate the disposal thereof. (1952, c. 548)

§ 17. The town shall have power to prevent or extinguish fires, and to establish, regulate, and control a fire department or division; to regulate the size, heights, materials and construction of buildings,

fences, walls, retaining walls or other structures hereafter erected, in such manner as the public safety or conveniences may require; to remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish or designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged, or repaired and to direct that any and all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements. (1952, c. 548)

§ 18. The town shall have power to exercise full police powers and establish and maintain a department or division of police. (1952, c. 548; 1982, c. 69)

§ 19. (1952, c. 548; repealed 1982, c. 69)

§ 20. The town shall have power:

(a) To maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding punishment may be provided for the violation of such ordinance.

(b) To compel the abatement and removal of any and all nuisances whatsoever, public or private, within the town, or upon property owned by the town beyond its limits, at the expense of the person, persons, corporations or firms causing the same, or of the owner or occupant of the grounds or premises whereon the same may be, and collect the expense by suit or motion, or by distress and sale; to require all lands, lots or other premises within the town to be kept clean, sanitary or free from stagnant water, weeds, filth, or unsightly deposits or to make them so at the expense of the owners or occupants thereof, and to collect the expense as other taxes and levies are collected; to regulate or prevent slaughter houses or other noisome or offensive business within the town, the keeping of hogs, or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment thereon; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise, to regulate the location of stables and the manner in which they shall be constructed or kept; to regulate the location, construction, operation or maintenance of bill boards; to provide how, when and under what conditions awnings may project over the streets and sidewalks from buildings, and the manner in which sidewalks may be used for advertising or display signs or merchandise; to generally define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, safety or welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary or free from all weeds, filth and unsightly deposits, ice or snow. (1952, c. 548)

§ 21. The town shall have power to prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding one thousand dollars or twelve months' imprisonment in jail or both. (1952, c. 548; 1982, c. 69)

§ 22. (1952, c. 548; repealed 1982, c. 69)

§ 23. The town shall have power:

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

(b) To pass and enforce all by-laws, rules, regulations, and ordinances which it may deem necessary for the good order and government of said town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all other laws as may be necessary or proper to carry into full effect, all power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in the town, or in the council or officers thereof, or which may be necessarily incident to a municipal corporation. (1952, c. 548)

§ 24. To the extent permitted by state law, licenses may be required by ordinance of businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in the town, except when in conflict with general law, whether or not a license may be required therefor by the Commonwealth.

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

For every license issued or transferred under this charter, there may be prescribed by ordinance a charge or fee for issuing or for transferring the same, such charges or fees shall be collected and paid into the town treasury. (1952, c. 548; 1982, c. 69)

§ 25. A lien shall exist on all real estate within the corporate limits for taxes, levies or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the procedure for collecting the taxes, including the selling of real estate for town taxes, shall be the same as provided in the general laws of this State. The council shall have the benefit of all other and additional remedies for the collection of town taxes which are now, or may hereafter be granted or permitted under the general law of the State. (1952, c. 548)

§ 26. All legislative powers of the town shall be vested in a council composed of seven members, one of whom shall be mayor. The mayor and councilmen shall be electors of the town to be chosen as hereinafter provided, from the residents and electors of the town, and their qualifications to hold offices, respectively, shall be the same as required of persons to vote and hold office under the Constitution and laws of the Commonwealth of Virginia. A vacancy in the office of councilman shall be filled in the manner specified in Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2 of the Code of Virginia for towns with a population greater than 3,500.

The mayor shall be chosen by the council from its membership; he shall act as the presiding officer of the council and shall have no other power except as a member of the council as specifically set forth in this charter. (1952, c. 548; 1960, c. 57; 1973, c. 138; 1982, c. 69; 2000, c. 955)

§ 27. Council members shall be elected to serve four-year staggered terms. At elections held on the first Tuesday in May 1998, three members of council were elected to serve terms expiring on July 1, 2000, and four members of council were elected to serve terms expiring on July 1, 2002. At the general election to be held on the first Tuesday in May 2000, and every four years thereafter, three members of council shall be elected for a term of four years. At the general election to be held on the first Tuesday in May 2002, and every four years thereafter, four members of council shall be elected for a term of four years. Members of council elected under this act shall enter upon the duties of their offices July 1 next succeeding their elections. (1952, c. 548; 1960, c. 57; 1973, c. 138; 1999, cc. 140, 520)

§ 28. (a) All elections for the officers of the town shall be held and conducted in the manner prescribed by law.

(b) The council of the town shall judge of the election, qualification and returns of its members and if a person returned be adjudged disqualified or in the event of tie votes, the council, upon the written request of one of such candidates, receiving the same number of votes as another candidate for the same office, the council shall order a new election to fill the vacancy or break the tie, said election to be at the same place, on such day as the council may prescribe, provided that the written request of any such candidate shall be filed with the council within ten days after the election, otherwise the council may declare a vacancy in such office and fill the same from the electors of the town by a majority vote of the council. (1952, c. 548)

§ 29. (a) The officers of the town, in addition to the mayor and councilmen, shall be a town manager, treasurer, clerk, and chief of police.

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

(b1) The council shall appoint a treasurer who shall hold office at the pleasure of the council and shall serve under the direction and supervision of the town manager. The office of treasurer may be filled by the town manager.

(c) The clerk shall be elected by the council for a term of two years, coincident with that of the council. The office of treasurer and clerk may be filled by the same person, and may be filled by the town manager.

(d) The council may provide for and require annual audit of any books pertaining to the receipts and the expenditure of the funds of the town.

(e) The council shall appoint a town manager who shall be charged with the administration of the business of the town as set forth in this charter.

(f) As authorized by § 15.1-796, the office of town sergeant shall not be established. (1952, c. 548; 1960, c. 57; 1973, c. 138; 1982, c. 69)

§ 30. The council shall fix the salaries of the mayor, councilmen, treasurer, clerk, sergeant, deputy sergeant and employees, as it may deem appropriate, at its first meeting in June, which salary shall be for a period of one year, beginning the first day of July next following; provided, however, that the Council may increase or decrease the salaries at such other times as it may deem appropriate and in the best interests of the town, and further provided, that a salary may be paid one or more councilmen or a salary in excess of that paid other councilmen may be paid one or more councilmen, if a majority of the council determine that additional duties and responsibilities assumed by such councilman or councilmen, by reason of committee assignment or otherwise, warrant such salary, and a majority of the council authorize such additional compensation. (1952, c. 548; 1958, c. 138; 1975, c. 91; 1980, c. 15)

§ 31. (a) All meetings of the council shall be public unless an executive session is called according to law. Any citizen may have access to the minutes of public meetings.

(b) A majority of the council shall constitute a quorum for the transaction of business, but no ordinance or resolution shall be passed or adopted having for its object the levying of taxes or contracting a debt except by a concurring vote of two-thirds of the members of the council. Each member of council shall have one vote.

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

The council may fine a member for disorderly conduct and with the concurrence of two-thirds vote of the council expel a member in accordance with the Constitution and general laws of the Commonwealth of Virginia. (1952, c. 548; 1982, c. 69)

§ 32. (a) The mayor shall preside at all meetings of the council. Council shall elect a vice-mayor who shall preside in the absence of the mayor.

(b) The council may require the attendance of its officers, agents, appointees or employees at its meetings and may further require that reports be submitted. (1952, c. 548; 1982, c. 69)

§ 33. (1952, c. 548; repealed 1982, c. 69)

§ 34. (a) No action shall be maintained against the town for damages for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the town or any officer, agent or employee thereof, unless a written statement by the claimant, his agent or attorney, or the personal representative of any decedent whose death is the result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any attorney appointed by the council for the purpose within sixty days after such cause of action shall have accrued, except where the claimant is an infant or non compos memtis, or the injured party dies within such sixty days, such statement may be filed within one hundred and twenty days, and no officer, agents, or employees of the town shall have authority to waive such conditions precedent or any of them.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, disposal plants or water mains, where any corporation or person is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in any action brought to recover damages for such negligence, and where the judgment or verdict is against the town as well as the other defendant or defendants, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it be ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or corporation shall have been returned without realizing the full amount of the judgment.

(d) If the town, where not primarily liable, shall pay the said judgment, in whole or in part, the plaintiff shall, to the extent that said judgment is paid by the town, assign the said judgment to the town without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit in equity to enforce said judgment, or an action at law, or scire facias to revive or enforce said judgment.

(e) No order shall be made and no injunction shall be awarded by any court or judge, to stay the proceedings of the town in the prosecution of its works, unless it be manifest that it, its officers, agents or

employees are transcending the authority given it or them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages. (1952, c. 548)

§ 35. (1952, c. 548; repealed 1982, c. 69)

§ 36. Requisites for voting in town elections shall be those prescribed by general law for voting in the towns in the Commonwealth. (1952, c. 548; 1982, c. 69)

§ 37. The mayor shall be the chief executive officer of the town; he shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent with this charter; he shall perform such other duties consistent with his office as may be imposed by the council; in the event of the inability of the mayor to discharge his duties, his place may in the discretion of the council be filled and his duties discharged, until such disability shall cease, by the vice-mayor. The mayor shall be the official head of the town. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose, may deputize such assistant policemen as may be necessary. The mayor or person acting as mayor, shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth, shall require. (1952, c. 548; 1982, c. 69)

§ 38. The treasurer shall receive all money belonging to and received by the town and keep a correct account of all receipts from all sources, and expenditures of all departments. He shall collect all taxes, levies, licenses, assessments, fees, water rents and other charges belonging to and payable to the town and for that purpose he is hereby vested with any and all powers which are now or may be hereafter vested in county and state treasurers, for the collection of county, city and state taxes under the general law; he shall keep and disburse all monies or funds in such manner and in such places as may be determined by ordinance or the provisions of law applicable thereto. He shall pay no money out of the treasury except in the manner prescribed by ordinance or the general law; he shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and the town license taxes and shall have power to administer oaths in the performance of such duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by the mayor or by resolution and ordinance of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council, and before entering upon the duties of his office shall execute a bond in such amount and with such security as the council by ordinance may prescribe. (1952, c. 548; 1982, c. 69)

§ 38-a. The council shall appoint a town planning commission which shall have such powers and duties as are provided by general law. (1960, c. 57; 1982, c. 69)

§ 38-b. A town manager appointed pursuant to this act shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the town or the Commonwealth but during his tenure of office shall reside within the town, or in the immediate vicinity thereof. He shall be appointed for an indefinite term and shall hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution which may be changed from time to time. He may be bonded as the council may deem necessary. During the absence or disability of the town manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the town manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager and neither the council nor any member thereof shall give orders to any subordinates of the town manager or employees of the town, either publicly or privately. The town manager shall have the authority and it shall be his duty:

(1) To see that all laws, ordinances, resolutions, and bylaws of the council are faithfully enforced.

(2) To appoint such officers and employees, with the exception of the treasurer and clerk, as the council shall determine and authorize, as are necessary for the proper administration of the affairs of the town with the power to discipline and remove any such officer or employee, but he shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the town manager and confirmed by the council shall have the power to discipline his subordinates and with the approval of the town manager to discharge any subordinate for just cause. Any officer or employee so removed shall have the right to appeal to the council within thirty days after his removal and after notice to the town manager. The action of the council on such appeal shall be final.

(3) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(4) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(5) To make reports to the council from time to time upon the affairs of the town and to keep the council fully advised of the town's financial condition and its future financial needs.

(6) To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent.

(7) To perform such other duties as may be prescribed or requested by council. (1960, c. 57; 1962, c. 24; 1982, c. 69)

§ 39. The council may provide that the premium on any surety bond required of any town official or employee shall be paid by the town. (1952, c. 548; 1982, c. 69)

§ 40. The town clerk shall be the clerk of the council, shall attend all meetings thereof and shall keep a record of its proceedings. He shall keep all papers, documents and records pertaining to the town, the custody of which is not otherwise provided for. He shall be custodian of the town seal and shall attest the same, and shall perform such other duties as are required by general law or by the council by ordinance or resolution. (1952, c. 548)

§ 41. (1952, c. 548; repealed 1982, c. 69)

§ 42. (1952, c. 548; 1954, c. 32; repealed 1973, c. 138)

§ 43. All fees, costs or charges for making arrests or trying cases involving violations of town ordinances shall be assessed and forthwith paid into the town treasury. (1952, c. 548)

§ 44. All the rights, privileges and property of the town heretofore acquired, now owned or enjoyed, shall continue undiminished and remain invested in the town; and all the laws of the Commonwealth of Virginia, ordinances, and resolutions of the council now in force and not inconsistent with this act shall continue in full force and effect until amended or repealed. (1952, c. 548)

§ 45. The enumeration of particular powers and authority in this charter shall not be deemed nor held to be exclusive but in addition to the powers herein enumerated, implied hereby or appropriate to the exercise thereof, the town shall have and may exercise all other powers which are now or may be hereafter conferred upon or enjoyed by towns under the Constitution and general laws of this State. (1952, c. 548)

Editor's note: Complete amendments listing for the Town of Smithfield:

Current charter

Charter, 1952, c. 548.

Amendments to current charter

1954, c. 32 (§ 42)

1958, c. 138 (§ 30)

1960, c. 57 (§§ 26, 27, 29, 38-a [added], 38-b [added])

1962, c. 24 (§ 38-b)

1973, c. 138 (§§ 26, 27, 29, 42 [repealed])

1975, c. 91 (§ 30)

1980, c. 15 (§ 30)
1982, c. 69 (§§ 2, 4, 11 and 12 [repealed], 18, 19 [repealed], 21, 22 [repealed], 24, 26, 29, 31, 32, 33 [repealed], 35 [repealed], 36, 37, 38, 38-a, 38-b, 39, 41 [repealed])
1999, cc. 140, 520 (§§ 2, 6, 27)
2000, c. 955 (§ 26)

South Boston, Town of

County of Halifax

History of incorporation

Granted charter as Town of South Boston, 1883-84, c. 130; repealed 1960, c. 219.
Incorporated as a city by order of the Circuit Court of Halifax County, 1959; City of Second Class.
City charter, 1960, c. 219; repealed 1996, c. 209.
Reverted from city to town status pursuant to Chapter 20.2 (§ 15.1-965.9 et seq.) of Title 15.1 of the Code of Virginia (Case #92000086-00, order dated 12/30/94, effective 7/1/95).

Current charter

Town charter, 1996, c. 209.

Amendments to current charter

2011, c. 507 (§§ 4, 5, 6, 7)

§ 1. Incorporation; name; perpetual succession; corporate seal.

The inhabitants of the territory embraced within the present limits of the Town of South Boston, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue to be a body politic and corporate to be known and designated as the Town of South Boston; and as such, and by that name, shall have perpetual succession, with the power to sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure. (1996, c. 209)

§ 2. Boundaries.

The boundaries of the Town of South Boston shall be as shown on a plat thereof made in December, 1963, and recorded November 23, 1964, in Plat Book Seven (7), pages one hundred seven (107) through one hundred twelve (112) in the office of the Clerk of the Circuit Court of Halifax County, Virginia. (1996, c. 209)

§ 3. Form of government; appointment of town manager.

The municipal government provided by the charter shall be known as the "council-manager government" pursuant to its provisions and subject only to the limitations imposed by the Constitution of Virginia and by its charter. All powers of the town shall be vested in an elective council hereinafter referred to as the council, which shall enact local legislation, adopt budgets, determine policies, and

appoint the town manager who shall serve at the will of council and shall execute the laws and administer the government of the town. All powers of the town shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinances. (1996, c. 209)

§ 4. Town council.

(a) The legislative powers of the town shall be vested in a council consisting of seven (7) members including the mayor. Members of council shall be elected at large by the voters of the town. Three (3) members of the council and the mayor shall constitute a quorum and at a meeting so constituted, the mayor shall have the right to vote, and at any other meeting of the council, the mayor shall have the right to vote in the event of a tie. Four (4) members of the council shall constitute a quorum without the presence of the mayor.

(b) The terms of the three (3) members who were elected with the highest number of votes in May, 1995 shall expire on June 30, 1998. At the regular municipal election to be held on the first Tuesday in May, 1998, and every four (4) years thereafter, three (3) members of council shall be elected for a term of four (4) years each. The terms of the four (4) members who were elected with the next highest number of votes in May, 1995 shall expire on June 30, 1996. At the regular municipal election held on the first Tuesday in May, 1996, and every four (4) years thereafter, three (3) members of council shall be elected for a term of four (4) years each.

(c) The terms of office shall commence on July 1 following the election. The members of council shall serve until their successors are elected and qualified.

(d) The mayor and members of the council shall receive compensation for their services in an amount to be determined by the council, in accordance with general law.

(e) When a vacancy on council occurs, whether occurring when a new member-elect of council does not take office or occurring after the term begins, the remaining members of council shall by majority vote, within forty-five (45) days after the office becomes vacant, appoint a qualified voter to temporarily fill the vacancy until the vacancy is filled by a special election pursuant to §§ 24.2-226, 24.2-228, and 24.2-682 of the Code of Virginia and the person so elected has qualified. Within fifteen (15) days of the occurrence of the vacancy, council shall petition the Halifax County Circuit Court to issue a writ of election to fill the vacancy as set forth in Article 5 of Chapter 6 of Title 24.2 of the Code of Virginia.

(f) The number of candidates equal to the number of vacancies to be filled for full terms receiving the highest, second highest, and third highest number of votes shall be entitled to such full terms, and the candidate receiving the fourth highest number of votes shall be entitled to the unexpired term caused by such vacancy.

(g) In order to qualify as a candidate for the office of a member of council, an individual must have been a resident of the Commonwealth of Virginia for one year next preceding his election and of the

Town of South Boston for thirty (30) days next preceding his election and be qualified to vote for that office. (1996, c. 209; 2011, c. 507)

§ 5. Mayor and vice mayor.

(a) At the regular municipal elections held by the Town of South Boston, the mayor of the town shall be elected by the voters of the town, and the candidate that receives the plurality of the votes shall be elected to the office. The term of office of the mayor shall commence on July 1, following the election, and the mayor shall hold office for four years from the date of commencement of his/her term. The mayor shall preside at meetings of the council, and shall be recognized as head of the town government for ceremonial purposes and by the governor for purposes of military law. The mayor shall have the power to suspend and the council to remove any town officer appointed by the council for misconduct in office or neglect of duty to be specified in the order of suspension or removal, but no such removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense. Notwithstanding the foregoing, the town manager shall serve at the pleasure of council.

(b) The first election of the mayor shall take place on the first Tuesday in May, 1996, for a term to commence on July 1, 1996.

(c) The council shall, at the 1996 organizational meeting and every fourth year thereafter, elect from the members of the council a vice mayor for a four-year term, and the vice mayor shall in the absence or disability of the mayor perform all of the duties of that office.

(d) When a vacancy occurs in the office of mayor, whether occurring when a mayor-elect does not take office or occurring after the term begins, the members of council shall by majority vote, within forty-five (45) days after the office becomes vacant, appoint a qualified voter or a member of council to temporarily fill the vacancy until the vacancy is filled by a special election pursuant to §§ 24.2-226, 24.2-228, and 24.2-682 of the Code of Virginia and the person so elected has qualified. Within fifteen (15) days of the occurrence of the vacancy, council shall petition the Halifax County Circuit Court to issue a writ of election to fill the vacancy as set forth in Article 5 of Chapter 6 of Title 24.2 of the Code of Virginia. In the interim between a vacancy in the office of mayor and the appointment or election of an interim mayor, the duties of the office of mayor shall be performed by the vice-mayor.

(e) The council may by ordinance provide for a salary, if any, to be paid the mayor.

(f) In order to qualify as a candidate for the office of mayor, an individual must have been a resident of the Commonwealth of Virginia for one year next preceding his election and the Town of South Boston for thirty (30) days next preceding his election and be qualified to vote for that office. (1996, c. 209; 2011, c. 507)

§ 6. Powers of town generally; adoption of provisions of Code of Virginia.

The powers set forth in Chapters 9 (§ 15.2-900 et seq.) and 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia, are hereby specifically conferred upon the Town of South Boston, as provided in and pursuant to the provisions of said chapters of the Code of Virginia. (1996, c. 209; 2011, c. 507)

§ 7. Incorporating state law by reference.

Where reference is made herein to any provision of the Code of Virginia, Acts of the General Assembly or state regulations or where any provision of the Code of Virginia, Acts of the General Assembly or state regulations are incorporated herein by reference, such reference includes future amendments and successor provisions to the provisions of the Code of Virginia, Acts of the General Assembly and state regulations without future amendment to this Charter. (2011, c. 507)

§ 8. Continuation of employment and powers of town officers and employees.

All officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation by law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the town as set forth in § 15.1-845 of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on July 1, 1995. (1996, c. 209)

§ 9. Continuation of ordinances and resolutions.

All ordinances and resolutions heretofore made and adopted by the town or previous city, not in conflict with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town. (1996, c. 209)

South Hill, Town of

County of Mecklenburg

History of incorporation

Incorporation and charter, 1901, c. 250; repealed 1936, c. 39.

Current charter

Charter, 1936, c. 39.

Amendments to current charter

1966, c. 34 (§§ 3, 5, 10.1 [added])

1972, c. 272 (§ 16)

1973, c. 39 (§ 10.1)

1975, c. 66 (§ 16)

1988, c. 812 (§ 7)

1997, c. 630 (§§ 3 [repealed], 3.1 [added], 4, 5, 6, 8, 11 [repealed], 12, 14 [repealed], 15 [repealed])

2012, c. 459 (§§ 9 [repealed], 10, 10.1)

2016, cc. 162, 311 (§§ 2, 4, 8, 12, 13)

2022, c. 87 (§ 5)

§ 1. The Town of South Hill, in the County of Mecklenburg, Virginia, shall continue to be a town corporate, in the name and style of the Town of South Hill, and as such shall have and may exercise the powers hereinafter set forth, and all powers and privileges which are now, or may hereafter be conferred upon or delegated to towns under the Constitution and the general laws of the Commonwealth of Virginia. (1936, c. 39)

§ 2. The corporate limits of the Town of South Hill, Virginia, as heretofore established, are hereby reestablished, to include an area of approximately nine and three-tenths (9.3) square miles, as follows:

Beginning at a point in the center of the intersection of North Mecklenburg Avenue and Atlantic Street and extending north on North Mecklenburg Avenue for three and two-tenths (3.2) miles, west on West Atlantic Street for one and two-tenths (1.2) miles, east on East Atlantic Street for two and two-tenths (2.2) miles, southwesterly on West Danville Street for two and sixth-tenths (2.6) miles, and south on South Hill Avenue/Goodes Ferry Road for one and eight-tenths (1.8) miles. Additional boundary information is included in records on file in the office of the Clerk of the Circuit Court of Mecklenburg County. (1936, c. 39; 2016, cc. 162, 311)

§ 3. (1936, c. 39; 1966, c. 34; repealed 1997, c. 630)

§ 3.1. The powers set forth in §§ 15.1-841 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia, are hereby specifically conferred upon the Town of South Hill as provided in and pursuant to the provisions of said chapter of the Code of Virginia. (1997, c. 630)

§ 4. The government of the Town of South Hill shall be vested in a council composed of eight members of council elected from multi-member districts and a mayor elected at large. There are three districts: Election District I shall have two members, Election District II shall have three members, and Election District III shall have three members.

The method of election shall be by plurality vote and not by majority vote. Vacancies of members of council or mayor shall be filled in accordance with §§ 24.2-226 and 24.2-228 of the Code of Virginia for the unexpired term. Additional officers of the town shall be a town manager, clerk, finance director, chief of police, and such other agent, attorney, police, and clerical assistance as may be required. (1936, c. 39; 1997, c. 630; 2016, cc. 162, 311)

§ 5. Election of mayor and council.

The mayor and council serving at the time of the passage of this act shall continue in office untill their successors are elected and qualify. An election shall be held in November of 2022, and every four years thereafter, to elect one council member from Election District I and three council members from Election District II. An election shall be held in November of 2024 and every four years thereafter to elect one council member from Election District I and three council members from Election District III. An election shall be held for mayor in November of 2024 and every four years thereafter. (1936, c. 39; 1966, c. 34; 1997, c. 630; 2022, c. 87)

§ 6. The council shall fix the salaries of mayor and councilmen for the succeeding two years at the regular meeting of the council in January preceding the town election. The salaries of all other officials and agents of the town shall be fixed annually by the council, as well as the amount and nature of bonds required of them for the correct discharge of their duties. Officers and agents appointed by the council shall hold office only during the term of such council, and until their successors are appointed and qualify. (1936, c. 39; 1997, c. 630)

§ 7. The rules of procedure heretofore adopted, the ordinances, regulations and contracts entered into or published, by the duly constituted council and authorities of the town, shall be and continue in effect until and unless amended. A majority of the council shall constitute a quorum for the transaction of business; but no ordinances creating a debt or levying an assessment or taxes shall be legal, except by a two-thirds vote of the full council. Regular meetings of the council shall be held the second Monday evening of each month. The town records shall be open for inspection at all reasonable times by the citizens of the town. (1936, c. 39; 1988, c. 812)

§ 8. The mayor shall be the chief executive of the town. He shall preside at all council meetings; he may discuss questions, present issues, and recommend measures, but shall vote only to break a tie. As the official head of the town the mayor shall exercise all the powers conferred by general laws upon mayors of towns, and not inconsistent with this charter. In times of emergency he may take personal charge of the police forces of the town and may deputize any of the citizens of the town to do police duty. He shall affix his name to papers and documents requiring the same, and perform such other duties not inconsistent with his office, as the council may direct, under the charter and the laws of Virginia. The council by majority vote shall elect a member of the council mayor pro tem, who shall act in the absence or inability of the mayor. (1936, c. 39; 1997, c. 630; 2016, cc. 162, 311)

§ 9. (1936, c. 39, repealed 2012, c. 459)

§ 10. The town clerk shall be the clerk of the council and attend and keep a record of the proceedings of all meetings. He shall have custody of the documents and records of the town and the town seal and shall affix the seal to matters requiring it. He shall perform other duties not inconsistent with the office and as directed by the council, mayor, or town manager. (1936, c. 39; 2012, c. 459)

§ 10.1. The town manager shall manage the business of the town. He shall perform such duties as are consistent with the office and as directed by the council or mayor. (1966, c. 34; 1973, c. 39; 2012, c. 459)

§ 11. (1936, c. 39; repealed 1997, c. 630)

§ 12. The chief of police shall have control of the police force of the town under the jurisdiction of the town manager. The chief of police and the police officers of the town shall have the same powers and discharge the same duties as a constable of Mecklenburg County, except they shall serve civil process only on behalf of the town, and shall have like powers in a radius of two miles beyond the town, not in conflict with other authority. He shall perform all duties required of a chief of police and others not inconsistent with his office, or as directed by the council or town manager. (1936, c. 39; 1997, c. 630; 2016, cc. 162, 311)

§ 13. A lien shall exist upon all real estate within the corporate limits of the town, for taxes, levies and assessments, in favor of the town, holding thereon from the beginning of the year in which levied or assessed, and the procedure for the collection legally of such assessment and levies, and for selling or disposing of property to satisfy such liens for taxes and assessments, and for the redemption of the same, shall be in conformity with the State laws of Virginia, to the same extent and in the same effect as if the same were herein set out at length and completely and reference to the said laws of the State is hereby directed. And the said town shall have the benefit of all other and additional laws and remedies for collection of town taxes, levies and assessments, which now are or may hereafter be enacted or inaugurated for the collection of town assessments and levies, by the State of Virginia, including the right to institute and conduct chancery suits in the Circuit Court of Mecklenburg County, to enforce payment thereof. (1936, c. 39; 2016, cc. 162, 311)

§ 14. (1936, c. 39; repealed 1997, c. 630)

§ 15. (1936, c. 39; repealed 1997, c. 630)

§ 16. Bonds may be issued by the Town of South Hill, redeemable within forty years or less, to bear not more than eight per centum interest for any purpose consistent with the welfare of the town and its citizens and pursuant to the Constitution of Virginia, and any general statutes of the State relating to bond issues by incorporated towns, or pursuant to any subsequent legislation by the State affecting the issue of bonds by incorporated towns. (1936, c. 39; 1972, c. 272; 1975, c. 66)

§ 17. The Town of South Hill shall have power, insofar as not prohibited by general law, to tax, license, or assess fees for operation within the town by any person, subject, firm, corporation, association, or agency, of any business, service, undertaking, profession or occupation, whether operated from headquarters within the town or without, and at a rate fixed by the council for such operation,

which rate may be in excess of that charged by the county or the State in connection with the same subject. (1936, c. 39)

§ 18. The enumeration of specific powers, privileges, and authority in this charter shall not be deemed exclusive, but in addition to the powers and privileges herein mentioned, implied or appropriated, the said town shall have and may exercise, all other powers, which are or may hereafter be, possessed, or enjoyed, by any towns under the Constitution and laws of the Commonwealth of Virginia, or not denied by the same, as fully and completely as if herein set out at length. (1936, c. 39)

§ 19. Should any word, phrase, clause, or part of the same, in this charter, at any time be found or adjudged by any court of competent jurisdiction invalid or unconstitutional, or for any other reason not legally operative, such judgment shall in no wise operate to render invalid or of no effect any other portion of this charter, but shall be confined strictly to that word, phrase, clause or portion of this charter that is thus questioned. (1936, c. 39)

St. Charles, Town of

County of Lee

History of incorporation

Incorporated by Circuit Court, January 10, 1914.

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

Terminated

2022, cc. 89, 90.

M. R. Kirk Ex parte Petition for Incorporation of the Town of St. Charles.

Order for the Incorporation of the Town of St. Charles.

Whereas on the 5th day of November, 1913, M. R. Kirk, A. J. Leedy, B. Bailey, G. W. Barker, Wilson Lewis, Tip Quillen, M. O. Carter, J. M. Gilliam, Geo. N. Kirk, H. P. Kirk, W. C. Snapp, D. T. McCoy, J. W. Thomas, A. J. Stewart, G. W. Beverly, A. J. Stacy, J. K. Snapp, O. C. Rutherford, R. C. Pitts, and H. F. Kilbourn, qualified electors living and residing in the then unincorporated town of St. Charles and community of St. Charles in the said county of Lee, and within the metes and bounds set forth in the petition hereinafter named and set forth, filed in the clerk's office of this court, which said petition was duly docketed, and which said petition was duly presented to the Court on the 4th day of December, 1913, in open Court, and which petition is in the following words and figures, to-wit:

"To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia;

The undersigned petitioners, who are qualified electors living and residing in the unincorporated town and vicinity of St. Charles in said county of Lee, and within the metes and bounds hereinafter set forth, respectfully petition and pray the Court to enter an order upon its law order books ordering

and decreeing that the town of St. Charles and the community adjacent thereto, within the metes and bounds hereinafter set forth, be incorporated as a town by the name and style of "The town of St. Charles," the metes and bounds of which are as follows: Beginning at stump in the line between the lands of Bill Thomas and J. W. Thomas on a ridge, N. 10 E. 725 feet to a stake on the top of a ridge above J. B. Pendergraft's line thence N. 8-45' W. 480 feet to a stake on top of a ridge above George Town; thence N. 1-30' E. 570 feet to a stake on a bench of said ridge; thence N. 30 E. 525 feet to a stake near E. S. Wax's line; thence N. 47 W. 281 feet with said Wax's line to hub; thence N. 59-45' W. 350 feet to stake in Electric Transmission Co's right of way; thence S. 34 W. 525 feet to a stake; thence N. 57-30' W. 586 feet to hub in center of creek; thence N. 12-30' E. 1185 feet to a sycamore tree on right bank of creek; thence N. 72-45' W. 465 feet to scale house; thence S. 21-15' W. 284 feet; thence S. 19-15' E. 1905 feet to a stake; S. 2 W. 200 feet to a stake; S. 2-30' W. 350 feet to a stake; S. 6-30' W. 201 feet to a stake at wire fence; S. 10-30' E. 883 feet to a stake; S. 6 W. 110 feet to a stake; S. 24 W. 123 feet to a stake; 18-30' W. 829 feet to the pike road; N. 60 E. 197 feet to a stake N. 41-30' E. 862 feet to a stake; N. 50-30' E. 112 feet to a stake; N. 65-15' E. 346 feet to a stake; N. 63 E. 44 feet to the beginning.

The population of said community sought to be incorporated is as nearly as can be ascertained about 300 people.

Petitioners represent that it would be to the best interest of the inhabitants of the town to have said community incorporated, and that the general good of the community will be promoted thereby; and that the area sought to be incorporated is not excessive, and that the population of said community exceeds two hundred and does not exceed five thousand.

Respectfully submitted."

And following the said petition was signed by the aforesaid petitioners.

And whereas, satisfactory proof has been furnished the court that said petition has been published in full in the Pennington Gap News, a newspaper published in said county once a week for four successive weeks and posted at the front door of the courthouse of said county for four successive weeks;

And whereas, the court is satisfied that is will be to the interest of the inhabitants of said town; that the prayer of the petition is reasonable; that the general good of the community will be promoted; that the number of the inhabitants of said town exceeds two hundred and does not exceed five thousand; and that the area of land designated to be incorporated is not excessive.

Be it therefore ordered and decreed the said town and community set forth by metes and bounds in said petition be and the same is hereby incorporated as a town by the name and style of "The town of St. Charles." That the metes and bounds of said incorporated town shall be as follows:

Beginning at a stump in the line between the lands of Bill Thomas and J. W. Thomas on a ridge, N. 10 E. 725 feet to a stake on top of a ridge above J. B. Pendergraft's line; thence N. 8-45' W. 480 feet

to a stake on top of ridge above George Town; thence N.1-30' E. 570 feet to a stake on bench of said ridge; thence N. 30 E. 525 feet to a stake near E. S. Wax's line; thence N. 47 W. 281 with said Wax's line to hub; thence N. 59-45' W. 350 feet to a stake in Electric Transmission Co.'s right of way; thence S. 34 W. 525 feet to a stake; thence N. 57-30' W. 586 feet to hub in center of creek; thence N. 12-30' E. 1185 feet to a sycamore tree on right bank of creek; thence N. 72-45' W. 465 feet to scale house; thence S. 21-15' W. 284 feet; thence S. 19-15' E. 1905 feet to a stake; S. 2 W. 200 feet to a stake; S. 2-30' W. 350 feet to a stake; S. 6-30' W. 201 feet to a stake at wire fence; S. 10-30' E. 883 feet to a stake; S. 6 W. 110 feet to a stake; S. 24 W. 123 feet to a stake; S. 18-30' W. 829 feet to the pike road; N. 60 E. 197 feet to a stake; N. 41-30' E. 862 feet to a stake; N. 50-30' E. 112 feet to a stake; N. 65-15' E. 346 feet to a stake; N. 63 E. 44 feet to the beginning. Henceforth the inhabitants of within the aforesaid bounds, shall be a body politic and corporate with all the powers, privileges and duties conferred upon and appertaining to towns under the general law.

This order of incorporation is made because the court is of the opinion and so orders that it is to the best interest of the inhabitants of that locality, and that the general good of the community will be promoted by said incorporation.

It is further ordered and decreed that the first election of town officers for said incorporation shall be held on the 31st day of December, 1913, at M. R. Kirk's hotel in said town and the electoral board of said county, shall not less than 15 days before said election, appoint one registrar and three judges of election, who shall act as commissioners of said election, and said officers shall conform to the requirements of section ten hundred and twenty-two of the Code of Virginia and the conduct of said election shall conform in all other respects to the requirements of the general law regarding the holding election in towns so far as is applicable. Said election shall be held, the vote counted, returned, canvassed, and certified as regular elections are held, returned, canvassed, and certified; but said officers elected at said election shall only hold office till the next regular election of town officers to be held as provided for by general law.

Stanardsville, Town of

County of Greene

History of incorporation

Established in 1794 in Orange County.
Greene County formed from Orange in 1838.
Incorporation, 1829 (Orange County), c. 137.
Incorporation, 1867 (Greene County), c. 154; repealed 1922, c. 161.
Incorporated by order of the Circuit Court, April 18, 1921.
Charter, 1922, c. 161; repealed 1973, c. 74.

Current charter

Charter, 1973, c. 74.

Amendments to current charter
1983, c. 585 (§ 3.8)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Stanardsville. as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Stanardsville, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1973, c. 74)

§ 1.2. Boundaries.

The boundaries of the town of Stanardsville shall be the boundaries of the town of Stanardsville, its predecessor, as described by order of the Circuit Court of Greene County, Virginia, of record in Court Order Book No.9, Page 373 of said court, dated April 11, 1930, pursuant to Chapter 308 of the Acts of the General Assembly of the State of Virginia of 1908, approved March 14, 1908, as amended. (1973, c. 74)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Stanardsville shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining and incumbent on the town as a municipal corporation. (1973, c. 74)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers granted in § 2.1 of this charter include specifically the powers set forth in §§ 15.1-837 through 15.1-915, inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto. (1973, c. 74)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, and hereby conferred upon the town of Stanardsville. (1973, c. 74)

§ 2.4. License tax: utilities, etc.

The town of Stanardsville may impose a license tax upon any utility, public service corporation or quasi-public corporation, including telephone and telegraph companies, for the privilege of doing business therein. Such license tax shall not exceed one half of one per centum of the gross receipts of such business, accruing to such corporation from such business within the town. (1973, c. 74)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The town of Stanardsville shall be governed by a town council composed of four councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected. An election for mayor and councilmen shall be held on the first Tuesday in May, 1974, and every four years thereafter. The mayor and councilmen elected on the first Tuesday in May, 1974 and thereafter, shall enter upon their duties on the first day of July next succeeding his or their election, and shall each serve for a term of four years, or until their successors have qualified. (1973, c. 74)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term, from among the qualified voters of the town, by a majority vote of the remaining members of the council. (1973, c. 74)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term, from among the qualified voters of the town, by a majority vote of the members of the council. (1973, c. 74)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (1973, c. 74)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the

mayor for the purpose of enforcing peace and good order and executing the laws of the State and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary; and shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1973, c. 74)

§ 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor over the acts of the council. (1973, c. 74)

§ 3.7. Acting mayor.

If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time but shall not exercise the veto power of the mayor over the acts of the council. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1973, c. 74)

§ 3.8. Meetings of council.

The town council shall fix the time of its stated meetings, and it shall meet at least once every two months, and except as herein provided, the council shall establish its own rules of procedure. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Three members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. (1973, c. 74; 1983, c. 585)

§ 3.9. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Vir-

ginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected. (1973, c. 74)

Chapter 4. Town Manager.

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be designated the town manager, who shall, under the control of the council, have general charge and management of the administrative affairs and work of such town and shall perform such other duties as may be required of him by the town council. He shall receive such salary or compensation as shall be allowed him by such council and may be dismissed at any time by the council. (1973, c. 74)

§ 4.2. Acting town manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death, inability to act or resignation of the town manager, until his return to duty or the appointment of his successor. (1973, c. 74)

Chapter 5. Appointive Officers.

§ 5.1. Appointments.

The town council may appoint a town clerk, a chief of police, a town sergeant, a municipal judge, a town attorney or such other officers as they may deem necessary. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties, not inconsistent with general law, as this charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. (1973, c. 74)

§ 5.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive officers as they may deem necessary. (1973, c. 74)

§ 5.3. Term of office.

Appointees hereunder shall serve at and during the pleasure of the town council. (1973, c. 74)

§ 5.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1973, c. 74)

§ 5.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1973, c. 74)

§ 5.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1973, c. 74)

§ 5.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for this purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1973, c. 74)

Chapter 6. Courts.

§ 6.1. Authority to establish municipal court. Jurisdiction of court.

The town council may establish by ordinance a municipal court, which shall be known as the Municipal Court of Stanardsville. Jurisdiction of such court in criminal matters shall be as provided in §§ 16.1-124 and 16.1-125, as amended, of the Code of Virginia, and such court shall have original jurisdiction in the trial of all cases involving the violation of town ordinances, and in the collection of town taxes or assessments, or other forms of debt owing to the town. (1973, c. 74)

§ 6.2. Judge of municipal court. Substitute judge.

The judge of the municipal court shall be appointed by the town council. He shall serve at the pleasure of the town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. The municipal judge and substitute municipal judge need not be residents of the municipality. The municipal judge and the substitute municipal judge shall have the qualifications of judges of courts not of record. (1973, c. 74)

§ 6.3. Clerk of municipal court.

A clerk of such court shall be appointed by the town council, to serve at the pleasure of the town council. (1973, c. 74)

§ 6.4. Jurisdiction of county court if municipal court not created or if municipal court abolished.

If the town council shall elect not to establish a municipal court, as provided in § 6.1 of this charter, or if the town council shall, by ordinance, abolish such a municipal court after its having been established, the County Court of Greene County, Virginia, or its successor, shall have jurisdiction within the town of Stanardsville as the municipal court would otherwise have had. In such instance the town council may enter into such contracts or agreements as it may deem necessary to permit the trial in said county court, or its successor, of cases or causes of action arising within the town or within the jurisdiction of said town. (1973, c. 74)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1973, c. 74)

Chapter 8. Miscellaneous.

§ 8.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1973, c. 74)

§ 8.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1973, c. 74)

§ 8.3. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1973, c. 74)

§ 8.4. Ordinances continued in force.

All ordinances now in force in the town of Stanardsville, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1973, c. 74)

§ 8.5. Succession to rights and duties.

The town of Stanardsville shall succeed to all the rights, duties, obligations and contracts of the town of Stanardsville, its predecessor. (1973, c. 74)

§ 8.6. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1973, c. 74)

§ 8.7. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1973, c. 74)

§ 8.8. Supersedes old charter.

This charter supersedes and renders null and void all charters and amendments thereto granted by circuit courts pursuant to Chapter 308, as amended, of the Acts of Assembly of 1908, except insofar as orders of such courts established boundaries of the town of Stanardsville. (1973, c. 74)

Stanley, Town of

County of Page

History of incorporation
Incorporation and Charter, 1900, c. 322; amended 1916, c. 227.
Charter, 1916, c. 227; amended 1926, c. 395.

Current charter
Charter, 1926, c. 395.

Amendments to current charter
1930, c. 204 (§ 14)

1948, c. 14 (§ 5)

1956, c. 258 (§§ 3, 4, 5, 12)

1971, c. 146 (§§ 5, 12)

1973, c. 272 (§§ 14 [repealed], 15 [repealed], 16 [repealed], 36, 41, 87 [repealed])

1993, c. 676 (§§ 4, 8, 9, 34 1/2, 35 through 39, 43, 55, 66 [repealed], 77, 82, 91)

2005, c. 627 (§§ 5, 12, 34, 34 1/2, 37 [repealed], 38 [repealed], 39 [repealed], 55, 82 [repealed], 83 [repealed], 84, 92, 93)

§ 1. The inhabitants of the territory in the county of Page, contained within the boundaries prescribed and defined in the section immediately following, be and they are hereby declared to be a body politic and corporate, in fact, and in name, under the name and style of the town of Stanley and as such, shall have and exercise all the powers conferred by and be subject to all the laws of the State of Virginia now in force or that may hereafter be enacted for the government of towns so far as the same are not inconsistent with the provisions of this act. (1926, c. 395)

Chapter 1. Corporate Boundaries.

§ 2. The territory contained within the limits of the said town shall be as follows, to-wit:

Beginning at a point in the New Market and Gordonsville turnpike, east of the crossing of the said turnpike and the Norfolk and Western railroad, and opposite the line between the Harden Keyser lot owned by Earley V. B. Alger, and the land of the late John W. Keyser, and following the boundary line of the John W. Keyser land to the west corner of said land where the Ruben Judy road intersects with said New Market and Gordonsville turnpike, and crossing said Ruben Judy road to the east corner of J. E. Tucker's lot, thence with Tucker's line fence on west side of Judy road and also in part with fence on west side of Judy road along the lands of S. E. Kite, to a point south of Ruben Judy's residence and directly opposite the center of Stanley avenue, west of the railroad; thence in a direct line through the lands of Ruben Judy and S. E. Kite, crossing the railroad to center of said avenue and continuing with the same to the north side of the New Market and Gordonsville turnpike thence west with said turnpike and B. H. Louderback's line fence to west corner of said

Louderback's lot; thence north with division line of B. H. Louderback and J. S. Louderback to north corner of said B. H. Louderback lot; thence in a direct line through the lands of what was formerly The Stanley Furnace and Land Company, and Marvin L. Painter, and west corner of Wm. F. Petefish's land, continuing with Petefish's line to north corner of lot; thence in a direct line through W. D. Short's orchard to his gate north of and near to his residence; thence east with the north side of said W. D. Short's lane to G. N. Rogers' line; thence south with division line of said Short and Rogers to corner of Rogers and J. T. Hilliards; thence east with division lines of said G. N. Rogers and J. T. Hilliards; Jno. P. Foltz and P. W. Yates; Jno. P. Foltz and T. M. Offenbackers' estate; crossing the railroad, Jno. P. Foltz and Geo. V. Good's estate; Jno. P. Foltz and Gilbert Good; and continuing in a direct line through the lands of James Dunavan to division line between Dunavan and L. V. Kite; thence south with said line to corner of said Dunavan's land in said L. V. Kite line; thence southward in a direct line to the beginning. (1926, c. 395)

Chapter 2. Government.

§ 3. The government of said town shall be vested in a Town Council, which shall be composed of the Mayor and five Councilmen, each of whom shall be qualified voters within the said town. (1926, c. 395; 1956, c. 258)

§ 4. The municipal officers of said town shall consist of five councilmen; a mayor; a treasurer, and a police chief; which latter two are to be appointed by the said council. (1926, c. 395; 1956, c. 258; 1993, c. 676)

§ 5. Election term of councilmen; council a continuous body.

At the regular municipal election to be held on the first Tuesday after the first Monday beginning November 2004, the mayor and two members of council shall be elected by the qualified voters. The councilmen thus elected shall serve as members of the council for terms of four years each commencing January 1, 2005.

At the regular municipal election to be held on the first Tuesday after the first Monday in November 2006, three councilmen shall be elected for a term of four years each with their terms commencing January 1, 2007.

On the first Tuesday following the first Monday of November every two years thereafter, either two or three councilmen shall be elected, depending upon the number of councilmen whose terms shall expire in that year, for terms of four years each. Terms of office shall begin on the first day of January next following their election and each shall serve for the terms stated or until his successor has been elected and qualified.

Any council member whose term of office would have expired but for the adoption of this provision by amendment of the charter shall have his term of office extended for six months until December 31 of the year in which his term otherwise would have expired on June 30.

The council shall be a continuous body. No measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. (1926, c. 395; 1948, c. 14; 1956, c. 258; 1971, c. 146; 2005, c. 627)

§ 6. No person shall be eligible to hold an elective office unless he is a duly qualified voter of the said town. (1926, c. 395)

§ 7. The council may also appoint such other officers, agents and employees, as may be necessary to conduct the business of the town, fix their compensation, and prescribe their duties, and may appoint such committees of the council and create such boards and departments of town government and administration with such duties and powers and subject to such regulations as it may see fit, consistent with the provisions of this act. The terms of all officers, agents and employees appointed or employed by the council, unless sooner removed from office as provided for herein, shall expire with the council. The duties and compensation of all municipal officers, except as herein defined or provided for, shall be defined and prescribed by the town council. All officers, agents, and employees, appointed by the council of the town may be removed by majority vote of the council for good cause. (1926, c. 395)

Chapter 3. Oath of Mayor, Councilmen, Et Cetera.

§ 8. The mayor, police chief, and treasurer, shall take the oath prescribed by law for all State officers, and the councilmen and all other officers shall take an oath faithfully to execute the duties of their respective offices to the best of their judgment. (1926, c. 395; 1993, c. 676)

§ 9. The court or person administering the oath, required by § 8, shall make duplicate certificates of the oaths taken by the mayor, police chief and treasurer, and the person taking the same shall deliver the certificates to the clerk of the council, who shall file all of the certificates among the records of the town, and shall deliver the copy of the oath of the mayor, police chief and treasurer, to the clerk of the circuit court of Page County, to be filed and preserved. (1926, c. 395; 1993, c. 676)

§ 10. If any person elected or appointed to any office in the said town shall neglect to take such oath on or before the date on which he is to enter upon the discharge of the duties of the office or shall for twenty days after the beginning of his term of office, fail to file such bond with security as may be required of him, by the council of the said town, he shall be considered as having declined said office, and the same shall be deemed vacant and such vacancy shall be filled as prescribed in this charter, or by the general laws of this State. (1926, c. 395)

Chapter 4. Records, Books, Et Cetera.

§ 11. If any person having been an officer, agent or employee of the said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the council may allow, deliver over to his successor in office or the clerk of the council all property, books and papers belonging to the town or appertaining to such office in his possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars to be sued for and recovered by the said town with costs; and all books, records and documents used in any office by virtue of any provision of this act or any ordinance or order of the town council or any superior officer of the said town, shall be deemed the property of said town, appertaining to the said office and the chief officer thereof shall be held responsible therefor. (1926, c. 395)

Chapter 5. Mayor.

§ 12. Election and term of office.

The mayor shall be elected at the regular municipal election by the qualified voters for a term of four years beginning on the first Tuesday following the first Monday in November in the year 2004 and every four years thereafter. The term of any mayor in office at the time of the amendment of this charter provision whose term of office would have expired but for the adoption of this charter amendment shall have his term of office extended for six months. (1926, c. 395; 1956, c. 258; 1971, c. 146; 2005, c. 627)

§ 13. His salary shall be fixed by the town council and shall not be diminished during his term of office, without his consent. (1926, c. 395)

§ 14. (1926, c. 395; 1930, c. 204; repealed 1973, c. 272)

§ 15. (1926, c. 395; repealed 1973, c. 272)

§ 16. (1926, c. 395; repealed 1973, c. 272)

§ 17. The mayor shall see that the by-laws and ordinances of the town are fully executed and enforced, and shall preside over the meetings of the town council, voting only in case of a tie. (1926, c. 395)

§ 18. The mayor shall see that the duties of the various town officers, agents or employees and members of the police force, whether elected or appointed, are faithfully performed. He shall have power to investigate their accounts, have access to all their books of accounts and documents in their office, and may examine them or their subordinates on their oath; but the evidence given by person so examined, shall not be used against them in any criminal proceeding. (1926, c. 395)

§ 19. The mayor shall communicate to the town council annually, at the beginning of each fiscal year or oftener if he be required by the council, a general statement of the condition of the town in relation to its government, finances, and improvements, with such recommendations as he may deem proper, and may from time to time, communicate to the council such suggestions and recommendations as he may deem proper. (1926, c. 395)

§ 20. In case a vacancy shall occur in the office of mayor the vacancy shall be filled by appointment by the town council, of any one eligible to such office. (1926, c. 395)

§ 21. The mayor shall have power to call a meeting of the council whenever he deems it necessary, and in case of the absence, inability, or refusal of the mayor, the council may be convened by the order of any two members thereof. (1926, c. 395)

Chapter 6. Council.

§ 22. The town council shall by ordinance, fix the time of their stated meetings, and they shall meet at least once a month, and no business shall be transacted at a special meeting thereof except that for which it shall be called, unless all members of the council be present. (1926, c. 395)

§ 23. Three members of the council, of whom for the purpose of constituting a quorum the mayor shall be counted as one, shall constitute a quorum for the transaction of business. No vote shall be reconsidered or rescinded at a special meeting unless at such special meeting there be as large a number of the council members present as were present when such vote was taken. (1926, c. 395)

§ 24. The meetings of the council shall be presided over by the mayor, or in his absence or inability to act, some other member of the council chosen by the majority of that body. (1926, c. 395)

§ 25. The town council shall have authority to adopt rules for the regulation of their proceedings and appoint such officers, agents, committees, and employees as they may deem proper. To compel the attendance of absent members; to punish its members for disorderly behavior, and by a vote of three-fifths of the whole council to expel a member for malfeasance or misfeasance in office. (1926, c. 395)

§ 26. A journal, or minute book, shall be kept of the proceedings of the town council and at the request of any member present, the yeas and nays shall be recorded on any question. At the close of each meeting the proceedings shall be read and signed by the person presiding over that meeting, and attested by the clerk of said meeting. (1926, c. 395)

§ 27. The clerk of the council shall keep the said journal and shall record the proceedings of the council at large, thereon and keep the same properly indexed. (1926, c. 395)

§ 28. The town council shall judge of the election, qualification, and returns of its members. (1926, c. 395)

§ 29. The regular attendance of all members elected to the council is desirable, and in the event a member so elected to the said council is absent without good cause, from any regular or stated meeting, twice in succession, his seat shall automatically become vacant, and the same shall be filled as hereinafter provided. (1926, c. 395)

§ 30. All vacancies occurring from any cause whatsoever in the office of mayor, councilman, or any other office, whether filled by appointment or election shall be filled for the unexpired term by the council. (1926, c. 395)

§ 31. The council shall have power to suspend and remove all officers and employees whether elected or appointed, for misfeasance, malfeasance, inefficiency, or neglect of duty to, be specified in the order of suspension or removal, but no such removal shall be made without reasonable notice given to the person so suspended or removed, and an opportunity afforded for his defense thereto; and no removal of any town officer, agent or employee other than an officer appointed by the mayor, shall be final until the same shall be ratified by a majority vote of the town council. (1926, c. 395)

§ 32. The town council shall have all powers and authority that is now or may hereafter be granted to councils of towns by the general laws of this State and by this act; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of this State to town councils, but not herein specified. (1926, c. 395)

§ 33. And the said council shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the State itself may exercise under the circumstances, except as may be specifically denied towns by the acts of the general assembly. (1926, c. 395)

§ 34. Enumeration of specific powers.

The council shall have the further power to control and manage the fiscal and municipal affairs of the town and all property, real, personal, belonging to the said town, and may make such ordinances, orders and resolutions relating to the same as it may deem proper and necessary.

The council shall have the further power to:

(1) Purchase, hold, sell, and convey all real and personal property within or without the corporate limits necessary for its uses and purposes.

(2) Acquire by purchase, condemnation or otherwise, or to construct or lease and operate its own plant, factory and equipment for supplying its inhabitants, streets, grounds and buildings with water, light, power, fuel, and sewerage, and to that end it may acquire by purchase or lease any plant existing in or near the town and may acquire lands and franchise outside of the limits of the said town, and may by purchase, condemnation or otherwise acquire easements and rights of way.

(3) Purchase, condemn, or otherwise acquire one or more locations for a site for fire engine houses, stables, town buildings, parks, play grounds, and for all municipal uses and purposes, within or without the town.

(4) Close, extend, widen, or narrow, straighten, lay out, graduate, curb, and pave, and otherwise improve the streets, sidewalks, roads and public alleys in the town, and have them kept in good order and properly lighted, and to require the payment, by the property owner, benefited by such works or improvements of such property, of the cost as shall not exceed five per centum of the assessed value of said property, and to make such item a lien upon their real estate, and collectable in the same manner as is herein provided, and also as provided by the general laws of the State for the collection of taxes generally, and over any street or alley in the town which has been or may be ceded to the said town, or conveyed to the town by proper deed, they shall have like power and authority as over other streets and alleys. They may build bridges over and culverts under the streets, and may prevent and remove any structure, obstruction or encroachment over or under or in any street, sidewalk, or alley in the said town, and may permit shade trees to be planted along said streets, also cut down and remove or may require to be taken down and removed any shade trees upon any of the streets and alleys of the said town; but no company, firm, corporation and individual shall occupy with its or his works or appurtenances thereof the streets, sidewalks and alleys of the town, without the consent of the council duly entered of record, and whenever in the construction of any sewer, conduit or public improvement, it is necessary that the same shall run through or under private property, the council shall have authority to contract and agree with the owner thereof for the use and purchase of the right of way or other easement, in, through, or under the same, or have the same condemned according to law.

(5) Require the owners of real estate abutting upon paved or granolithic sidewalks to remove the snow therefrom, to prevent skating or riding of bicycles thereon, and of all other improper uses thereof, and to punish such violation by fine.

(6) Prevent the cumbering of streets, sidewalks, alleys, roads, lanes, avenues, or bridges in the town in any manner whatsoever, and to have full and complete control thereof.

(7) Determine, restrain and regulate the use and speed of bicycles, motorcycles, traction engines, locomotives, engines, cars, automobiles, and all other vehicles upon the said streets, roads and alleys of the said town; or regulate the speed of locomotives or trains, and require flagmen at dangerous railroad crossings within the town.

(8) Require and compel the abatement of all nuisances, and the removal thereof within the town at the expense of the person or persons causing the same, or the owner or owners of the ground whereupon the same may be.

(9) Require and compel the owners of the houses in the town, or if the owners be unknown or absent, the occupants of such houses, to connect their water closets and water drains with the sewers of the town, or otherwise comply with such regulations as to sewers and nuisances as the council may prescribe, and upon failure so to do the same may be done by the town, by entering upon the premises, if necessary, and the cost attending same shall be collected from the owner and occupant of such houses, as taxes are herein in this charter allowed to be collected by the town.

(10) Direct the location of all buildings for storing gunpowder, fire crackers, or other works manufactured or prepared therefrom, kerosene oil, nitroglycerin, camphene, burning fluid, or other combustible material; to regulate and restrain the exhibition and use of fireworks, firecrackers, the discharge of firearms, the use of candles or lights in barns, stables, and other buildings; and to regulate and restrain the making of bonfires in the streets, alleys, roads and premises in the said town.

(11) Prevent horses, cattle, hogs, dogs, cats, chickens and all other poultry and animals from running at large in the said town, and may subject the same to confiscation, regulation and taxes as may be deemed proper; and the town council may prohibit the raising and keeping of hogs in the town or in any part thereof, or if permitted, may regulate the same.

(12) Prevent the riding and driving of horses or animals at an improper speed, throwing stones, or engaging in any employment or sports on the streets, sidewalks, roads or public alleys dangerous to or annoying to pedestrians; and to prohibit and punish cruel treatment of horses and other animals in the said town.

(13) Protect the person and property of the inhabitants of the town, and others within the town, to restrain and punish drunkards, vagrants, idlers, and street beggars, to prevent vice and immorality, obscenity, profanity, abusive language, and gambling, to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblies; to suppress houses of ill fame and gambling houses; to prevent lewd, indecent, and disorderly conduct, or exhibits on the said town, and to expel therefrom persons guilty of such conduct; to prevent the coming into town of persons having no ostensible means of support and persons who may be dangerous to the peace and safety of the town and compel such persons to leave the town if they have been in the town not more than six months before the order is given.

(14) Make and enforce ordinances to secure the safe and expeditious use of streets, roads, and alleys of the said town; to regulate all manner of traffic thereon, and for the protection of persons and property thereon or near thereto.

(15) Establish and maintain parks, playgrounds, and boulevards, and cause the same to be laid out, equipped and beautified; to give names to or alter the names of streets, and fix building lines.

(16) Lay off public grounds and provide, acquire, erect, and keep in order all buildings proper for the town.

(17) Prohibit and punish for mischievous, wanton or malicious damage to school and public property as well as private property.

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

(19) Restrict the dumping of garbage to such places as the council may designate and to punish all who fail to comply with such rules and regulations as to garbage disposal.

(20) Authorize and regulate the erection of party walls and fences and prescribe how the cost thereof shall be borne by coterminous owners; and to prohibit and punish trespassing upon private property within the town.

(21) Regulate and control auction sales, livery stables, garages, barber shops, slaughter houses, soap factories, theatrical performances or other public shows or exhibitions; the hiring or use for pay of carriages, carts, wagons and drays, and the business of hawkers, peddlers, persons selling goods by sample, persons keeping billiard tables, tenpin alleys, and pistol galleries for profit, and all other similar business, occupations and employments, and as to such trades, occupations, and employments and of any other like nature, or not, may grant or refuse license as it may deem proper.

(22) Provide for the regular and safe construction of houses in the town for the future, to require the standard of dwelling houses be maintained in residential sections in keeping with the majority of residences therein.

(23) Designate and prescribe from time to time, the part of the town within which no buildings of wood shall be erected, and to regulate the construction of buildings in the town, so as to protect it against danger of fire; to remove or require to be removed any building, structure or addition thereto, which by reason of dilapidation, defect of structure, fire, or other cause may become dangerous to life or property, and also refuse a permit to repair any such building or structure.

(24) Prevent injury or annoyance of anything dangerous offensive or unhealthy.

(25) Provide by regular ordinances what are nuisances; to cause the abatement of any nuisance so declared to be by the general laws of this State, or the regular ordinance of the town.

(26) Provide in or near the town lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of ground therein; and to provide for the perpetual upkeep and care of any plat or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof used in and about the perpetual upkeep and care of the said lot, or plot, for which the said donation, gift, or bequest shall have been made.

(27) Offer and pay rewards for the apprehension of criminals.

(28) Control, regulate, limit, and restrict the operation of motor vehicles carrying passengers for hire, upon the streets and alleys of the town, to require a bond with satisfactory surety thereon of the owner of every motor vehicle so used, conditioned to satisfy all damages caused to any person, or property, in the negligent operation of such motor vehicle, or adequate insurance, to require the annual registration of each and every motor vehicle so used and a license tax to be paid thereon, to require all drivers of such motor vehicles, whether owners or not, to obtain permits from the mayor and council before operating any such motor vehicle carrying passengers for hire upon the said streets and alleys, to refuse permits to so operate any motor vehicle to any person who is not of good character, reputation, physically fit, capable, competent, of sufficient age and discretion, or who is addicted to the use of intoxicating liquors or narcotics, to revoke any permit issued to any person for good cause and after a hearing thereon; or, a franchise may be granted for the transportation of passengers by motor vehicles for hire upon the said streets and alleys, to be advertised and sold as provided for by the Constitution and the laws of this State, subject nevertheless to such rules, regulations, restrictions, and limitations and upon such conditions, not in conflict with the Constitution, as the council may determine. But nothing in this section shall be construed to be in conflict with the general State law on motor vehicle carriers.

(29) Pass all resolutions and ordinances not repugnant to the Constitution and the laws of the State, or in conflict with this act, which may deem necessary for the good order and government of the said town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or of their property, and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in the said town or in the council, or the officers thereof, or which may be necessarily incident to a municipal corporation. (1926, c. 395; 2005, c. 627)

Chapter 7. Police Chief.

§ 34 1/2. Council to prescribe duties and fix compensation.

The town council shall have the power and authority to prescribe for the police chief such general and other duties as it may see fit, and shall fix his compensation. (1926, c. 395; 1993, c. 676; 2005, c. 627)

§ 35. The police chief shall perform the duties, receive the compensation and be subject to the liabilities prescribed by this act, the ordinances, bylaws and regulations of the town council, and by the laws of this Commonwealth, and also shall have the powers and discharge the same duties as constables within the corporate limits of the town, and be subject to the same liability touching all process lawfully directed to him, as constables are subject to, under the laws of this Commonwealth. (1926, c. 395; 1993, c. 676)

§ 36. The police chief and the police officers of the town shall have power to arrest without warrants and carry before the proper authority, to be dealt with according to law, any and all persons who shall violate any ordinance of the town or law of the Commonwealth in their presence, and it shall be their duty to swear out warrants of arrest for any person or persons where they have reason to believe any offense has been committed. (1926, c. 395; 1973, c. 272; 1993, c. 676)

§ 37. (1926, c. 395; 1993, c. 676; repealed 2005, c. 627)

§ 38. (1926, c. 395; 1993, c. 676; repealed 2005, c. 627)

§ 39. (1926, c. 395; 1993, c. 676; repealed 2005, c. 627)

Chapter 8. Use of Streets, Et Cetera.

§ 40. No street, gas, railway, water, steam, or electric heating, electric light, or power company, compressed air, viaduct, conduit, telegraph, telephone, or bridge company, firm, or corporation, association, persons or partnership, engaged in these or like enterprises shall be permitted to use the streets, roads, alleys or public grounds of the town without the previous consent of the corporate authority of the town. (1926, c. 395)

§ 41. No person or corporation shall occupy or use any of the streets, avenues, parks, bridges, boulevards, alleys or any other public place or public property of the town, or any public easement of the town of any description in a manner not permitted to the general public, without having first obtained the consent thereto of the town council, or a franchise therefor, and any person upon conviction of so doing before the court or judge having jurisdiction to try violations of ordinances of the town shall be fined not less than five dollars, nor more than fifty dollars, each day's continuance thereof to be a separate offense, such fine to be recovered in the name of the town and for its use, and such occupancy shall be deemed a nuisance, and the court or judge shall have power to cause the said nuisance to be abated, and to commit the offenders and all their agents and employees engaged in such offense to the town prison until such order shall be obeyed. (1926, c. 395; 1973, c. 272)

§ 42. In every case when a street of said town has been, or shall be encroached upon by any fence, building, porch, projections or otherwise, the town council may require the owner, if known, or if unknown, the occupant, to remove the same, and if such removal be not made within the time prescribed by the council they may impose a penalty of not exceeding twenty-five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner, or if the owner be unknown, from the occupant of the premises, a reasonable charge therefor, with costs, by the same procedure as they are hereinafter empowered to collect taxes. No encroachment upon any street of the said town, however long the same shall have been or may be continued, shall constitute an adverse possession to, or confer any rights upon the person claiming thereunder, as against the town. (1926, c. 395)

Chapter 9. Police.

§ 43. The town council shall have the power and authority to appoint a chief of police, and such additional police officers as it may deem necessary or proper. (1926, c. 395; 1993, c. 676)

§ 44. The town council shall prescribe rules and regulations for the government of the police department, prescribe uniforms and badges of the officers therefor, and fix their rate of pay, and in addition thereto, the mayor, or in his absence, the president pro tempore of the council, or in the absence of both, any councilman shall have the power and authority, whenever the regular police force of the town is, in the judgment of such person, deemed inadequate to meet the needs of the occasion, to appoint and swear in such additional or special policemen as he may deem requisite, for a term of service not to exceed ten days, and at such compensation as the council may fix for special policemen, or, if no compensation be fixed by the council, then at the same compensation per day paid regular police officers of the regular police force. The duties and powers of such special policemen shall be the same as that of a private on the regular police force. (1926, c. 395)

§ 45. The police force shall be under the control of the mayor for the purpose of enforcing peace and order, and executing the laws of the State and ordinances of the town. They shall also perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties and powers, any policeman is hereby made a conservator of the peace, and endowed with all the powers of the constable in criminal cases, and all other powers which under the laws of the State may be necessary to enable him to discharge the duties of his office. (1926, c. 395)

§ 46. The officers and privates of the police force of the town shall be vested with all the powers and authority which belong to the office of a constable at common law in taking cognizance of and enforcing the criminal laws of the Commonwealth of Virginia, and the ordinances and regulations of the town respectively; and it shall be the duty of each policemen to use his best endeavor to prevent the commitment within the said town of offenses against the laws of the Commonwealth, and against the ordinances and regulations of the town, to observe and enforce all such laws, ordinances and regulations, to detect and arrest offenders against the same, to preserve the good order of the town, and to secure the inhabitants thereof from violence, and the property therein from injury. (1926, c. 395)

§ 47. The police of the town shall have all the power and authority of a sergeant and in all cases execute such warrants or summons as may be placed in his or their hands by the mayor of the said town, or properly constituted authority, and shall make due return thereof. (1926, c. 395)

Chapter 10. Fire Department.

§ 48. The town council shall have the power and authority to establish and maintain a fire department for the town, and all power necessary for the government, management, maintenance, equipment, and

direction of such fire department, and the premises, property and equipment thereof. The council may make ordinances as it may deem proper for the prevention of fires, the construction of flues, chimneys, and stove pipes, and the extinguishment of fires; for the regulation of the conduct of persons in attendance at fires in relation to the powers and duties of the officers and men of the fire department; to require citizens to render assistance to the fire department in case of need, and in relation to the acquisition, use, maintenance, and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1926, c. 395)

§ 49. The town council may in their discretion authorize or require the fire department to render aid in case of fire occurring beyond the limits of the town, and may prescribe the conditions under which aid may be rendered. (1926, c. 395)

Chapter 11. Dedication of Streets, Et Cetera.

§ 50. All streets, cross-streets, roadways, alleys, avenues, and walkways which have already been laid off and opened according to plats of the several subdivisions of the town as now constituted, not heretofore changed, closed or altered by the municipal authorities, and all streets, cross-streets, avenues and alleys, lanes and walkways which have heretofore been opened and used as such, or which may at any time be located, surveyed and opened in the said town or any extension of the same within the corporate limits of the town, shall be and they are hereby established as public streets, avenues, lanes and walkways of the town. (1926, c. 395)

§ 51. Any street, alley, avenue or walkway heretofore or hereafter reserved or laid out in the division or subdivision into lots of any portion. of the territory within the corporate limits of the town as now constituted by a plan or plat of record, not altered, closed, or vacated by the municipal authorities, or otherwise as provided by law, shall be deemed and held to be dedicated to public use as and for a public street, avenue, alley or walkway, as the case may be, of the town, unless it appears by the said record that the street, avenue, alley or walkway so reserved is designated for private use, and whenever any street, alley, avenue, walkway or lane in the town shall have been opened and used as such by the public for a period of five years, the same shall thereby become a street, avenue, alley, walkway, or lane for public use, unless notice of the contrary intention on the part of the landowner be given in writing to the mayor of the town, who shall report the receipt of such notice to the council that it may be spread on the journal; and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, avenues, walkways and lanes laid out by them; and all streets, avenues, alleys and walkways hereafter laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of he town shall be made to conform to existing streets, avenues, alleys and walkways, both in width and their courses and direction. (1926, c. 395)

§ 52. The town shall repair, maintain, and keep in good order the public streets and roads, except the State road, within the corporate limits of the town, and if the said town so keeps in order, repairs and maintains, the public roads and streets, within the said corporate limits, no road tax shall be levied therein by the county of Page, or any subdivision thereof; and the inhabitants of the town and all taxable property, personal and real, within the corporate limits of the town shall be exempt from all assessments and levies imposed by the authorities of the county of Page, or Marksville magisterial district thereof, for the construction, repair or maintenance of roads lying outside of the corporate limits of the said town. (1926, c. 395)

Chapter 12. Treasurer.

§ 53. The treasurer of the said town shall be appointed by the council for a term of two years, at the time the mayor and council are installed in office, and shall collect and receive all money belonging to the town, and shall perform such other duties as are prescribed by the council. He shall keep his office at some convenient place in the town, provided by the town council. He shall keep his books and accounts in such manner as the town council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and council, or any committee or committees of the council. He shall receive for his services such compensation, either in fees or salary, as the town council may from time to time allow, and when such compensation has been fixed by the council, the same shall not be diminished during the term of his office. (1926, c. 395)

§ 54. No money shall be paid out by the town treasurer except by order of the council and upon a warrant of the clerk of the council, countersigned by mayor, except as hereinafter provided. (1926, c. 395)

§ 55. Powers and duties.

The town treasurer or his deputy duly appointed by the council and qualified, or any other person appointed by the town council shall collect all the taxes, revenues and assessments, which may be levied by the said town council, and for this purpose the said treasurer or other person appointed by the town council as aforesaid, shall be vested with power and be subject to liabilities and penalties now prescribed by law in regard to the county treasurers of the Commonwealth of Virginia in the levying and collection of taxes and said officers or persons appointed as aforesaid to collect said taxes, revenues, and assessments, shall have full power to levy on property and sell the same for the payment of such tax, as the said county treasurers of the Commonwealth of Virginia are now empowered by law to do, and such sales shall be made upon the notice and in such manner as now prescribed by law in sales of personal property for State taxes; and any person so appointed shall give bond and receive such compensation as said council shall direct. (1926, c. 395; 1993, c. 676; 2005, c. 627)

§ 56. The treasurer shall be required to keep all money in his hands belonging to the town in such place or places of deposit as the town council by ordinance may provide or direct. (1926, c. 395)

§ 57. The treasurer shall report to each stated meeting of the council the amount of cash then on deposit to the order of the town, and in what depositories deposited, and shall annually at the end of each fiscal year publish, either in the newspapers or by posting in front of the post office, a statement showing all the receipts and income of the said town and from what sources, and all disbursements made and for what purpose. (1926, c. 395)

§ 58. The treasurer shall execute bond with satisfactory surety, payable to the town for the faithful performance of all duties of his office, and to account for all money coming into his hands. (1926, c. 395)

Chapter 13. Clerk of the Council.

§ 59. The clerk shall attend the meetings of the council and keep the record of its proceedings; he shall have the custody of the corporate seal; he shall keep all the papers that, by the provisions of this act, or the direction of the council, are required to be filed with or kept by him; he shall give notice to all parties presenting communications or petitions to the town council of the final action of the council on such communication or petition; he shall publish such reports and ordinances as the council is required to publish, and such other reports and ordinances as it may direct and shall, in general, perform such other acts and duties as the council may from time to time prescribe and require of him. He shall receive such compensation as the council may direct. (1926, c. 395)

§ 60. The clerk of the council shall perform all the duties in relation to the assessment of property for the purpose of levying the town taxes or levies, shall see to it that all persons, firms and corporations, chargeable with a town license tax are assessed with such license tax.

He shall perform all such other duties in relation to the assessment of property and other subjects of taxation as may be ordered by the town council. (1926, c. 395)

§ 61. For the performance of his duties, the clerk of the town shall be vested with all the power and authority that county commissioners of revenue are vested with, under the general laws of the State of Virginia, and shall have the power and authority to propound interrogatories to any person subject to taxation, and may use such other evidence as he may be in position to procure; such interrogatories shall be answered under oath and any applicant refusing to answer such interrogatories under oath, shall be fined not less than five dollars, nor more than one hundred dollars, for each offense. (1926, c. 395)

§ 62. It shall be the duty of the assessor to assess for taxation all persons and property subject to town taxation, whether the same shall have been omitted from the assessment of the commissioner of revenue for Page county or not. (1926, c. 395)

§ 63. All books, schedules and records, and papers pertaining to the office of assessor shall be open to and subject to the inspection of the mayor, the members of the town council, or any committee thereof, and of the collector of town taxes. (1926, c. 395)

§ 64. He shall receive for his services such compensation as the town council may from time to time prescribe. (1926, c. 395)

Chapter 14. Taxation.

§ 65. For the execution of its powers and duties, the council may tax all real and personal property in the town not exempt by law from taxation; all corporations located in the town or having their principal office therein and not exempt by law from taxation; all credits due to any person living in the town; all capital of persons having a place of business in the town and doing business therein and employed in the said business, though the said business may extend beyond the town, provided that so much of said capital as is invested in real estate or employed in the manufacture of articles outside the town limits shall not be taxed as capital; and all stocks in incorporated joint stock companies, doing business in the town and by whomsoever owned and not exempt by law from taxation. Assessments upon stock and bonds shall be according to the market value thereof. Nothing in this act shall be construed as conflicting with the general laws of the State providing for the segregation or partial segregation of the subjects of taxation. (1926, c. 395)

§ 66. (1926, c. 395; repealed 1993, c. 676)

§ 67. The council may impose a tax on merchants, commission merchants, auctioneers, manufacturers, traders, lawyers, physicians, dentists, brokers, keepers of ordinaries, hotel keepers, boarding house keepers, keepers of drinking or eating houses, keepers of livery stables, garages, filling station, distributors of oils, gasoline and grease, photographic artists of all kinds, agents of all kinds, excluding the agents of insurance companies, venders of quack medicine, public theatricals or other performances or shows; soda fountains and distributors of soft drinks; keepers of billiard tables, tenpin alleys, pistol galleries, hawkers, peddlers, sample merchants, railroad companies, telegraph companies, telephone companies, gas companies, electric companies, street railway companies, express companies, contractors, barber shops, and any other person, firm, corporation, employment, or trade whether of like kind with any of the foregoing or not, which it may deem proper, whether such person, firm, corporation, business, employment, or trade be herein specifically enumerated or not, and whether any tax be imposed thereon by the State or not. As to all such persons, firms, corporations, employments, or trades the council may lay a direct tax or may require a license tax therefor, under such regulations as it may prescribe and levy a tax thereon; and where it is not prohibited by the laws of this State or of the United States may levy both a direct tax and a license tax, but the taxes herein authorized shall be subject to the provisions and conditions set forth in this act, but this section shall

not render it legal to conduct within the town any business, calling, or vocation which but for this section would be illegal. (1926, c. 395)

§ 68. The council may subject any person who without having obtained a license therefor shall do any act or follow any employment or business in the town for which a license may be required by ordinances, to such fine or penalty as it is authorized to impose for any violation of its laws. (1926, c. 395)

§ 69. The town council may exempt from all municipal taxation, bonds and other obligations of indebtedness issued by the town. (1926, c. 395)

§ 70. The council shall have power to fix and collect water rents, and make proper charges for light and power furnished and provided by the municipal power plant. (1926, c. 395)

§ 71. The council shall not appropriate any part of any sinking fund or its accrued interest thereon for any other objects or purposes than that for which the said sinking fund is collected. (1926, c. 395)

Chapter 15. Tax Liens, Et Cetera.

§ 72. There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed. And the town council may, by ordinance allow and require said taxes to be paid in two equal installments at such times, and with a penalty not in excess of ten per centum, as the said council may designate. The council may require real estate in the town delinquent for the non-payment of taxes or assessment to be sold for said taxes and assessments, with interest thereon from the time the same is delinquent, at the rate of six per centum per annum, and ten per centum of the amount of the tax to cover costs and charges, exclusive of costs attending the redemption thereof, as hereinafter provided, and may cause a good and sufficient deed to be made to the purchaser. (1926, c. 395)

§ 73. It shall be the duty of the treasurer of the town to make out and deliver to the council at its regular meeting in July, in each year following the passage of this act, a list of all real estate whereupon delinquent taxes or assessments are due and unpaid for the previous year, and thereupon the treasurer of the town, under the direction of the town council, and when so ordered by it, shall sell said real estate and shall cause a notice of the time and place of such sale to be published in a newspaper published in the said county of Page, for at least once a week for four consecutive issues of the said paper or papers, previous to the day of the sale and he shall cause to be published, at the same time and for the same length of time, a list of the several parcels of real estate delinquent for the non-payment of assessments due and the amount of tax or assessments due on each parcel. (1926, c. 395)

§ 74. If such tax or assessment and the six per centum interest and ten per centum costs and charges aforesaid be not paid previous to the day for which said sale is advertised, or on some day immediately thereafter to which said sale may be adjourned, the treasurer shall proceed to make sale

accordingly of said parcel of real estate, or so much thereof as shall be necessary to satisfy the taxes, interest and charges aforesaid, to the highest bidder, and the sale may be adjourned from day to day until it shall be completed. On such sale the treasurer shall execute to the purchaser a certificate of sale, in which the property purchased shall be described and the aggregate amount of tax or assessments with interest and costs specified; but the treasurer shall not for himself, whether directly or indirectly, purchase any real estate so sold. (1926, c. 395)

§ 75. If at any sale no bids shall be made by any person for any such parcel of land, or such bids shall not be equal to the tax or assessment with interest and costs thereon, the same may be bid in and purchased by the treasurer for the said town. On such sale the treasurer shall execute to the town a certificate of sale in which the property purchased shall be described and the aggregate amount of taxes or assessments, with interest and costs specified, and shall deposit such certificates with the clerk of the council of the town. (1926, c. 395)

§ 76. The treasurer shall, within thirty days after the sales are completed, make a report of said sales showing parcels of land sold, the date of sale, the name of the purchaser, and the amount of purchase money for each lot; this report shall within the time aforesaid be filed with the clerk of the council and by him recorded in the book kept for the purpose. (1926, c. 395)

§ 77. The owner of any real estate so sold, his heirs or assigns, or any person having the right to charge such real estate for a debt, or otherwise interested therein may redeem the same by paying the purchaser, his heirs or assigns, within two years from the sale thereof, the whole amount paid by such purchaser, and such additional tax thereto as may have been paid by the purchaser, his heirs and assigns, with interest thereon, at the rate of six per centum per annum; or, if purchased by the town with such additional sum as will have accrued for taxes thereon, if the same had not been purchased by the town, with interest on the said purchase money, and taxes, at the rate of ten per centum per annum from the time that the same may have been so paid, or the same may be paid within the said two years to the police chief in any case in which the purchaser, his heirs or assigns, may refuse to receive the same or may not reside or cannot be found in the town. (1926, c. 395; 1993, c. 676)

§ 78. Any infant, insane person or persons in prison whose real estate may have been so sold, or his heirs, may redeem the same by paying to the purchaser, his heirs or assigns, within two years from the removal of their disability, the amount for which the same was sold, with the interest and costs as aforesaid, and such additional taxes on the real estate as may have been paid by the purchaser, his heirs or assigns, or the appraised value of any improvements that may have been made thereon, with interest on the said items at the rate of six per centum per annum, from the time they may have been made. Upon such payment and the payment of such additional sums as may have been incurred by the purchaser in obtaining a deed within two years after the removal of such disability the purchaser,

his heirs or assigns, shall, at the cost of the original owner, his heirs or assigns, convey to him or them by deed with special warranty the real estate so sold. (1926, c. 395)

§ 79. If any real estate so sold be not redeemed within the time allowed for redemption the purchaser of such real estate or his assigns, may thereupon petition the mayor and council that the property shall be conveyed to him, and thereupon, after due notice to the party or parties, for whose delinquent taxes said real estate was sold, and similar notice to the owner as shown by the records of the clerk's office of the circuit court of Page county either by personal service or in the event personal service cannot be had by reason of nonresidence or disability of any kind, by publication for four consecutive weeks in some newspaper published in the county at the expense of the applicant, the said council shall determine whether all the requirements as to the assessment, the sale, the purchase, and the period of redemption shall have been complied with; and if upon such inquiry it be ascertained that the same has been regularly complied with, and that the purchaser or his assigns is entitled to a conveyance of the said real estate, the council shall direct the same to be conveyed by the clerk of the council of the town. Where the purchaser has assigned the benefit of his purchase, the deed may be with his consent evidence by his joining therein or by writing annexed thereto be executed to his assignee. And if the purchaser shall have died, his heirs or assigns may move the council to order the clerk of the council of the town to execute a deed conveying the property to such heirs or assigns; such inquiry shall be deemed conclusive as to the regularity of all proceedings connected therewith, but nothing contained in this section shall apply to the real estate purchased by the town at delinquent tax sales. (1926, c. 395)

§ 80. Any real estate purchased by the town at delinquent tax sales provided for in this charter, if not redeemed in accordance with the provisions of this charter shall be disposed of by the town in such mode as the council may prescribe. (1926, c. 395)

§ 81. When the purchaser of any real estate sold for the taxes, his heirs or assigns, shall have obtained a deed therefor, and within sixty days from the date of such deed shall have caused same to be recorded, such estate shall stand vested in the grantee in such deed, and his title shall not be subject to defeat, except by showing that the real estate was not subject to the taxes for which it was sold, or that the taxes for the year for which it had been sold, had been paid. (1926, c. 395)

Chapter 16. Loans, Bonds, Et Cetera.

§ 82. (1926, c. 395; 1993, c. 676; repealed 2005, c. 627)

§ 83. (1926, c. 395; repealed 2005, c. 627)

§ 84. Power of town council to borrow and issue bonds.

In addition to the powers elsewhere enumerated in this charter and the powers conferred by general law and the Constitution, the town shall have the following powers:

a. Contracting debts and issuing obligations. The town may, in the name of and for the use of the town, contract debts and make and issue, or cause to be issued, as evidence thereof, bonds, notes, or other obligations, within the limitations prescribed by the Constitution and in accordance with the provisions of law concerning bond issues by towns, upon the credit of the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

b. Temporary borrowing. Pending the issuance of any bonds, notes, or other obligations by this act authorized or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidence of indebtedness therefore, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bond, notes, or other obligations or from the town taxes and revenues, as the case may be. (1926, c. 395; 2005, c. 627)

Chapter 17. General Provisions.

§ 85. All criminal and civil writs and process issued by the mayor, under the general laws of the State of Virginia shall run in the name of the "Commonwealth of Virginia," and all criminal and civil writs or process issued by the mayor for the violation of or under ordinances of the said town shall run in the name of "the town of Stanley," and writs and process issued in the name of the town shall conform as near as may be to the form for similar writs and processes issued under the general State laws. (1926, c. 395)

§ 86. The jurisdiction of the corporate authorities of the town in criminal matters, except as otherwise provided by law, and for imposing and collecting a license tax on all shows, performances and exhibitions shall extend one mile beyond the corporate limits of the town. (1926, c. 395)

§ 87. (1926, c. 395; repealed 1973, c. 272)

§ 88. If any section or provision of this act or any part of any section shall be declared unconstitutional, the part so declared unconstitutional shall cease to be operative, but the remainder of this act and every section or part thereof not so declared unconstitutional shall continue to be the law governing this town. (1926, c. 395)

§ 89. In case of default on the part of any bonded municipal officer, the town shall have the same remedies against him and his sureties as are provided for the State in enforcing the penalty of any official bond given to it. (1926, c. 395)

§ 90. The same person shall be eligible to, and if elected, or appointed, may hold a county office and a town office if the said offices be of the same nature, at the same time; provided, such officer lives within the town limits; and a person otherwise qualified who is a resident of the said town shall be eligible to election or appointment to any county office of Page county. (1926, c. 395)

§ 91. Where by the provisions of this act or the general laws of this Commonwealth, the council has the authority to pass an ordinance, resolution or regulation on any subject, it may prescribe a penalty not exceeding two thousand five hundred dollars or confinement in jail not exceeding twelve months, or both, for the violation thereof and any other form of punishment provided for by the laws of this Commonwealth for the punishment of misdemeanors. (1926, c. 395; 1993, c. 676)

§ 92. Continuation of ordinances.
All town ordinances in effect as of the approval of this amendment of the charter of the town and not inconsistent with this act, shall be and remain in force until altered, amended, or repealed by the town council. (1926, c. 395; 2005, c. 627)

§ 93. Continuation of town officers.
The present officers of the town shall be and remain in office as of the effective date of this charter amendment. (1926, c. 395; 2005, c. 627)

§ 94. All acts or parts of acts in conflict with this act are hereby repealed, but only insofar as they affect the provisions of this act. (1926, c. 395)

§ 95. An emergency is hereby declared to exist and this act shall be in effect from and after the date of its passage. (1926, c. 395)

Staunton, City of

History of incorporation
Named for Rebecca Staunton, wife of Sir William Gooch, Lieutenant Governor of Virginia, 1727-1749.
Laid out in 1748 at site of Augusta County courthouse.
Established as a town in 1761.
Incorporated as a town in 1801 and as a city in 1871.
Charter, 1872, c. 273; repealed 1934, c. 239.

Current charter
Charter, 1934, c. 239.

Amendments to current charter
1950, c. 249 (§§ 11, 31)
1964, c. 107 (§ 11)
1972, c. 545 (§§ 11, 13, 36 [added], 37 [added])
1976, c. 631 (§§ 4 [repealed], 4.1 [added])
1991, c. 158 (§ 4.1)

Chapter I. City Incorporated.

§ 1. The inhabitants of the territory comprised within the present limits of the City of Staunton as hereinafter described or as the same may be hereafter altered and established by law, shall continue to be one body politic in fact and in name under the style and denomination of the City of Staunton, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said City as a municipal corporation, and the said City of Staunton, as such, shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal, which it may alter, renew or mend at its pleasure; the present boundaries of the said City being as follows, to-wit: Beginning at a point in the northwest side of the Valley Turnpike between the lands of H. L. Lang and the property known as Mary Baldwin College, thence south thirty degrees forty-five minutes east two thousand feet, to a point at the intersection of Edgewood Road and Coalter Street extended; thence south fifty-six degrees fifteen minutes east one thousand feet, to a point in the north side of Catt's Road at the southwest side of a bridge over a stream; thence south four degrees thirty minutes east sixteen hundred and thirty feet to a point in the east side of the Baltimore and Ohio Railroad tract; thence south twenty-six degrees fifteen minutes west thirty-six feet to a point in the line of the graveyard of the Western State Hospital, so as not to embrace the property known as Basic Furniture Company (this being the modification hereinbefore mentioned) thence south sixty-eight degrees thirty minutes west nineteen hundred and twenty feet, to Pritchard's extreme northeastern corner in the west side of the Greenville Road; thence with Pritchard's line north eighty-eight degrees thirty minutes west fifteen hundred and seventy-five feet, to Pritchard's corner with the land of A. H. H. Stuart's heirs; then south eighty-seven degrees west fifteen hundred and eighty-five feet to the mouth of a cave just above and south of the Middlebrook Road; thence north thirty-seven degrees twenty-one minutes west thirty-one hundred and fifty feet to a point in the middle of Peck's Lane between Peck's Crossing on the Chesapeake and Ohio Railroad and the bridge over Peyton's Creek; thence north twenty degrees west three thousand feet, to the northeast corner of a brick storehouse on the south side of the Parkersburg Road; thence north fifty degrees forty-five minutes east fifty-three hundred and fifty feet, to a point in the middle of the Spring Hill or Mount Solon Road; thence south eighty-four degrees east thirty hundred and fifty feet, to the point of beginning (the lines as described to this point being the new corporate line); thence, in order to reach the present corporate line south thirty degrees forty-five minutes west nine hundred and twenty feet to a point in the Valley Turnpike; thence south forty-six degrees forty-five minutes west one hundred and twenty-five feet to a corner of the old corporate line on the north side of the Valley Turnpike, where stands or stood an aspen tree; thence (according to the original survey made by A. D. Trotter, surveyor, in the year 1860, as set out in Act of Assembly of that year), south forty-one degrees east two hundred and sixteen poles to a stake; thence

south twenty degrees west one hundred and fifty and four-tenths poles to a post in the south side of the Staunton and Richmond Turnpike (or National Cemetery Road); thence south forty degrees west fifty-seven and six-tenths poles to the south corner of the wall of the Western State Hospital; thence south seventy and one-fourth degrees west one hundred and thirty-six and one-fourth poles to a large black oak (now a stump of same in the street); thence north fifty-seven and one-fourth degrees west one hundred and forty-four and one-half poles to a walnut tree; thence north thirty-one and one-half degrees west one hundred and nineteen and seven-tenths poles to a stake on the east side of a road (now Peck's Lane); thence along the said road north sixty-five degrees east twenty-seven and sixteen one-hundredths poles, crossing the Parkersburg Road, to a stake on the north edge of the road; thence north thirty-seven and three-fourths degrees east two hundred and fifty poles to a large white oak on the hill; thence north eighty-seven and three-fourths degrees east eighty-five and two-tenths poles to the beginning point of the old corporate line. (1934, c. 239)

§ 2. Unless otherwise specifically provided, the persons holding any of the offices provided for in this charter, which offices have existed under the charter heretofore in force, shall continue to hold the same under their previous election or appointment until the term of such office as herein provided shall expire, dating the commencement of such term from the time fixed in said former charter. (1934, c. 239)

Chapter II. Government and Administration.

§ 3. The government and administration of the City shall be vested in one body, to be called the council of the City of Staunton, and in one administrative officer, to be styled city manager, and in such other departments, boards and other officers as are hereinafter provided for, or as are permitted or required by law to be appointed by the council, as the council may deem expedient. (1934, c. 239)

§ 4. (1934, c. 239; repealed 1976, c. 631)

§ 4.1. The council shall consist of five members until the election to be held in May, 1978 and thereafter the council shall consist of seven members, who shall be elected at large from qualified voters of the City and they shall serve for a term of four years from the first day of July next following the date of their election and until their successors shall have been duly elected and qualified subject to the following provisions:

1. At the election held on May 4, 1976, four of the five members to be elected to council shall be elected for a term of three years ten months to commence on September 1, 1976, and to end on June 30, 1980, and the remaining member of council elected at said election shall serve a term of two years beginning on September 1, 1976, and ending August 30, 1978. The said three-year ten-month terms shall be for the four candidates for membership on council receiving the four highest

number of votes and the two-year term shall be for the candidate for membership on council receiving the fifth highest number of votes.

2. At the councilmanic election held in May of 1978 there shall be elected three members of council who shall serve for a term of three years ten months from the first day of September, 1978, through June 30, 1982.

3. Thereafter all members of council shall be elected to serve four-year terms.

4. All members of council shall serve, even though their terms have expired, until their successors shall have been duly elected and qualified.

5. If any member of council becomes mentally or physically incapacitated so as to render him incapable of performing his duties as a council member and to render him incapable of attending regular council meetings for a period of at least four months, then council may, upon request of the incapacitated council member or by unanimous vote of the remaining members of council, elect to name a temporary replacement to serve on council until such time as the incapacitated council member is able to resume his duties, or until the expiration of the incapacitated member's term, whichever occurs first. The replacement council member shall be chosen by a majority vote of council and shall have the same voting privileges as an elected member of council.

6. The membership of the council may be decreased from seven to five or increased from seven to nine if a majority of the qualified voters of the City shall so determine at an election held on the question as next herein provided. Upon the presentation to the circuit court of the City, or to the judge thereof in vacation, of a petition signed by all the members of the then existing council, or by at least 500 qualified voters of the City, asking that the membership of the council be decreased from seven to five or increased from seven to nine, and calling for an election on the question, the said court, or judge thereof in vacation, shall, by an order entered of record, direct an election to be held on the day fixed in the order, submitting to the qualified voters of the City the question of whether or not the membership of the council shall be decreased from seven to five or increased from seven to nine, according to the number requested in the petition. If two petitions are presented to the said court or judge thereof in vacation, one asking for a decrease in council as provided herein and the other asking for an increase in council as provided herein, then the court or judge thereof in vacation may order both questions to be submitted to the qualified voters of the City at the same election. Such election shall be held and conducted by the regular election officers of the City in the manner prescribed by law for holding other elections, and the result thereof shall be certified by the electoral board to said court, or to the judge thereof in vacation. Upon receipt whereof, the court or judge, shall enter an order setting forth such result and declaring the effect thereof. If a majority of the votes cast be in favor of decreasing the membership of the council to five, then at the next regular election for members of council when the number of seats on council subject to being

filled for full terms would be four, the number to be elected at that election and thereafter on that election cycle shall be two. If a majority of the votes cast be in favor of increasing the membership of the council from seven to nine then the additional number shall be elected at the next regular election of members of council in the City of Staunton when three seats on council are subject to election for full regular terms.

Any election under this section shall be in accordance with the provisions and procedures established by state law.

Persons holding the office of a member of council as of the date of this act shall continue to hold the same under their previous election or appointment until the term of such office shall expire. (1976, c. 631; 1991, c. 158)

§ 5. The council shall elect one of its members to preside over its meetings, who shall be entitled president, and who shall be ex-officio mayor of the City, and shall also elect another member to be vice-president of the council, to act in the place of the president in his absence or incapacity. The president and vice-president of the council shall be elected for a term of two years, and any vacancy in the offices shall be filled by the election by the council for the unexpired term. The mayor shall have the same powers and duties as other members of the council with a vote, but no veto, and shall be the official head of the City. With the exception of those officers required by the Constitution of the Commonwealth to be elected by popular vote, the members of the council shall be the only elective city officials. (1934, c. 239)

§ 6. The council shall meet at such times as may be prescribed by ordinance or resolution, provided,however, that it shall hold at least one regular meeting each month. No business shall have transacted at a special meeting except that for which it shall have been called, unless all members of the council attend such special meeting or give their written consent thereto. For lack of quorum, any regular meeting may be postponed to such time as the council may determine. (1934, c. 239)

§ 7. The president or any other two members of the council may call special meetings of the council at any time upon at least twelve hours' written notice to each member served personally or left at his usual place of business or residence, but special meetings may be held at any time without notice, provided all members of the council attend said meeting or waive notice thereof. (1934, c. 239)

§ 8. No ordinance or resolution appropriating money exceeding the sum of $1,000, imposing taxes, authorizing the borrowing of money, shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid unless at least three days intervene between its introduction and date of passage. No ordinance or resolution appropriating money exceeding the sum of $100, imposing taxes or authorizing the borrowing of money shall be passed except by recorded affirmative vote of a majority of all members elected to the council. (1934, c. 239)

§ 9. Upon the announcement by the president of the adoption of resolutions or ordinances having for their object the increase of the indebtedness of the City, or the expenditure of its revenues, except for the payment of its salaried officers and employees, any two councilmen may give notice of a motion to reconsider, which motion shall delay the question until said reconsideration shall be finally acted on at the next regular meeting of the council. (1934, c. 239)

§ 10. The council shall elect a city clerk, who shall also be clerk of the council, and a city attorney, and may elect a constable and a city collector, each of whom shall serve for such term as may be provided by the council, and until his successor has been elected and qualified. They shall perform such duties and receive such compensation as shall be prescribed by the council. (1934, c. 239)

§ 11. The council shall have all the general powers vested in it by the Constitution and laws of the Commonwealth, and it shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the Commonwealth itself may exercise under the Constitution, except such as may be specifically denied by Act of the General Assembly; and shall further have power:

First. To control and manage the fiscal and municipal affairs of the City, and all property, real and personal, belonging to the City, and make such ordinances, order and bylaws, relating to the same as it may deem proper and necessary.

Second. To acquire by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the City or Commonwealth and for any of the purposes of the City as provided by law; and to hold, improve, sell, lease, mortgage or pledge the same or any part thereof, including any property now owned by the City; to issue purchase money obligations without a vote of the people provided such obligations shall not be general obligations of the City of Staunton, but shall be secured solely by the property purchased; and such obligations as may be from time to time issued for the purchase of property shall clearly show that such obligations are not general obligations of the City, but are secured only as herein provided, provided that nothing herein contained is contrary to or inconsistent with the Constitution of Virginia.

Third. To establish markets in the City and regulate the same.

Fourth. To erect in or near the City limits suitable workhouses, jails, houses of correction or reformation, and houses for the reception and maintenance of the poor and destitute. It shall appoint necessary officers and other persons proper to be connected with any institution or house which it may establish, and regulate pauperism within the limits of the City, and the council, through such agencies as it may appoint for the direction and management of the poor of the City, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Fifth. To erect and keep in order all necessary public buildings; to establish and regulate public squares; airports, playgrounds and parks in or near the City, and to acquire by purchase, condemnation, or otherwise, the land it may deem necessary for such uses, and to construct in such public squares, playgrounds, or parks, as it may maintain, or upon any City property, stadiums, swimming pools, and recreation or amusement buildings, structures, or inclosures of every character, refreshment stands and restaurants; to charge for admissions, and to rent out or lease the privileges of construction or using such swimming pools, recreation or amusement buildings, structures or inclosures of every character, refreshment stands or restaurants.

Sixth. To acquire, establish, maintain and enlarge water works within or without said City; to contract with the owners of land, water and riparian rights, for the use or purchase thereof, for an estate or interest in lands or any right or easement therein, or to have the same condemned for the location or enlargement of said works, or the pipe, pipe lines, and fixtures thereof, and to acquire by purchase or condemnation such quantity of the watershed land adjacent to the intake or source of supply, as in the judgment of the said council may be necessary to insure a sufficient supply of water for the said City, and to protect the same from pollution; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; to acquire by purchase or condemnation from lower riparian owners the right to divert streams into the present or any future reservoir; and to protect said water supply, works, pipes, reservoirs and fixtures, whether within or without the City, against injury and pollution, by appropriate ordinances and penalties, to be enforced as are other ordinances of said City. The said City may sell or supply to persons, firms or industries residing or located outside of the City limits any surplus of water it may have over and above the amount required to supply its own inhabitants.

Seventh. To establish or acquire by purchase and to maintain and operate within and without the corporate limits suitable works for gas and the generation of electricity for illumination or other purposes, and to supply the same to consumers, in or near the City, at such price and on such terms as it may prescribe, and to that end may contract with owners of land and water power for the use thereof, or may have the same condemned.

Eighth. To establish, or acquire by purchase, such other public utilities, abattoirs, and other enterprises, either within or without the City, as may in its judgment be in the public interest, and to that end may contract with owners of land, with or without buildings, for the use or purchase thereof, or may have the same condemned.

Ninth. To establish, open, widen, extend, grade, improve, construct, maintain, light, and clean public highways, streets, alleys and sidewalks, boulevards and parkways, and to alter or close the same; make or construct sewers or public ducts through the same or wherever else they may deem expedient; build bridges in or culverts under said streets or alleys, prevent or remove obstructions

or encroachments over, under, or in the same; plant shade trees along the same, and prevent the cumbering of streets, alleys, walks, public squares, lanes or bridges in any manner whatsoever.

Tenth. To acquire and own land suitable for stone quarries, or the quarry rights in such lands; to take stone therefrom and to manufacture the same into crushed stone for city uses.

Eleventh. To grant aid to military companies and to contribute to the support of a band maintained within the City, to grant aid to literary, educational or benevolent organizations or institutions, and to a public library, provided such action is not prohibited by the Constitution of the Commonwealth and that such organizations or institutions be located in the City.

Twelfth. To secure the inhabitants from contagious, infectious or other dangerous diseases; to establish a quarantine ground; to provide, regulate and maintain hospitals; to compel the removal of patients to said hospitals; to appoint and organize a board of health and a department of public welfare; to define their duties and grant to them the necessary authority effectually to discharge them, including the authority to coordinate their duties and efforts with appropriate agencies and departments of the Commonwealth of Virginia and other of its political subdivisions.

Thirteenth. To compel the abatement and removal of all nuisances within the City at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within the City to be kept clean, sanitary and free from weeds or stagnant water, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses or other noisome or offensive business within the said City, the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to compel the abatement of smoke and dust; to prevent unnecessary noise therein; to regulate the location of stables, garages and gasoline filling stations, and the manner in which they shall be kept and constructed; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, safety, comfort, convenience and welfare of the inhabitants of the City.

Fourteenth. To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, dynamite, fireworks, kerosene, oil, gasoline or other combustible material; to regulate the exhibition of fireworks, the discharge of firearms and the making of bonfires in the streets and yards.

Fifteenth. To prescribe traffic regulations upon the streets, alleys, and parkways of the City, not in conflict with general law, and shall have full authority by ordinance to require all public conveyances, cabs, buses, and trucks, operated by motor or other power, within the City, or in and out of the City, to provide terminals at such points as shall meet with the approval of the council, and to provide all reasonable regulations governing the same, to regulate the operation and speed of engines and cars upon the railroads within the City; to prevent any sort of employment or sports in

the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

Sixteenth. To restrain and punish vagrants and mendicants; to prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gaming houses and gambling devices of all kinds; to prevent lewd, indecent and disorderly conduct or exhibitions in the City, and to expel therefrom persons guilty of such conduct who have resided therein less than one year.

Seventeenth. To remove, or require to be removed, any building, walls, structure, or addition thereto which, by reason of dilapidation, defect or structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law.

Eighteenth. To provide for the regular and safe construction of houses in the City for the future, and to provide a complete building code for the City, and to provide setback lines on the streets beyond which no building may be constructed.

Nineteenth. To designate and prescribe from time to time the parts of the City within which no buildings of wood shall be erected, and to regulate the construction of buildings in the City so as to protect it against danger from fire; and to enact an ordinance dividing the City into zones under the provisions of state law; and to provide for a City planning commission and define its powers.

Twentieth. To provide any penalty for the violation of any City ordinance, not exceeding one thousand dollars, or twelve months' imprisonment in the City or Augusta County jail, or both.

Twenty-first. To pass all bylaws, rules and ordinances not repugnant to the Constitution and laws of the Commonwealth which it may deem necessary for the good order and government of the City, the management of its property, the conduct of its fiscal and municipal affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property, and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in said City, or in the council, court, or officers thereof, or which may be necessarily incident to a municipal corporation.

Twenty-second. To provide for the due publication in the newspapers or otherwise of its ordinances and resolutions.

Twenty-third. No ordinance hereafter passed or amended by the council for the violation of which any penalty is imposed shall take effect until the same shall have been published for five days consecutively in one of the daily newspapers of said City to be designated by the said council, or posted in at least two public places in the City; a certificate of such posting shall be filed by the Sergeant in the City Clerk's office, provided, however, that this requirement as to publication shall not apply to any ordinance re-ordained or restated in or by a compilation or codification of said

ordinances provided the ordinance adopting such codification or restatement shall have been duly published as aforesaid.

Twenty-fourth. For the execution of its powers and duties the council may raise annually, by taxes and assessments in said City, such sums of money as it shall deem necessary to defray the expenses of the same, and in such manner as it shall deem expedient, in accordance with the laws of this Commonwealth and of the United States, and may by curative ordinance, ratify and confirm regular assessments and levies of taxes heretofore or hereafter made, and the acts of all ministerial officers in connection therewith, and any such ordinance heretofore passed is hereby ratified and confirmed.

Twenty-fifth. The council may provide, by ordinance, for the collection of City taxes or levies on property at such times and with such penalties for nonpayment in time as may be fixed by ordinance.

Twenty-sixth. The council may levy a tax or a license on any person, firm, or corporation conducting any business or profession whatsoever in the City, except when prohibited by general law, whether a license may be required therefor by the Commonwealth or not, and may exceed the state license, if any be required.

Twenty-seventh. The council may provide by ordinance for the levy of an admission tax on persons paying an admission charge or persons admitted free, when an admission charge is paid by others, to places of amusement or entertainment, for the amount of such tax, for the collection thereof and for penalties for the failure to pay to such tax so levied. For the purpose of this subsection, admission charge and place of amusement or entertainment shall mean:

(a) Admission charge. The charge made for admission to any entertainment, exclusive of any federal tax thereon, including a charge made for season tickets whether obtained by contribution or subscription, a cover charge or a charge made for the use of seats or tables, reserved or otherwise, and similar accommodations, in the City.

(b) Place of Amusement or Entertainment. Any place in the City wherein or whereat any of the following are located, conducted, performed, exhibited or operated and for which an admission charge is made: a circus, a carnival, a menagerie, a moving picture show, a fair, a show or an exhibition of any kind, a dance; a baseball, basketball or football game; a wrestling match or a boxing match or a sport of any kind; a swimming contest or exhibition; a swimming pool; a concert; a theatrical, vaudeville, dramatic, operatic or musical performance or a performance similar thereto; a lecture, talk, literary reading or performance similar thereto; an attraction such as a merry-go-round, ferris wheel, roller coaster, leap-the-dips or the like; an automobile race, a midget auto race, or a horse race; a horse show; an ice skating or roller skating rink or arena; or any other public amusement, performance or exhibition. The foregoing enumeration of specific

amusements and entertainments shall not be deemed to exclude other amusements and entertainments otherwise within the meaning of those words.

Twenty-eighth. In addition to the other powers conferred by law, the City shall have power to impose, levy and collect, in such manner as its council shall deem expedient, a consumer or subscriber tax upon the amount paid for the use within the City of water, electricity, gas, telephone and any other public utility service or upon the amount paid for any one or more of such public utility services, used within the City and the council may provide that such tax shall be added to and collected with bills rendered consumers for such services. (1934, c. 239; 1950, c. 249; 1964, c. 107; 1972, c. 545)

Chapter III. Wards and Vacancies in Office.

§ 12. The said City shall be divided into as many wards as the council may determine in such manner as to include as nearly as may be consistent with the well defined limits of said wards, an equal number of votes in each ward. (1934, c. 239)

§ 13. In case of a vacancy in the office of city treasurer, commissioner of the revenue, or justices of the peace, the council shall, subject to approval by the judge of the circuit court of the City, elect a qualified person to fill the office in which such vacancy occurs until the next general election which may be held in the City when the vacancy may be filled by election for the unexpired term, and in case of a vacancy in the office of Commonwealth's attorney, clerk of the circuit court, or sheriff, the judge of the circuit court shall appoint a qualified person to fill the office in which such vacancy occurs until the next general election which may be held in the City when the vacancy may be filled by election for the unexpired term. (1934, c. 239; 1972, c. 545)

Chapter IV. Administrative Service.

§ 14. The city council shall elect a city manager, who shall be the administrative head of the municipal government. He shall be chosen by the council without regard to his political belief and solely upon the basis of his executive and administrative qualifications. The choice shall not be limited to the inhabitants of the City or Commonwealth unless otherwise required by the Constitution of the Commonwealth. The city manager shall receive such compensation as shall be fixed by the council by ordinance or resolution. He shall be appointed for an indefinite period and serve at the will of the council. During the absence or disability of the city manager, the council shall designate some properly qualified person to perform his duties. (1934, c. 239)

§ 15. The city manager shall be responsible to the council for the efficient administration of all affairs of the City, and he shall be vested with such administrative and executive powers of the municipal government as are provided in sections two thousand nine hundred and forty-three, two thousand nine

hundred and forty-four, and two thousand nine hundred and forty-five, under the city manager plan of the Code of Virginia, and acts amendatory thereto, except that all appointments made by the city manager shall be subject to the approval of the council. (1934, c. 239)

§ 16. No person elected to the council, whether he qualify or not, shall during the term for which he was elected or twelve months after the expiration of that time be elected by the council or appointed by the city manager to any position of trust or office of trust or profit of the City. (1934, c. 239)

Chapter V. Department of Finance.

§ 17. City treasurer.

The city treasurer shall give bond in such sums as the council may prescribe, with surety to be approved by the council, conditioned for the faithful discharge of his official duties in relation to the revenue of the City and of such other official duties as may be imposed upon him by this charter and the ordinances of the City. He shall perform such duties, have such powers and be liable to such penalties as are now or may hereafter be prescribed by the laws of the Commonwealth or the ordinances of the City made in pursuance thereof, and for all services performed for the City, the treasurer shall receive such compensation as the council may from time to time prescribe by ordinance, subject to approval by the State Fee Commission, and in the event said commission and the council shall not be able to agree on the amount of such compensation, the matter shall be submitted to the judge of the corporation court of the city for final determination. (1934, c. 239)

§ 18. Commissioner of the revenue.

The commissioner of the revenue shall give bond in such sum as the council may by ordinance prescribe, with surety to be approved by the council, conditioned for the faithful performance of all of his duties under this charter and under any ordinance of the City. He shall perform such duties, have such powers, and be liable to such penalties as may be prescribed by the laws of the Commonwealth or the ordinances of the City made in pursuance thereof; and for all services performed for the City the said commissioner of the revenue shall receive such compensation as the council may from time to time prescribe by ordinance, subject to approval by the State Fee Commission, and in the event said commission and the council shall not be able to agree on the amount of such compensation, the matter shall be submitted to the judge of the corporation court of the City for final determination. (1934, c. 239)

§ 19. The treasurer and commissioner of revenue may each appoint one or more deputies provided the number of such appointments and the expenses of such offices shall be subject to approval of the council and State Fee Commission; provided that if the council and the commission fail to agree, the matter shall be submitted to the judge of the corporation court of the City for final determination, but the

sureties of said officers, respectively, shall be equally liable for the acts of said deputies as for those of their principals. (1934, c. 239)

§ 20. The treasurer, city collector, or their deputies shall have any or all of the powers which are now or may be hereafter vested in any officer of the Commonwealth charged with the collection of state taxes, and may collect the same in the same manner in which state taxes are collected by any officer of the Commonwealth. (1934, c. 239)

§ 21. All moneys received or collected for the use of the City shall be paid over, held and disbursed as the council may order or prescribe. (1934, c. 239)

§ 22. There shall be a lien on real estate for the taxes as assessed thereon from the commencement of the year from which they were assessed, and there shall also be a lien on the real estate on which local assessments for improvements may be made for the amount of such assessments from the time the same is levied by the council. (1934, c. 239)

§ 23. The council may, in the name and for the use of the City, contract debts, and cause to be issued therefor notes or bonds, in the manner prescribed by law and subject to all the restrictions imposed upon cities by the Constitution and general laws of the Commonwealth. (1934, c. 239)

§ 24. Debt commission.

There shall be a city debt commission appointed by the council, to serve without compensation, one of the members of which shall be the city treasurer, under such regulations as may be established by ordinance, and in conformity with any law of the Commonwealth applicable to the City and providing for or fixing the duties of a city debt or sinking fund commission. It shall be the duty of the debt commission to have charge of the administration of any fund for the payment of the principal and interest of any bonds of the City, and to perform such other duties regarding the debt of the City as may be required by ordinance. (1934, c. 239)

§ 25. There shall be set aside annually from the revenues of the City a sinking fund equal to not less than one per centum on the aggregate outstanding debt of the City in addition to the annual interest agreed to be paid thereon, and whenever hereafter there shall be contracted by the council any debt not payable in one year, there shall annually be paid from the revenues of the City into the sinking fund, for the payment of said bonds, an amount sufficient to pay said bonds at or before maturity, which annual payment shall in no case be less than one per centum of the par or face value of said bonds in addition to the annual interest to be paid thereon. Such sinking fund shall be applied to the debt or debts for the discharge of which it was created, and until so applied shall be invested, with its accumulations of interest, in bonds of the United States, or of the Commonwealth of Virginia or of the City of Staunton, or of any city or county in the Commonwealth of Virginia. (1934, c. 239)

§ 26. The council shall not appropriate any part of the sinking fund or its accruing interest otherwise than as mentioned in the preceding section, except in time of war, insurrection or invasion, and then only by a vote of two-thirds of all the members elected to such council. (1934, c. 239)

§ 27. No debt shall be created by the council for a longer period than four months unless the ordinance creating the same shall have been introduced at some meeting of the council at least thirty days before the same is passed; but an amendment to such an ordinance need not lie over for an additional thirty days. (1934, c. 239)

Chapter VI. Public Highways, Et Cetera.

§ 28. The City shall not take, damage, or use any private property for streets or any other public purposes without making just compensation for the same, but where the City cannot obtain the title to ground necessary for its purpose, it may proceed to condemn the same in the mode prescribed by law. (1934, c. 239)

§ 29. No order shall be made and no injunction shall be granted by any judge or court of this Commonwealth to stay the proceedings of the City in the exercise of any power herein granted it over its streets, unless it be manifest that it is exceeding its powers and that the interposition of the court is necessary to prevent injury which cannot be adequately compensated in damages. (1934, c. 239)

§ 30. In every case where a street in said City has been or shall be encroached upon by any fence, building or otherwise, the council may require the owner, if known, or if unknown, the occupant of the premises encroaching, to remove the same, and if such removal, be not made within the time prescribed by the council, they may impose a penalty of five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner all reasonable charge therefor, with costs, by the same process that they are hereinbefore empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute an adverse possession to or confer any rights upon the person claiming thereunder as against the said City. (1934, c. 239)

§ 31. Whenever any street, alley or lane in said City shall have been opened to and used as such by the public for the period of five years, the council may declare the same a street, lane or alley for public purposes, and the council shall have the same authority and jurisdiction over and rights and interest therein, as they have by law over the streets, alleys and lanes laid out by them, and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said City by a plot or plan of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the said street or alley so reserved is designed for private use; but upon a petition of a majority of the persons interested therein, the Council shall have the power to open the same for the use of the public. (1934, c. 239; 1950, c. 249)

§ 32. City planning commission.

The council may appoint a city planning commission of five citizens, chosen because of their interest in and knowledge of city planning, whose powers and duties shall be prescribed by the council by ordinance, who shall serve without compensation. (1934, c. 239)

§ 33. No action shall be maintained against the said City for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the City or of any officer, agent, or employee thereof, unless a written statement, verified by the oath of the claimant, his agent or attorney, or the personal representative of any decedent, whose death is the result of the alleged negligence of the City, its officers, agents, or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred to have been received, shall have been filed with the city attorney of said City within sixty days after such cause or action shall have occurred. And no officers, agents or employees of the City shall have authority to waive such conditions precedent or any of them. (1934, c. 239)

§ 34. All acts and parts of acts inconsistent with this act and former charters and amendments thereof for the City of Staunton are hereby repealed; and all acts and parts of acts in any way concerning the City of Staunton and the rights of the people thereof, or any of them, not inconsistent with this act, shall be in full force, to all intents and purposes, as if this act had never been passed. (1934, c. 239)

§ 35. All ordinances now in force in said City, not inconsistent with this act, the laws of this Commonwealth and of the United States, shall be and remain in force until altered, amended or repealed by said council. (1934, c. 239)

Chapter VII.

§ 36. There shall be a municipal court for the City which shall be known as the Municipal Court of Staunton. The jurisdiction of such court in civil matters shall be as provided by general law for courts not of record. The jurisdiction of such court in criminal matters shall be as provided by general law for municipal courts not of record. (1972, c. 545)

§ 37. The council shall appoint a municipal judge for a term of four years, and may appoint one or more substitute judges, a clerk of the Municipal Court and such assistant or deputy clerks as council deem expedient. The appointment of the municipal judge and any substitute judges shall be subject to the approval of the judge of the Circuit Court of the City of Staunton. The term of the first municipal judge appointed hereunder shall commence January 1, 1974.

Tenure of clerks and deputy clerks shall be established by ordinance or resolution of council. Qualifications, oaths and bonds of such clerks and deputy clerks shall be as provided by general law. (1972, c. 545)

County of Frederick

History of incorporation
Established 1758, c. III, as Stephensburgh.
Formerly Newtown and Stephensburg, then Newtown-Stephensburg.
Trustees appointed, Stephensburg, 1799, c. 26.
Charter and name change to Newtown-Stephensburg, 1879, c. 1.
Incorporation, charter, and name change to Stephens City, 1887, c. 258; repealed 1948, c. 229.

Current charter
Charter, 1948, c. 229.

Amendments to current charter
1960, c. 265 (§ 19)
1970, c. 58 (§§ 3 [repealed], 3.1 [added], 7)
1982, c. 106 (§§ 3.1, 4, 5, 7, 8 [repealed], 9, 10, 20, 22)
2007, c. 651 (§§ 2, 7, 8.1 [added], 13, 20)
2012, c. 334 (§ 3.1)

§ 1. The inhabitants of the Town of Stephens City, in the county of Frederick, as the same is now or hereafter may be established by fixed territorial limits, shall be and are hereby made a body, politic and corporate, to be known and designated by the name of the Town of Stephens City and as such shall have and exercise the powers conferred upon incorporated towns under the general laws of the State of Virginia, passed under and pursuant to the Constitution of the State, for the government of cities and towns of the Commonwealth (so far as the same apply to towns as defined by the general law now in force and as hereafter may be amended and changed by the General Assembly) and the provisions of the general laws and the Constitution of the State, relative to such towns are hereby incorporated in and made a part of the charter of the Town of Stephens City as fully in every respect as if such general laws and constitutional provisions were fully set forth herein, except insofar as the same are inconsistent with the provisions of this act. (1948, c. 229)

§ 2. The corporate limits and boundaries of the Town of Stephens City (formerly called Newtown and Stephensburg) within Frederick County, Virginia, shall be as presently established, subject to boundary adjustment as appropriate and either agreed upon by Frederick County or by court order. (1948, c. 229; 2007, c. 651)

§ 3. (1948, c. 229; repealed 1970, c. 58)

§ 3.1. Six residents and qualified voters of the Town of Stephens City shall be elected as councilmen of the town. Successors to the three members of the present council whose terms expire in 2014 shall be elected on the first Tuesday following the first Monday in November of 2014 and every four years thereafter, and successors to the three members of the present council whose terms expire in 2012 shall be elected on the first Tuesday following the first Monday in November 2012 and every four

years thereafter. On the first Tuesday following the first Monday in November 2014, and every four years thereafter, there shall be elected one elector of the town as mayor. The mayor and councilmen shall constitute the town council and be the governing body of the Town of Stephens City. They shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall continue in office until their successors are duly qualified. Every person elected as councilman shall take an oath administered by the clerk of the Frederick County Circuit Court that they shall faithfully execute the duties of the office to the best of their judgment and ability. The person elected as mayor shall take the oath prescribed by law for state officers.

The council at its first meeting in January following the elections shall select by majority vote one of its members as vice mayor to serve a term of two years. He shall serve as mayor and exercise the powers of such office during the mayor's absence. (1970, c. 58; 1982, c. 106; 2012, c. 334)

§ 4. All elections held in the town shall be governed and conducted in accordance with the general law. (1948, c. 229; 1982, c. 106)

§ 5. Any vacancies occurring on council and any vacancy in the office of mayor shall be filled by the council from the electors of the town. For the transaction of business by the council four members (not counting the mayor as one) shall constitute a quorum. In case of the inability of the mayor to attend any meeting of the council on account of sickness or other reasons, the vice mayor shall preside and in the vice mayor's absence the council may appoint by recorded vote, one of its own members as mayor pro tem. (1948, c. 229; 1982, c. 106)

§ 6. The mayor and council so elected shall have power to make bylaws and ordinances for the regulation and good government of the town, and to assess and collect taxes on the inhabitants and property within the limits of the town for all municipal purposes, subject to the limitations and restrictions of the general laws of the State regulating municipalities, and shall have power to impose taxes and assessment upon abutting land owners for making or improving the walk ways upon then existing streets and improving and paving then existing alleys and for either the construction or for the use of sewers in accordance with the provisions of the Constitution and general laws of the State. (1948, c. 229)

§ 7. As soon as practicable following the election of the council, the council shall appoint a treasurer, clerk of the council, town sergeant, town attorney, and town manager, whose terms of office shall be coequal with the time the council appointing them shall continue in office, unless sooner removed as provided by this charter or any ordinance of the town. The salaries and compensation paid such officers, together with their duties shall be fixed by the council. The council may appoint or elect other officers as may be necessary or desirable for the best interests of the town. (1948, c. 229; 1970, c. 58; 1982, c. 106; 2007, c. 651)

§ 8. (1948, c. 229; repealed 1982, c. 106)

§ 8.1. The Frederick County District Courts shall hear and determine charges of violations of town ordinances. Fines collected for violations of town ordinances shall be paid promptly into the treasury of the town. (2007, c. 651)

§ 9. The jurisdiction of the corporate authorities of the town in all criminal matters and for imposing and collecting license taxes on shows, performances and exhibitions, shall extend one mile beyond the corporate limits of the Town of Stephens City as provided by general law. (1948, c. 229; 1982, c. 106)

§ 10. In the event of the death, resignation or removal out of the town of the mayor and any of the councilmen, such vacancy shall be filled by the council from the qualified voters of the town. (1948, c. 229; 1982, c. 106)

§ 11. The municipal authorities of the Town of Stephens City shall have the use of the jail of the county of Frederick in execution and enforcement of their duties incident to their office under this act and by the general laws of the Commonwealth regulating the same. (1948, c. 229)

§ 12. The council may require the mayor to communicate to it annually as soon as may be practicable after the close of the fiscal year, or oftener if necessary, a general statement of the condition of the town in relation to its government, finances and public improvements with such recommendations as he may deem proper, and the mayor may at any time, upon his own motion and at his pleasure make such report and statement to the council. The mayor shall exercise a constant supervision over all the affairs of the town and over the conduct of all subordinate officers. He shall have the power and authority to investigate the acts of such authorities, have access to all books and documents in their control and may examine such officers on oath. He shall have power to suspend all officers appointed by the council until the next regular meeting of the council, but such suspension shall in all cases be for misconduct in office or neglect of duties, the same to be specified in the order of suspension. In case of the suspension of any such officer, the mayor may appoint some other person in his place to hold such office and perform the duties thereof until the next regular meeting of the council. At such regular meeting, the mayor shall report such suspension, together with his reason therefor. (1948, c. 229)

§ 13. The mayor may appoint a chief of police, who may also serve as town sergeant, and through the office of the mayor may appoint additional police officers when in his judgment it is best for the peace and good government of the town. The mayor may, at any time that the welfare and peace of the town require it, direct the police force of the town in the performance of any of its special or regular duties or may delegate this to the town manager. (1948, c. 229; 2007, c. 651)

§ 14. The council shall, by ordinance or resolution, fix the time of its regular meetings; but a meeting may be called and convened by the mayor or by any three members of the council by giving due notice to all members of the council at any time, but at such called meetings no business shall be transacted except such as may be plainly stated in such call. (1948, c. 229)

§ 15. The council may adopt rules for the regulation of its proceedings but no tax shall be levied or corporate debt contracted except by a vote of two-thirds of the council, four votes being counted as two-thirds, the mayor having no vote except in case of a tie, which vote shall be taken by yeas and nays recorded on the journal in which the minutes of all meetings of the council are kept. It may appoint such committees as may be deemed proper for the transaction of business and may compel the attendance of absent members. The mayor shall preside over the council but shall not be entitled to vote on any question except in the case of a tie. A journal shall be kept of the proceedings of all meetings of the council and at the request of any member the yeas and nays shall be recorded on any question. (1948, c. 229)

§ 16. Every ordinance passed by the council for the violation of which any penalty is imposed, shall be published in any way as the council may order, so as to give general publicity thereto and no such ordinance shall become effective until the same shall have been published either by handbills or in some paper published In the county, as the council may deem proper. If the publication be by handbills, a certificate of the posting of them shall be given by the sergeant to the clerk of the council; provided, however, that after the expiration of six months from the date of the passage of such ordinance its publication shall not be questioned or its validity affected by any failure to publish the same. (1948, c. 229)

§ 17. In addition to the powers conferred by other general statutes, the council of the town shall have the power to lay off streets, walks or alleys; alter, improve and light the same and have them kept in good order; to lay off public grounds and provide all buildings necessary for the town; to abate and remove nuisances; to make regulations and provisions in reference to contagious diseases; to regulate the keeping of gunpowder or other combustibles within the corporate limits and beyond within one mile thereof; to regulate the keeping of gasoline, kerosene and other combustible oils within the town or out of the town near the corporate limits, and may prohibit the keeping of more than certain fixed quantities of gasoline and other such combustible or explosive products at certain places and within fixed areas and permit the storage of larger quantities at other places within and beyond the limits of the town; to provide, permit or prohibit the establishment of cemeteries or places for interment of the dead in or within one mile of the town, and to regulate the same, and also all such places heretofore established; to acquire control or establish, maintain, operate, extend and enlarge waterworks, ice plants, gasworks. electric light and power plants and other public utilities within or beyond the limits of the town for the purpose of supplying the inhabitants of the town with gas, light, power and other benefits and conveniences for public use, and for such other purposes as are permitted by the laws of the State; to acquire within or beyond the limits of the town by purchase, condemnation or otherwise, whatever land may be necessary for constructing, locating, establishing, maintaining, operating, extending, or enlarging any such waterworks, ice plants, gasworks, electric plants and other plants and facilities necessary for establishing, any and other public utilities, and also the rights-of-ways,

rails, pipes, poles, conduits or any of the fixtures or appurtenances thereof; to lease, own, operate or maintain rock quarries and land within or out of the town for the purpose of obtaining material for use upon the public streets, places or works of the town and to own and operate all machinery and plants necessary for the operation and development of any such quarries; to prevent the pollution of water and injuries to waterworks and electric light plants and their appurtenances for which purposes the council shall have jurisdiction for ten miles beyond the limits of the town in like manner as if the works, plants and other such property of the town were within the town, and to protect from injury by ordinance with adequate penalty, the pipes, poles, works, fixtures, land and other things used in connection with the waterworks, electric plants or other public utilities owned or controlled by the town; to make, erect, and construct within or beyond the limits of the town septic tanks and other sewage disposal plants, sewers and public ducts and to acquire within or beyond the limits of the town, by purchase, condemnation or otherwise, so much land as may be necessary to make, erect, construct, operate and maintain the same; to make regulations concerning the building of houses in the town and to establish and maintain public squares, parks and playgrounds and boulevards and cause the same to be laid out, equipped or beautified and, in particular districts or along particular streets, to prescribe and erect building lines, regulate the height and character of buildings, and to require the removal of any dilapidated, unsightly or unused buildings, especially where same constitute a dangerous menace and fire risk; to locate and establish or relocate and reestablish permanent street lines where same are in doubt and after due notice to all parties in interest to make regulations for the purpose of guarding against accidents, fires and other dangers to the general public; to regulate the means of exit from houses used for the assemblies of the public; to prevent injury or annoyance to the public from anything dangerous, offensive or unwholesome; to protect places of divine worship and to prevent disturbances of public worship in and about the premises where held; to provide for order and observance of the Sabbath Day; to prevent vice and immorality; to suppress houses of gambling and of ill fame; to appoint and publish the places for holding town elections and the time of holding special elections and polls. (1948, c. 229)

§ 18. In any case where a street of the town or other public place has been or may be encroached upon by any fence, building or other structure, the council may require its removal and may cause such encroachment to be removed at the expense of the person responsible therefor. No encroachment on any street, sidewalk or public place, however long continued, shall constitute an adverse possession or right against the town. (1948, c. 229)

§ 19. No street, road, or alley shall be deemed dedicated to the town until it shall have first been accepted as such by an affirmative vote of the town council. All plats and replats hereafter made subdividing any land within the corporate limits of the town, or one mile thereof, into streets, alleys, roads, lots or tracts, shall be submitted for approval by the council before such plats or replats may be filed for record or recorded in the office of the clerk of the circuit court of Frederick County, Virginia, and the

streets, roads, or alleys so designated shall not be deemed and held to be a dedication to the town until they shall be accepted by an affirmative rote of the council. (1948, c. 229; 1960, c. 265)

§ 20. The council may negotiate temporary loans for amounts not exceeding 10% of the previous year's total budget revenue and not to exceed a five-year term, whenever two-thirds of its members, by a recorded vote, decide that such course is in the best interest of the town and necessary for the acquirement and establishment of some needed public improvement or utility.

For any amount of debt greater than 10% of the previous year's total budget revenue or for a term greater than five years, or for bonding, the council must first submit to the qualified voters of the town the question of whether or not such debt or bonding shall be incurred, and the majority of the qualified voters voting at any election held for such purpose shall have voted for such question. Such election shall be held in the manner prescribed and under the provisions of the general laws of the Commonwealth of Virginia. Any bonds issued under this section may be either registered or coupon bonds, and the purposes for which the bonds are issued shall be clearly set forth. The council shall have the discretion in determining the bonding denominations, interest rate, time payable, term, issuance, and sale and shall have the discretion to allow for redemption without penalty. (1948, c. 229; 1982, c. 106; 2007, c. 651)

§ 21. Except when prohibited by general law, the town council may levy a tax or a license on any person, firm, or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, which license may exceed the State license, if any be required. (1948, c. 229)

§ 22. The mayor may receive a salary to be fixed by the council, but such salary shall not be increased or diminished during his term of office. The councilman may be paid a compensation in an amount to be fixed by it and permitted by general law. The council may provide for additional compensation to such of their committees performing special work to the extent that may be reasonable and fair. (1948, c. 229; 1982, c. 106)

§ 23. All ordinances now in force in the town not inconsistent with this act or the laws of this State and of the United States, shall be and remain in force until altered, amended or repealed by the council of the town. (1948, c. 229)

Stony Creek, Town of

County of Sussex

History of incorporation

Village of Stony Creek, reference to, 1902, c. 528.
Incorporated, September 1915 (*Report of the Secretary of the Commonwealth*).

Current charter

Charter, 1930, c. 218.

Editor's note: The charter created by Chapter 218 of the 1930 Acts of Assembly omitted § 104 in the numbering sequence.

Amendments to current charter

1972, c. 27 (§§ 7, 19, 31)

§ 1. That the inhabitants of the territory in the county of Sussex contained within the boundaries prescribed and defined in the section immediately following, be, and they are hereby declared to be, a body, politic and corporate, in fact and in name, under the name and style of the town of Stony Creek; and as such shall have and exercise all of the powers conferred by, and be subject to all the laws of the State of Virginia now in force or that may be hereafter enacted for the government of towns, so far as the same are not inconsistent with the provisions of this act. (1930, c. 218)

Chapter 1. Corporate Boundaries.

§ 2. The territory contained within the limits of the said town shall be as follows, to-wit: Starting at a point on Stony creek at Cobb's mill dam, running thence north forty-seven degrees east to a point in the center of the east track of the Atlantic Coast Line railroad where the Halifax road crosses the track; thence south twenty-nine degrees east to the ford on Stony creek; thence south along said creek to a tree at the bend of the creek; thence south thirty-seven degrees, thirty inches east along the east side of the Halifax road keeping the same bearing across said road to a sweet gum tree in the edge of the field, the tree being marked by four chops; thence south seventy-nine degrees west to the east end of the south pier of a small bridge on the Atlantic Coast Line railroad; thence north fifty-two degrees, thirty inches west to a gum tree on the west side of the Flatfoot road, the tree being marked by four chops; thence by a straight line to the point of beginning. (1930, c. 218)

§ 3. The said town shall be comprised of one ward which shall include all of the area within the corporate limits hereinabove specified, or may hereafter be enlarged, diminished or altered, in the manner prescribed by law. (1930, c. 218)

§ 4. All persons residing within the boundaries hereinbefore specified as the town of Stony Creek shall be residents of the said town of Stony Creek; and all persons twenty-one years of age or more who have been continuously residing in the said town of Stony Creek for thirty days or more shall be qualified to register and vote in the said town of Stony Creek, provided, however, that such person is otherwise qualified to vote under the laws of the State of Virginia and county of Sussex. (1930, c. 218)

Chapter 2. Government.

§ 5. The government of the town of Stony Creek shall be vested in a mayor and council. (1930, c. 218)

§ 6. The municipal officers of the said town shall consist of a mayor, six councilmen, a treasurer, a sergeant. (1930, c. 218)

§ 7. The mayor and councilmen in office on the effective date of this act shall continue in office until the first day of July, 1972. Their successors shall be elected by the qualified voters of the town of Stony Creek, on the first Tuesday in May, 1972, for a term of two years and every two years thereafter, and they shall enter upon the duties of their office on the first day of July next succeeding their election and remain in office until their successors shall have qualified. (1930, c. 218; 1972, c. 27)

§ 8. No persons shall be eligible to hold an elective office unless he or she is a duly qualified voter of the said town. (1930, c. 218)

§ 9. The elective officers of the said town shall be filled by the qualified voters voting thereof at large. (1930, c. 218)

§ 10. The qualified voters shall register in the said town with the town recorder, who for all such purposes shall be the town registrar, before whom all persons not now qualified to vote in the said town must first register and whose duties as such registrar shall be the same as the duties and powers of the several registrars of the county of Sussex. (1930, c. 218)

§ 11. The said registrar shall also cause to be posted in three or more public places in the said town of Stony Creek notices, at least ten days before any election, stating the date and place the polls will be open for the said election. (1930, c. 218)

§ 12. The council may also appoint such other officers, agents, and employees as may be necessary to conduct the business of the town, fix their compensation and prescribe their duties, and may appoint such committees of the council, and create such boards and departments of town government and administration with such duties and powers and subject to such regulations as it may see fit, consistent with the provisions of this act. The terms of all officers, agents, and employees appointed or employed by the council, unless sooner removed from office, as provided for herein, shall expire with the council. (1930, c. 218)

§ 13. The council may also appoint a sergeant, whose duties shall be as hereinafter prescribed, and may also appoint a town attorney, whose term of office shall be four years, or at the pleasure of the said council, and may also appoint a town recorder, whose duties shall be as hereinafter prescribed, and shall also appoint a treasurer, whose duties shall be as hereinafter prescribed, who shall serve at the pleasure of the council. (1930, c. 218)

§ 14. All officers, agents, attorneys, sergeants and employees appointed by the council of the town may be removed at its pleasure, and the duties and compensation of such officers, agents, attorneys, sergeants and employees shall be fixed by the council and the said council may require of any of them so appointed bonds with sureties in proper penalty, payable to the town in its corporate name,

with provisions for the faithful performance of said duties, and the town in its name and for its benefit shall have the same remedies in the event of default on any bond so given as the State has in like cases. (1930, c. 218)

Chapter 3. Oath of Mayor, Councilmen, and So Forth.

§ 15. The mayor, and the town Sergeant shall take the oath, prescribed by law for all State officers, and the councilmen and all other officers shall take an oath faithfully to execute the duties of their respective offices to the best of their judgment. (1930, c. 218)

§ 16. The court or person administering the oaths required by the preceding section shall make duplicate certificates of the oaths taken by the mayor, and town sergeant, and the person taking the same shall deliver the certificates to the clerk of the council, who shall file all of the certificates among the records of the said town, and shall deliver the copy of the oath of the mayor and town sergeant to the clerk of the circuit court of Sussex county, to be by him filed and preserved. (1930, c. 218)

§ 17. If any person elected or appointed to any office in the said town shall neglect to take such oath on or before thirty days prior to the date on which he is to enter upon the discharge of the duties of his office, and fail to file such bond with surety as may be required of him by the council of the said town on or before entering upon the discharge of his duties, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy be filled as prescribed in this charter or by the general laws of this State. (1930, c. 218)

Chapter 4. Records, Books, and So Forth.

§ 18. If any person having been an officer, agent, or employee of the said town shall not within ten days after he shall have vacated, or been removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the council may allow, deliver over to his successor in office, or the clerk of the council all property, books and papers belonging to the town, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the town the sum not exceeding § 500, to be sued for and recovered by the said town, with costs; and all books, records and documents used in any office by virtue of any provision of this act, or any ordinance or order of the town council or any superior officer of said town, shall be deemed the property of said town, appertaining to said office, and the chief officer thereof shall be held responsible therefor. And all records of the said town shall be kept in the town safe, or such other place as the town council may by its order direct. (1930, c. 218)

Chapter 5. Mayor.

§ 19. The mayor shall be elected by the qualified voters of the town for a term of two years. (1930, c. 218; 1972, c. 27)

§ 20. His salary shall be fixed by the town council and shall not diminish during his term of office. (1930, c. 218)

§ 21. The mayor shall by virtue of his office possess all the power, authority and jurisdiction of a justice of the peace in civil and criminal matters within the said town. All fees allowed the mayor under the general laws of this State for the issuance of warrants, trial of cases, et cetera, shall be collected as other costs are collected and turned into the treasury of the town. (1930, c. 218)

§ 22. The mayor shall be the chief executive officer of the town. He shall have power to try all prosecutions, cases and controversies which arise under the by-laws and ordinances of the town, and inflict such punishment and grant such judgments, as are provided by law, provisions of this chapter or by-laws and ordinances of the town. (1930, c. 218)

§ 23. He may impose fines and inflict punishment when and wherever they are authorized by ordinance, or general law: issue executions for the collection of fines, and may upon failure of the offender to pay the fine or penalty recovered with cost, order the offender to be confined in the jail of Sussex county or the prison of the said town. To compel persons sentenced to confinement in jail for petty larceny, or other misdemeanor, or other violations of town ordinances, to work on the public streets, alleys, public works, or other public property of the said town. (1930, c. 218)

§ 24. Appeals may be taken to the circuit court of Sussex county from the decision of the mayor, in both civil and criminal matters, in the same manner and upon the same terms and be tried in the same way as appeals from the decision of a justice are taken and in like cases, except that no appeal shall be granted from a decision imposing a fine for violation of any of the ordinances of the said town, for offenses not made criminal by the common law of the statutes of Virginia, until and after bond be given by the person so fined with security approved conditioned to pay all fines, costs and damages that may be awarded by the said court on appeal, the penalty of said bond to be double the sum sufficient to pay all such fines, costs and damages. Should the decision be affirmed in whole or in part, the said court shall enter judgment against the said principal and surety for the amount so affirmed with costs, and the costs of the appeal, and execution shall issue thereon in the name of the town against both principal and surety. (1930, c. 218)

§ 25. The mayor shall see that the by-laws and ordinances of the town are fully executed and enforced and shall preside over the meetings of the town council, voting only in case of a tie. (1930, c. 218)

§ 26. Every ordinance or resolution having the effect of an ordinance shall before it becomes operative be presented to the mayor. If he approves he shall sign it, if not, he may return it to the clerk of

the council with his objection, or objections, and the council shall enter the same at length on its journal and proceed to reconsider it. If after such reconsideration, five-sixths of all the members elected to the council shall agree to pass the ordinance or resolution it shall become operative, notwithstanding the objection of the mayor. If any ordinance or resolution shall not be returned within five days (Sunday excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within said five days, and in that event, on the day on which such term of office expires. The mayor shall have the power to veto any particular item or items of any appropriation ordinance or resolution, in like manner, but such veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinance or resolutions not approved by the mayor. (1930, c. 218)

§ 27. The mayor shall see that the duties of the various town officers, agents, employees, members of the police force, and fire department, whether elected, or appointed, are faithfully performed. He shall have power to investigate their accounts, have access to all their books and documents in their office, and may examine them or their subordinates on oath, but the evidence given by persons so examined shall not be used against them in any criminal proceeding. (1930, c. 218)

§ 28. The mayor shall have power to suspend any municipal officer, agent or employee, other than the councilmen and treasurer, whether elected by the people or appointed by the council, or any appointed power designated by the council, for misconduct in office, inefficiency or neglect of duty, to be specified in the order of suspension. (1930, c. 218)

§ 29. On any suspension of any officer in the preceding section, the mayor shall report the same to the town council at their next stated meeting for their consideration, but in no case shall any such suspension be binding until ratified by the council by a five-sixths vote of all the members elected thereto, after reasonable notice to the person complained of, and an opportunity be afforded him to be heard in his defense. (1930, c. 218)

§ 30. The mayor shall communicate to the town council annually at the beginning of each fiscal year, or oftener if he be required by the council, a general statement of the condition of the town in relation to its government, finances and improvement, with such recommendation as he may deem proper, and may from time to time communicate with the council such suggestion and recommendation as he shall deem proper. (1930, c. 218)

§ 31. In case of the absence, illness or inability of the mayor, the president pro tempore, who shall be chosen by the majority of the council at its first meeting in July for a term of two years, or in his absence or inability, some other member of the council chosen by the majority of the council present at a regular meeting, shall possess the same power and discharge the municipal duties of the mayor during such absence, illness or inability; and when so discharging the municipal duties of the mayor

during his absence, illness or inability, the said president pro tempore, or in the case of his inability, the other member of the council so chosen for the purpose, shall receive a reasonable compensation to be fixed and allowed by the town council. (1930, c. 218; 1972, c. 27)

§ 32. In case a vacancy shall occur in the office of mayor, the vacancy shall be filled by appointment by the town council of any one eligible to such office. (1930, c. 218)

§ 33. The mayor shall have the power to call a meeting of the council whenever he deems it necessary, and in case of the absence, inability, or refusal of the mayor, the council may be convened by the order of any two members thereof. (1930, c. 218)

§ 34. The mayor, or other person acting in the capacity of mayor under the provisions of this charter, shall not be required to issue warrants for the arrest of persons charged with a violation of any town ordinance. He may admit anyone charged with a violation of any ordinance to bail before trial. (1930, c. 218)

Chapter 6. Council.

§ 35. The town council, in addition to the mayor, shall be composed of six members, and they shall be elected by popular vote of the qualified electors of the town. (1930, c. 218)

§ 36. The town council shall by ordinance fix the time of their stated meetings, and they shall meet at least once a month, and no business shall be transacted at a special meeting thereof, except that for which it shall be called, unless all members of the council be present. (1930, c. 218)

§ 37. Three members of the council shall constitute a quorum for the transaction of business. No vote shall be reconsidered or rescinded at a special meeting unless at such meeting there be as many members of the council present as were present when such vote was taken. (1930, c. 218)

§ 38. The meetings of the council shall be presided over by the mayor, or in his absence or inability to act, the president pro tempore, or in his absence, or inability, some other member of the council chosen by a majority of that body. (1930, c. 218)

§ 39. The meetings of the town council shall be open to the public except when a recorded vote of five-sixths of those members present shall declare that the public welfare requires secrecy. (1930, c. 218)

§ 40. The town council shall have authority to adopt rules for the regulation of their proceedings, and appointments of such officers, agents, committees, and employees as they may deem proper; to compel the attendance of absent members; to punish its members for disorderly behavior. (1930, c. 218)

§ 41. A journal or minute book shall be kept of the proceedings of the town council, and, at the request of any member present, the yeas and nays shall be recorded on any question. At the next meeting the

proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned; or if he be not then present, by the person presiding when they were read. (1930, c. 218)

§ 42. The clerk of the council shall keep the said journal and shall record the proceedings of the council at large thereon, and keep the same properly indexed; and the clerk of the council shall be known as the town recorder. (1930, c. 218)

§ 43. The town council shall judge of the election, qualification and returns of its members. (1930, c. 218)

§ 44. The regular attendance of all members elected to the council is desirable, and in the event a member so elected to the said council is absent, without good cause, from any regular or stated meetings, five times in succession, his seat shall automatically become vacant, and shall be filled as hereinafter provided. (1930, c. 218)

§ 45. All vacancies occurring from any cause whatever in the office of mayor, or any other office, whether filled by appointments or by election, shall be filled for the unexpired term by the council. (1930, c. 218)

§ 46. The council shall have power to suspend and remove all officers and employees, appointed, for misfeasance, malfeasance, inefficiency, or neglect of duty, to be specified in the order of suspension or removal, but no such removal shall be made without reasonable notice given to the person so suspended, or removed, and an opportunity afforded for a defense thereto; and no removal of any town officer, agent or employee shall be final until the same shall be ratified by a five-sixths vote of the town council; and the town council may in like manner act upon and remove any officer, agent or employee who has been suspended by the mayor. (1930, c. 218)

§ 47. The town council shall have all powers and authority that is now or may hereafter be granted to councils of towns by the general laws of this State and by this act; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of this State to town councils, but not herein specified. (1930, c. 218)

§ 48. And the said council shall have power to enact ordinances providing for the exercises within its jurisdiction of all police powers which the State itself may exercise under the circumstances, except such as may be specifically denied towns by the acts of the general assembly. (1930, c. 218)

§ 49. And it shall have the further power to control and manage the fiscal and municipal affairs of the town and all property, real and personal, belonging to the said town, and may make such ordinances, orders and resolutions relating to the same as it may deem proper and necessary. And it shall have the further power:

First. To purchase, hold, sell and convey all real and personal property within or without the corporate limits necessary for its uses and purposes.

Second. To acquire by purchase, condemnation or otherwise, or to construct or lease and operate its own plant, factory and equipment for supplying its inhabitants, streets, grounds and buildings with water, light, power, fuel and sewerage, and to that end it may acquire by purchase or lease any plant existing in or near the town and may acquire lands and franchise outside of the limits of the said town, and may by purchase, condemnation or otherwise, acquire easements and right of way.

Third. To purchase, condemn, or otherwise acquire one or more locations for a site for fire engine houses, stables, town building, parks, playgrounds, cemeteries, and for all municipal uses and purposes, within or without the town.

Fourth. To close, extend, widen, or narrow, straighten, lay out, graduate, curb and pave, and otherwise improve the streets, sidewalks, roads and public alleys in the town, and to have them kept in good order and properly lighted, and may make assessments against abutting property owners in accordance with the provisions of § 170 of the Constitution of Virginia, and make such item a lien upon their real estate, and collectible in the same manner as is herein provided, and also as provided by the general law for the State for the collection of taxes generally, and over any street or alley in the town which has been or may be ceded to the said town or conveyed to the town by proper deed, they shall have like power and authority as over other streets and alleys. They may build bridges over and culverts under the streets or alleys, and may prevent and remove any structure, obstruction or encroachment over or under or in any street, sidewalk or alley in the said town, and may permit shade trees to be planted along said streets, also cut down and remove or require to be taken down and removed, any shade trees upon any of the streets and alleys of the said town which may be a menace to the public health or safety; but no company, firm, corporation or individual shall occupy with its or his works or appurtenances thereof the streets, sidewalks and alleys of the town, without the consent of the council duly entered of record, and whenever in the construction of any sewer, conduit or public improvements, it is necessary that the same shall run through or under private property, the council shall have authority to contract and agree with the owners thereof for the use and purchase of the right-of-way or other easement, in, through, or under the same condemned according to law.

Fifth. To require the owners of real estate abutting upon paved or granolithic sidewalks to remove the snow therefrom, to prevent skating or riding of bicycles thereon, and of all other improper uses thereof, and to punish such violation by fine.

Sixth. To prevent the cumbering of streets, sidewalks, alleys, roads, lanes, avenues, or bridges in the town in any manner whatsoever, and to have full and complete control thereof.

Seventh. To determine, restrain and regulate the use and speed of bicycles, motorcycles, traction engines. locomotives, engines, cars, automobiles, and all other vehicles upon the said streets,

roads and alleys of the said town; or regulate the speed of locomotives or trains, and require flagmen at dangerous railroad crossings within the town.

Eighth. To secure the inhabitants of the said town from contagious, infectious, or other dangerous diseases; to establish, erect and regulate hospitals within or without the said town, and to prescribe all proper quarantine regulation; to provide for and enforce the removal of patients suffering from any such disease, to the said hospitals; to appoint and regulate a board of health for the said town, prescribe its duties and invest said board with police authority and with full power for the prompt and efficient performance of its duties.

Ninth. To require and compel the abatement of all nuisances and the removal thereof within the town at the expense of the person or persons causing the same, or the owner or owners of the ground whereupon the same may be.

Tenth. To require and compel the owners of the houses to connect their water closets and water drains with the sewers of the town, or otherwise comply with such regulations as to sewers and nuisances as the council may prescribe, and upon failure so to do the same may be done by the town, by entering upon the premises, if necessary, and the cost attending same shall be collected from the owner and occupant of such houses, as taxes are herein in this charter allowed to be collected by the town.

Eleventh. To direct the location of all buildings for storing gunpowder, firecrackers, or other works manufactured or prepared therefrom, kerosene oil, nitroglycerine, camphene, burning fluid, or other combustible material; to regulate and restrain the exhibition and use of fireworks, firecrackers, and discharge of firearms, the use of candles or lights in barns, stables, and other buildings; and to regulate and restrain the making of bonfires in the streets, alleys, roads and premises of the said town.

Twelfth. To prevent horses, cattle, hogs, cats, chickens and all other poultry and animals from running at large in the said town, and may subject the same to confiscation, regulation and taxes as may be deemed proper, and the town council may prohibit the raising and keeping of hogs in the town or in any part thereof, or if permitted, may regulate the same.

Thirteenth. To prevent the riding and driving of horses or animals at an improper speed, throwing stones or missiles or engaging in any employment or sports on the streets, sidewalks, roads or public alleys dangerous to or annoying to pedestrians, and to prohibit and punish cruel treatment of horses and other animals in the said town.

Fourteenth. To protect the person and property of the inhabitants of the town and others within the town, to restrain and punish drunkards, vagrants, idlers, and street beggars, to prevent vice and immorality, obscenity, profanity, abusive language, and gambling, to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblage; to suppress houses of ill-fame and gambling houses; to prevent lewd, indecent and disorderly conduct, or exhibits in the said

town, and to expel therefrom persons guilty of such conduct; to prevent the coming into the town of persons having no ostensible means of support and persons who may be dangerous to the peace and safety of the town and compel such person to leave the town.

Fifteenth. To make and enforce ordinances to secure the safe and expeditious use of streets, roads, and alleys of the said town; to regulate all manner of traffic thereon, and parking thereon and for the protection of persons and property thereon or near thereto.

Sixteenth. To establish and maintain, parks, playgrounds, and boulevards, and cause the same to be laid out, equipped and beautified, to give names to or alter the names of streets and numbers for the buildings thereon, and fix building lines.

Seventeenth. To lay off public grounds and provide, acquire, erect, and keep in order all buildings and other property, proper for the town.

Eighteenth. To prohibit and punish for mischievous, wanton or malicious damage to school and public property, as well as private property.

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

Twentieth. To prohibit and punish the dumping of refuse, wastes, garbage, and dead animals and fowls within the town, and to restrict the dumping of garbage to such places as the council may designate and to punish all who fail to comply with such rules and regulations as to garbage disposal.

Twenty-first. To provide a prison house and work house and employ managers, physicians, nurses and servants for the same, and prescribe regulations for the government and discipline of persons therein.

Twenty-second. To authorize and regulate the erection of party walls and fences and prescribe how the cost thereof shall be borne by coterminous owners; and to prohibit and punish trespassing upon private property within the town.

Twenty-third. To regulate and control auction sales, livery stables, garages, barber shops, slaughter houses, soap factories, theatrical performances or other public shows or exhibitions; the hiring or use for pay of carriages, carts, wagons and drays, and the business of hawkers, peddlers, persons selling goods by sample, persons keeping billiard tables, tenpin alleys and pistol galleries for profit and all other similar businesses, occupations and employment, and as to such trades, occupations and employments and of any other of like nature, or not, may grant or refuse license as it may deem proper; and to regulate and control the keeping open of automobile garages, service stations and drug stores, on the Sabbath.

Twenty-fourth. To compel persons sentenced to confinement in jail for petty larceny, or other misdemeanor, or other violation of town ordinances to work on the public streets, alleys, public work or property of the said town.

Twenty-fifth. To provide for the regular and safe construction of houses in the town for the future, to require the standard of all dwelling houses be maintained in residential section in keeping with the majority of residences therein: and to require the standard of all business houses be maintained in business sections in keeping with the majority of the business houses therein.

Twenty-sixth. To designate and prescribe from time to time, the part of town within which no buildings of wood shall be erected, and to regulate the construction of buildings in the town, so as to protect it against danger of fire; to remove or require to be removed any building, structure or addition thereto, which by reason of dilapidation, defect of structure, fire or other cause is or may become dangerous to life or property, and also refuse a permit to repair any such building or structure.

Twenty-seventh. To prevent or prohibit injury or annoyance, of anything dangerous, offensive or unhealthy.

Twenty-eighth. To provide by regular ordinances what are nuisances; to cause the abatement of any nuisance, so declared to be by the general laws of this State, or the regular ordinance of the town.

Twenty-ninth. To inspect, test, measure and weigh any commodity or article of consumption for use within the town, and to establish, regulate, license, and inspect weights, meters, measures, and scales.

Thirtieth. To provide in or near the town lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of ground therein, and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested and the income thereof used in and about the perpetual upkeep and care of the said lot or plot, for which the said donation, gift, or bequest shall have been made.

Thirty-first. To offer and pay rewards for the apprehension of criminals.

Thirty-second. To control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire, upon the streets and alleys of the town, to require a bond with satisfactory surety thereon of the owner of every motor vehicle so used, conditioned to satisfy all damages caused to any person, or property, in the negligent operation of such motor vehicle, or adequate insurance, to require the annual registration of each and every motor vehicle so used and a license tax to be paid thereon, to require all drivers of such motor vehicles, whether owners or not, to obtain permits from the mayor and council before operating any such motor vehicle carrying passengers for hire upon

the said streets and alleys, to refuse permits to so operate any motor vehicle to any person who is not of good character, reputation, physically fit, capable, competent, of sufficient age and discretion, or who is addicted to the use of intoxicating liquors or narcotics, to revoke any permit issued to any person for good cause and after a hearing thereon; or, a franchise may be granted for the transportation of passengers by motor vehicles for hire upon the said streets and alleys, to be advertised and sold as provided for by the Constitution and the laws of this State, subject nevertheless to such rules, regulations, restrictions, and limitations and upon such conditions, not in conflict with the Constitution, as the council may determine. But nothing in this section shall be construed to be in conflict with the general State law on motor vehicle carriers.

Thirty-third. To pass all resolutions and ordinances not repugnant to the Constitution and the laws of the State, or in conflict with this act, which it may deem necessary for the good order and government of the said town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or of their property, and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in the said town or in the council, or the officers thereof, or which may be necessarily incident to a municipal corporation. (1930, c. 218)

Chapter 7. Use of Streets, Et Cetera.

§ 50. No street car, gas, railway, water, steam, or electric heating, electric light, or power company, compressed air, viaduct, conduit, telegraph, telephone, or bridge company, firm, or corporation, association, persons or partnership, engaged in these or like enterprises shall be permitted to use the streets, roads, alleys or public grounds of the town without the previous consent of the corporate authority of the town. (1930, c. 218)

§ 51. No person or corporation shall occupy or use any of the streets, avenues, parks, bridges, boulevards, alleys or any other public place or public property of the town, or any public easement of the town of any description in a manner not permitted to the general public, without having first obtained the consent thereto of the town council, or a franchise therefor, and any person upon conviction of so doing before the mayor shall be fined not less than five dollars, nor more than fifty dollars, each day's continuance thereof to be a separate offense, such fine to be recovered in the name of the town and for its use, and such occupancy shall be deemed a nuisance, and the mayor shall have power to cause the said nuisance to be abated, and to commit the offenders and all their agents and employees engaged in such offense to the town prison until such order shall be obeyed. (1930, c. 218)

§ 52. In every case when a street of said town has been, or shall be encroached upon by any fence, building, porch, projections or otherwise, the town council may require the owner if known, or if

unknown, the occupant, to remove the same, and if such removal be not made within the time prescribed by the council they may impose a penalty of not exceeding twenty-five dollars for each day and every day it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner, or if the owner be unknown, from the occupant of the premises, a reasonable charge therefor, with costs, by the same procedure as they are hereinafter empowered to collect taxes. No encroachment upon any street of the said town, however long, the same shall have been or may be continued, shall constitute an adverse possession to, or confer any rights upon the person claiming thereunder, as against the town. (1930, c. 218)

§ 52½. The town council may pass such ordinances as it deems proper for the segregation of races and as well, business, manufacturing and residential districts. (1930, c. 218)

Chapter 8. Police.

§ 53. The town council shall have the power and authority to appoint a sergeant, and watchman, and such additional police officers as it may deem necessary or proper. (1930, c. 218)

§ 54. The town council shall prescribe rules and regulations for the government of the police department, prescribe uniforms and badges of the officers therefor, and fix their rate of pay, and in addition thereto, the mayor, or in his absence, the president pro tempore of the council or in the absence of both, any councilman shall have the power and authority whenever the regular police force of the town is, in the judgment of such person deemed inadequate to meet the needs of the occasion, to appoint and swear in such additional or special policemen as he may deem requisite for a term of service not to exceed ten days, and at such compensation as the council may fix for special policemen, or, if no compensation be fixed by the council, then at the same compensation per day paid regular police officers of the regular police force. The duties and powers of such special policemen shall be the same as that of a private on the regular police force. (1930, c. 218)

§ 55. The police force shall be under the control of the mayor for the purpose of enforcing peace and order and executing the laws of the State and ordinance of the town. They shall also perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties and powers, any policeman is hereby made a conservator of the peace, and endowed with all the powers of the constable in criminal cases, and all other powers which under the laws of the State may be necessary to enable him to discharge the duties of his office. (1930, c. 218)

§ 56. The officers and privates of the police force of the town shall be vested with all the powers and authority which belongs to the office of a constable at common law in taking cognizance of and enforcing the criminal laws of the Commonwealth of Virginia, and the ordinances and regulations of the town respectively; and it shall be the duty of each and every one of such policemen to use his best endeavor to prevent the commitment within the said town of offenses against the laws of the

Commonwealth, and against the ordinances and regulations of the town, to observe and enforce all such laws, ordinances, and regulations, to detect and arrest offenders against the same, to preserve the good order of the town and secure the inhabitants thereof from violence, and the property therein from injury. (1930, c. 218)

§ 57. The policemen of the town other than the sergeant shall have no power or authority in civil matters, but they shall in all other cases execute such warrants or summons as may be placed in their hands by the mayor of the said town, or properly constituted authority, and shall make due return thereof. (1930, c. 218)

Chapter 9. Fire Department.

§ 58. The town council shall have the power and authority to establish and maintain a fire department for the town, and all powers necessary for the government, management, maintenance, equipment, and direction of such fire department, and the premises, property and equipment thereof. The council may make ordinances as it may deem proper for the prevention of fires, the construction of flues, chimneys, and stove pipes, and the extinguishment of fires; for the regulation of the conduct of persons in attendance at fires; in relation to the powers and duties of the officers and men of the fire department; to require citizens to render assistance to the fire department in case of need; and in relation to the acquisition, use, maintenance, and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1930, c. 218)

§ 59. The town council may in their discretion authorize or require the fire department to render aid in case of fire occurring beyond the limits of the town, and may prescribe the conditions under which aid may be rendered. (1930, c. 218)

Chapter 10. Dedication of Streets, and So Forth.

§ 60. All streets, cross-streets, roadways, alleys, avenues and walkways which have already been laid off and opened according to plats of the several subdivisions of the town as now constituted, which have been or may hereafter be accepted by the town council, not heretofore changed, closed, or altered by the municipal authorities, and all streets, cross-streets, avenues and alleys, lanes and walkways which have heretofore been opened and used as such or which may at any time be located, surveyed and opened in the said town, or any extension of the same within the corporate limits of the town, shall be and they are hereby established as public streets, avenues, lanes and walkways of the town. (1930, c. 218)

§ 61. Any street, alley, avenue or walkway heretofore or hereafter reserved or laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town as now constituted by a plan or plat of record, not altered, closed, or vacated by the municipal authorities, or

otherwise as provided by law, shall be deemed and held to be dedicated to public use as and for a public street, avenue, alley or walkway, as the case may be, of the town, unless it appears by the said record that the street, avenue, alley or walkway so reserved is designated for private use, and whenever any street, alley, avenue, walkway or lane in the town shall have been opened and used as such by the public for a period of five years, the same shall thereby become a street, alley, avenue, walkway, or lane for public use, unless notice of the contrary intention on the part of the landowner be given in writing to the mayor of the town, who shall report the receipt of such notice to the council that it may be spread on the journal; and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, avenues, walkways and lanes laid out by them; and all streets, avenues, alleys and walkways hereafter laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town shall be made to conform existing streets, avenues, alleys and walkways, both in width and their courses and direction. (1930, c. 218)

§ 62. The town shall repair, maintain and keep in good order the public streets and roads within the corporate limits of the town, and if the said town so keeps in order, repairs and maintains the public roads and streets, within said corporate limits, no road tax shall be levied therein by the county of Sussex, or any subdivision thereof; and the inhabitants of the town and all taxable property, personal and real, within the corporate limits of the town shall be exempt from all assessment and levies imposed by the authorities of the county of Sussex or other subdivision thereof, for construction, repair, or maintenance of roads lying outside of the corporate limit of the said town. (1930, c. 218)

Chapter 11. Treasurer.

§ 63. The treasurer of the said town shall be appointed by the council for a term of four years, who shall serve at the pleasure of the council, and shall collect and receive all money belonging to the town, and shall perform such other duties as are prescribed by the council. He shall keep his office at some convenient place in the town, provided by the town council. He shall keep his books and accounts in such manner as the town council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and council, or any committee or committees of the council. He shall receive for his services such compensation, either in fees or salaries, as the town council may from time to time allow, and when such compensation has been fixed by the council, the same shall not be diminished during the term of his office. (1930, c. 218)

§ 64. No money shall be paid out by the town treasurer except by order of the council and upon a warrant of the clerk of the council, countersigned by the mayor of the council, except as hereinafter provided. (1930, c. 218)

§ 65. The town treasurer or his deputy, duly appointed by the council and qualified, or by order of the council of the said town, the town sergeant, or any other person appointed by the town council shall collect all the taxes, revenues and assessments, which may be levied by the said town council, and for this purpose the said treasurer or other person appointed by the town council as aforesaid, shall be vested with power and be subject to liabilities and penalties now prescribed by law in regard to the county treasurers of the State of Virginia in the levying and collecting of taxes, and said officers or persons appointed as aforesaid to collect said taxes, revenues and assessments, shall have full power to levy on property and sell the same for the payment of such tax, as the said county treasurers of the State of Virginia are now empowered by law to do, and such sales shall be made upon the notice and in such manner as now prescribed by law in sales of personal property for State taxes; and any person so appointed shall give bond and receive such compensation as said council shall direct. (1930, c. 218)

§ 66. The treasurer shall be required to keep all money in his hands belonging to the town in such place or places of deposit as the town council by ordinance may provide or direct. (1930, c. 218)

§ 67. The treasurer shall report to each stated meeting of the council the amount of cash then on deposit to the order of the town, and in what depositories deposited, furnishing an itemized statement of receipts and disbursements for the previous month, and shall annually at the end of each fiscal year publish, either in the newspaper or by posting in three or more public places in said town, a statement showing all the receipts and incomes of the said town and from what sources, and all disbursements made and for what purpose, a copy of which said statement shall be filed in the records of the said town. (1930, c. 218)

§ 68. The treasurer shall execute bond with satisfactory surety payable to the town for the faithful performance of all duties of his office, and to account for all money coming into his hands. (1930, c. 218)

Chapter 12. Recorder.

§ 69. The town recorder shall also be the clerk of the council and shall be elected by the council. He shall hold office during the term of the council or at its pleasure. He shall attend the meetings of the council and keep a record of its proceedings; he shall have the custody of the corporate seal; he shall keep all the papers that, by the provisions of this act, or the direction of the council, are required to be filed with or kept by him; he shall give notice to all parties presenting communication or petitions to the town council of the final action of the council on such communication or petition; he shall publish such reports and ordinances the council is required to publish, and such other reports and ordinances as it may direct, and shall, in general, perform such other acts and duties as the council may from time to time prescribe and require of him. Within the town limits he shall assess the lands and take the list of

personal property for taxation, and do all other acts and things in connection therewith the same as, and have the same authority, as the commissioner of the revenue in Sussex county. (1930, c. 218)

§ 69½. The town recorder shall have the power and authority to propound interrogatory to any person subject to taxation, and may use such other evidence as he may be in position to procure, in making his assessment or taking lists; such interrogatory shall be answered under oath and any applicant refusing to answer such interrogatory under oath shall be fined not less than five dollars, nor more than $100, for each offense. It shall be the duty of the recorder to assess for taxation all persons and property subject to town taxation, whether the same shall have been omitted from the assessment of the commissioner of revenue for Sussex county or not. All books, schedules and records, and papers pertaining to the office of assessor shall be open to and subject to the inspection of the mayor, members of the town council, or any committee thereof, and of the collector of town taxes. He may use as the basis of his assessment, the assessment made by the commissioner of revenue in Stony Creek magisterial district, Sussex county. He shall receive for his services such compensation as the town council may from time to time direct. (1930, c. 218)

Chapter 13. Sergeant.

§ 70. The town council shall have the power and authority to prescribe for the town sergeant such general and other duties as it may see fit, and shall fix his compensation, and in all civil and criminal cases arising under the State laws, the sergeant shall receive the same fees as are provided by law for constables, and in all cases arising under the town ordinances where not otherwise provided, he shall receive the same fees as constables receive in similar cases arising under the State laws. (1930, c. 218)

§ 71. The town sergeant shall perform the duties, receive the compensation and be subject to the liabilities prescribed by this act, the ordinances, by-laws and regulations of the town council, and by the laws of this State, and also shall have the powers and discharge the same duties as constables within the corporate limits of the town, and be subject to the same liability touching all process lawfully directed to him, as constables are subject to under the laws of the State. (1930, c. 218)

§ 72. The sergeant and the police officers of the town shall have the power to arrest without warrants and carry before the mayor or other proper authority, to be dealt with according to law, any and all persons who shall violate any ordinances of the town or law of the State in their presence, and it shall be their duty to swear out warrants of arrest for any person or persons where they have reason to believe any offense has been committed. (1930, c. 218)

§ 73. The sergeant shall be collector of all fines and penalties imposed for the violation of town ordinances, by-laws, rules and regulations, and of delinquent town levies, and of all tax tickets declared delinquent by the town council, and allowed the treasurer in his settlement with the town council, shall

be turned over to the sergeant to collect, and for that purpose he shall have all the power and authority and be subject to the same liabilities and penalties as are prescribed for county treasurers in the collection of State taxes and county levies, and may be proceeded against in the same manner, so far as applicable. (1930, c. 218)

§ 74. The town sergeant shall pay over to the council of the town at each monthly meeting all money which comes into his hands for taxes, or levies, or fines aud costs, or any part or parts of any fines or costs collected by him, together with a written report showing each and every item and the amount so collected and as well any other items or articles or property coming into his hands belonging to the town through or by confiscation or otherwise. (1930, c. 218)

§ 75. He shall be required to give bond with satisfactory surety, payable to the said town for the faithful performance and discharge of all of his duties as sergeant, and to faithfully account for all money coming into his hands by virtue of his office. (1930, c. 218)

Chapter 14. Taxation.

§ 76. For the execution of its powers and duties the council may tax all real and personal property in the town not exempt by law from taxation; not to exceed one dollar and fifty cents per hundred dollars assessed value; all corporations located in the town or having their principal office therein and not exempt by law from taxation; all credits due to any person living in the town; all capital of persons having a place of business in the town and doing business therein and employed in the said business, though the said business may extend beyond the town, provided that so much of said capital as is invested in real estate or employed in the manufacture of articles outside the town limits shall not be taxed as capital; and all stocks in incorporated joint stock companies, doing business in the town and by whomsoever owned and not exempt by law from taxation. Assessment upon stock and bonds shall be according to the market value thereof. Nothing in this act shall be construed as conflicting with the general laws of the State providing for the segregation or partial segregation of the subjects of taxation. (1930, c. 218)

§ 77. The council may impose a tax not exceeding one dollar and fifty cents per annum upon each resident of the town who has attained the age of twenty-one years, for street purposes. (1930, c. 218)

§ 78. The council may impose a license tax on merchants, commission merchants, auctioneers, manufacturers, traders, lawyers, physicians, dentists, brokers, keepers of ordinary, hotel keepers, boarding house keepers, keepers of drinking or eating houses, keepers of livery stables, garages, filling stations, distributors of oils, gasoline and grease, photographic artists of all kinds, agents of all kinds, vendors of quack medicine, public theatrical or other performances or shows, soda fountains and distributors of soft drinks, keepers of billiard tables, tenpin alleys, pistol galleries, hawkers, peddlers, sample merchants, contractors, barber shops, and any other person, firm, corporation, employment, or

trade, whether of like kind with any of the foregoing or not, which it may deem proper, whether such person, firm, corporation, business, employment, or trade be herein specifically enumerated or not, and whether any tax be imposed thereon by the State or not. As to all such persons, firms, corporations, employments, or trades, the council may lay a direct tax or may require a license tax therefor under such regulations as it may prescribe and levy a tax thereon; and where it is not prohibited by the laws of this State or of the United States may levy both a direct tax and a license tax, but the taxes herein authorized shall be subject to the provisions and conditions set forth in this act, but this section shall not render it legal to conduct within the town any business, calling, or vocation which but for this section would be illegal. (1930, c. 218)

§ 79. The council may subject any person who, without having obtained a license therefor, shall do any act or follow any employment or business in the town for which a license may be required by ordinance, to such fine or penalty as it is authorized to impose for any violation of its laws. (1930, c. 218)

§ 80. The town council may exempt from all municipal taxation bonds and other obligations of indebtedness issued by the town. (1930, c. 218)

§ 81. The council shall have power to fix and collect water rents, and make proper charges for light and power furnished and provided by the municipal power plants. (1930, c. 218)

§ 82. The council shall not appropriate any part of any sinking fund of its accrued interest thereon for any other objects or purposes than that for which the said sinking fund is collected. (1930, c. 218)

Chapter 15. Tax Liens, and So Forth.

§ 83. There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed. And the town council shall, by ordinance, require said taxes to be paid in one installment at such time, and with a penalty not in excess of ten per centum, as the said council may designate. The council may require real estate in the town delinquent for the non-payment of taxes or assessments, to be sold for said taxes and assessments, with interest thereon from the time the same is delinquent, at the rate of six per centum per annum, and ten per centum of the amount of the tax to cover costs and charges, exclusive of costs attending the redemption thereof, as hereinafter provided, and may cause a good and sufficient deed to be made to the purchaser. (1930, c. 218)

§ 84. It shall be the duty of the treasurer of the town to make out and deliver to the council at their regular meeting in July in each year following the passage of this act, a list of all real estate whereupon delinquent taxes or assessments are due and unpaid for the previous year, and thereupon the treasurer of the town, under the direction of the town council, and when so ordered by it, shall sell said real estate and shall cause a notice of the time and place of such sale to be published in a newspaper of

general circulation in the said town, for at least once a week for four consecutive issues of the said paper or papers, previous to the day of the sale, and he shall cause to be published, at the same time and for the same length of time, a list of the several parcels of real estate delinquent for the non-payment of assessments due and the amount of tax or assessments due on each parcel. (1930, c. 218)

§ 84½. The town council may by order direct the sale of any property confiscated or otherwise coming into the possession of the said town; and said sale to be held according to the terms of the order directing the same; and the proceeds therefrom shall be paid into the treasury of the said town. (1930, c. 218)

§ 85. If such tax or assessment and the six per centum interest and ten per centum costs and charges aforesaid be not paid previous to the day for which said sale is advertised, or on some day immediately thereafter to which said sale may be adjourned, the treasurer shall proceed to make sale accordingly of said parcel of real estate, or so much thereof as shall be necessary to satisfy the taxes, interest and charges aforesaid, and the sale may be adjourned from day to day until it shall be completed. On such sale the treasurer shall execute to the purchaser a certificate of sale, in which the property purchased shall be described and the aggregate amount of tax or assessments with interest and costs specified; but the treasurer shall not for himself, whether directly or indirectly, purchase any real estate so sold; and such purchaser shall have the same rights and remedies as purchasers at delinquent tax sales in Sussex county, and under the State law. (1930, c. 218)

§ 86. If at any sale no bids shall be made by any person for any such parcel of land, or such bid shall not be equal to the tax or assessment with interest and costs thereon, the same may be bid in and purchased by the treasurer for the said town. On such sale the treasurer shall execute to the town a certificate of sale in which the property purchased shall be described and the aggregate amount of taxes and assessments with interest and costs specified, and shall deposit such certificates with the clerk of the council of the town. (1930, c. 218)

§ 87. The treasurer shall, within thirty days after the sales are completed, make a report of said sales, showing parcels of land sold, the date of sale, the name of the purchaser, and the amount of purchase money for each lot; this report shall, within the time aforesaid, be filed with the clerk of the council and by him recorded in the book kept for the purpose. (1930, c. 218)

§ 88. The owner of any real estate so sold, his heirs or assigns or any person having the right to charge such real estate for a debt or otherwise interested therein may redeem the same by paying the purchaser, his heirs or assigns, within two years from the sale thereof, the whole amount paid by said purchaser, and such additional tax thereto as may have been paid by the purchaser, his heirs and assigns, with interest thereon, at the rate of six per centum per annum and reasonable costs; or, if purchased by the town with such additional sum as will have accrued for taxes thereon, if the same had not been purchased by the town, with interest on the said purchase money and taxes, at the rate of six

per centum per annum from the time that the same may have been so paid, or the same may be paid within the said two years to the said town sergeant in any case in which the purchaser, his heirs or assigns, may refuse to receive the same or may not reside or cannot be found in the town. (1930, c. 218)

§ 89. Any infant, insane person or persons in prison whose real estate may have been so sold, or his heirs may redeem the same by paying to the purchaser, his heirs or assigns, within two years from the removal of their disability, the amount for which the same was sold, with the interest and the costs aforesaid, and such additional taxes on the real estate as may have been paid by the purchaser, his heirs or assigns, or the appraised value of any improvements that may have been made thereon with interest on the said item at the rate of six per centum per annum, from the time they may have been made. Upon such payment and the payment of such additional sums as may have been incurred by the purchaser in obtaining a deed within two years after the removal of such disability the purchaser, his heirs or assigns, shall, at the costs of the original owner, his heirs or assigns, convey to him or to them by deed with special warranty the real estate so sold. (1930, c. 218)

§ 90. If any real estate so sold be not redeemed within the time allowed for redemption, the purchaser of such real estate or his assigns, may thereupon petition the mayor and council that the property shall be conveyed to him and thereupon after due notice to the party or parties, for whose delinquent taxes said real estate was sold, and similar notice to the owner as shown by the records of the clerk's office of the circuit court of Sussex county either by personal service or in the event personal service cannot be had by reason of non-residence or disability of any kind, by publication for four consecutive weeks in some newspaper published in the town, at the expense of the applicant, the said council shall determine whether all the requirements as to the assessment, the sale, the purchase, and the period of redemption shall have been complied with; and if upon such inquiry it be ascertained that the same has been regularly complied with, and that the purchaser or his assigns is entitled to a conveyance of the said real estate, the council shall direct the same to be conveyed by the clerk of the council of the town. Where the purchaser has assigned the benefit of his purchase, the deed may be with his consent evidence by his joining therein or by writing annexed thereto be executed to his assignee. And if the purchaser shall have died, his heirs or assigns may move the council to order the clerk of the council of the town to execute a deed conveying the property to such heirs or assigns; such inquiry shall be deemed conclusive as to the regularity of all proceedings connected therewith, but nothing contained in this section shall apply to the real estate purchased by the town at delinquent tax sales. (1930, c. 218)

§ 91. If any real estate purchased by the town at delinquent tax sales provided for in this charter, be not redeemed in accordance with the provisions of this charter, the said town may acquire the fee simple title thereto by the same proceedings prescribed in the preceding section, and after deed shall

have been obtained therefor, such real estate may, subject to the provisions contained in the next section hereof, be disposed of by the town in such mode as the council may prescribe. (1930, c. 218)

§ 92. When the purchaser of any real estate sold for taxes, his heirs or assigns shall have obtained a deed therefor and within sixty days from the date of such deed shall have caused same to be recorded, such estate shall stand vested in the grantee in such deed, and his title shall not be subject to defeat, except by showing that the real estate was not subject to the taxes for which it was sold, or that the taxes for the year for which it had been sold, had been paid. (1930, c. 218)

Chapter 16. Loans, Bonds, and So Forth.

§ 93. The town council shall have the power and authority, without reference to a vote of the people, to issue certificates of indebtedness, bonds or other obligations in anticipation of the collection of the revenue of the town for the then current year; provided that such certificates, bonds, or other obligations mature within one year from the date of their issuance, and be not past due and do not exceed the revenue for such year. (1930, c. 218)

§ 94. The town council shall have the power and authority, without reference to the vote of the people, to provide by ordinances for the issuance of new bonds, for the redemption and liquidation of any lawfully issued bonds, when they fall due, become subject to call, or can for any reason be refunded or redeemed. Said new bonds shall not exceed in amount, the original bonds to be redeemed, liquidated, or refunded, may be registered, serial, or coupon, and shall be sold, at not less than five per centum below par, to the highest bidder for cash, provided no such new bonds shall bear a higher rate of interest than six per centum per annum, and provided, further, that the proceeds of the sale of new bonds so issued shall be used only in the payment of the old bonds, which are subject to call, redemption or can otherwise be refunded or redeemed. Such bonds shall be payable in lawful money of the United States and a sinking fund shall be created and maintained sufficient to redeem such bonds at maturity, and shall be applied to such redemption and to no other purpose, provided, further, such short term notes or obligation of the said town outstanding at the time this act goes into effect, may likewise be refunded into long term bonds under this section. (1930, c. 218)

§ 95. And the council shall have the further power and authority to borrow money in the name of the town and for its uses and purposes whenever in the opinion of a majority of its members, ascertained by a record affirmative vote of all members elected to the council, it is to the best interests of the municipality to do so, such borrowed money to be evidenced by the bonds, notes, or certificates of indebtedness of the said town duly executed by the mayor thereof and attested by the clerk of the council, but the amount of the indebtedness shall not exceed eighteen per centum of the assessed valuation of the real estate therein subject to taxation as shown by the last preceding assessment. The classes of debts mentioned under § 127 of the Constitution in paragraphs "a" and "b" thereof

shall not be included in determining the indebtedness of the town. None of the obligations issued under this provision shall be sold at less than five per centum below par, nor bear interest at a rate exceeding six per centum per annum, and shall become due and payable not exceeding thirty-four years from the date of their issuances; provided, however, no bonds, notes, or certificates of indebtedness shall be issued, under this provision unless and until the question shall have first been submitted to the qualified voters of the town whether or not such bonds, notes, or certificates of indebtedness shall be issued, and the majority of the qualified voters participating in any election held for such purpose shall have voted for such issuance. The council shall call such election and fix the date thereof by ordinance, copies of which shall be published in the local newspaper at least once a week for three consecutive weeks before the date of such election, and the regular election officials of the town shall conduct the election provided for hereunder. The council shall make provisions for the payment of interest on the bonds, notes, or certificates of indebtedness so issued and shall provide a sinking fund for the retirement thereof at or before maturity. The coupons shall be received for town taxes. (1930, c. 218)

Chapter 17. General Provisions.

§ 96. All criminal and civil writs and process issued by the mayor under the general laws of the State of Virginia shall run in the name of the Commonwealth of Virginia, and all criminal and civil writs or process issued by the mayor for the violation of or under ordinances of said town shall run in the name of the town of Stony Creek, and writs and process issued in the name of the town shall conform as near as may be to the form for similar writs and processes issued under the general State laws. (1930, c. 218)

§ 97. The jurisdiction of the corporate authorities of the town in criminal matters except as otherwise provided by laws, and for imposing and collecting a license tax on all shows, performances and exhibitions, shall extend one mile beyond the corporate limits of the town. (1930, c. 218)

§ 98. Appeals and decisions rendered by the mayor shall be to the circuit court of Sussex county when permitted or allowed, and upon similar, and subject to like conditions as is provided by law in such cases, unless otherwise provided for herein. (1930, c. 218)

§ 99. If any section or provision of this act or any part of any section shall be declared unconstitutional, the part so declared unconstitutional shall cease to be operative, but the remainder of this act and every section or part thereof not so declared unconstitutional shall continue to be the law governing this town. (1930, c. 218)

§ 100. In case of default on the part of any bonded municipal officer, the town shall have the same remedies against him and his sureties as are provided for the State in enforcing the penalty of any official bond given to it. (1930, c. 218)

§ 101. The same person shall be eligible to, and if elected, or appointed, may hold a county office and a town office if the said offices be of the same nature, at the same time; provided, such officer lives within the town limits; and a person otherwise qualified who is a resident of the said town shall be eligible to election or appointment of any county office of Sussex county. (1930, c. 218)

§ 102. Where by the provisions of this act or the general laws of this State, the council has the authority to pass an ordinance, resolution, or regulation on any subject, it may prescribe a penalty not exceeding $500 or confinement in jail not exceeding twelve months, or both, for the violation thereof, and any other form of punishment provided for by the laws of this State for the punishment of misdemeanors. (1930, c. 218)

§ 103. All ordinances now in force as the ordinances of the town of Stony Creek in the town of Stony Creek not inconsistent with this act shall be and remain in force until altered, amended, or repealed by the town council. (1930, c. 218)

§ 105. All acts or parts of acts in conflict with this act are hereby repealed, but only insofar as they affect the provisions of this act. (1930, c. 218)

§ 106. An emergency is hereby declared to exist and this act shall be in effect from and after the date of its passage. (1930, c. 218)

Strasburg, Town of

County of Shenandoah

History of incorporation

Established November 1761, County of Frederick.
County of Shenandoah by 1824.
Charter, 1856, c. 265.
Incorporation, 1871, c. 271.
Charter, 1884, c. 556; repealed 1922, c. 69.

Current charter

Charter, 1922, c. 69.

Amendments to current charter

1924, c. 173 (§ 18)
1938, c. 244 (§ 17-a [added])
1946, c. 17 (§§ 6, 15, 18)
1972, c. 752 (§§ 3 [repealed], 3-a [added], 3-b [added], 3-c [added], 4, 16, 19, 19-a [added])
1980, c. 61 (§ 3-d [added])
1983, c. 46 (§ 18)
1995, c. 153 (§§ 18, 19-a)
2009, c. 815 (§§ 16, 18, 19)

§ 1. The inhabitants of the Town of Strasburg, in the County of Shenandoah, as the same is now or hereafter may be established by fixed territorial limits, shall be and are hereby made a body, politic and corporate, to be known and designated by the name of the Town of Strasburg and as such shall have and exercise the powers conferred upon incorporated towns under the general laws of the State of Virginia, passed under and pursuant to the Constitution of said State, for the government of cities and towns of the Commonwealth (so far as the same apply to towns as defined by the general law now in force and as hereafter may be amended and changed by the general assembly) and the provisions of the general laws and the Constitution of the State, relative to such towns are hereby incorporated in and made a part of the charter of the said Town of Strasburg as fully in every respect as if such general laws and constitutional provisions were fully set forth herein, except insofar as the same are inconsistent with the provisions of this act. (1922, c. 69)

§ 2. The corporate limits of the Town of Strasburg shall be the same as are set forth in and made a part of an order of the circuit court of Shenandoah county, Virginia, entered on October 10, 1921, and of the plat designating the boundaries of said town as extended and fixed by the said order and recorded with the said order in the clerk's office of the said County of Shenandoah, in the deed book ninety, page two hundred and ninety-six. (1922, c. 69)

§ 3. (1922, c. 69; repealed, 1972, c. 752)

§ 3-a. Election of mayor and councilmen.

The Town of Strasburg shall be governed by a town council composed of a mayor and eight councilmen who shall be qualified electors of the town and who shall be elected in the following manner:

(1) On the first Tuesday in May, 1972, an election shall be held at which a mayor and eight councilmen shall be elected from the town at large. The mayor and the four councilmen, each of whom has received more votes than any of the other councilmen, shall serve terms of four years, and the remaining four councilmen shall serve terms of two years. Every two years thereafter, an election shall be held for the purpose of electing councilmen, and all such councilmen shall serve terms of four years, thus, staggering the terms of office of council.

(2) The terms of office for both the mayor and all councilmen shall begin on the first day of July next following his or their election. (1972, c. 752)

§ 3-b. Vacancies on council.

Vacancies on the council shall be filled within forty-five days for the unexpired terms by a majority vote of the remaining members; provided, if the vacancy shall be filled by a majority vote of the remaining members of council only until the next council election, at which election the qualified voters of the town shall elect the person to serve as councilman for the remaining two years of the term. (1972, c. 752)

§ 3-c. Council as a continuing body.

The council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1972, c. 752)

§ 3-d. Vice-mayor.

The duly elected members of the council shall select from among themselves by majority vote a vice-mayor to serve in the absence of the mayor. The vice-mayor shall possess all the powers and discharge the duties of the mayor in the event of the mayor's absence or inability to act. (1980, c. 61)

§ 4. There shall be appointed for the town a registrar and officers of election in the manner prescribed by the general law of Virginia, and all elections held in said town shall be governed in accordance with said general law. Elections in the Town of Strasburg shall be conducted pursuant to, and in the manner prescribed by the general law of Virginia, as amended. (1922, c. 69; 1972, c. 752)

§ 5. The council of the town shall judge of the election, qualification and return of its members; if any person returned be adjudged disqualified, a new election to fill the vacancy shall be ordered by the council and held on such day as it may designate by ordinance. Any vacancies otherwise occurring shall be filled by the council. A vacancy in the office of mayor shall be filled by the council from the electors of the town. For the transaction of business by the council five members (not counting the mayor as one) shall constitute a quorum. (1922, c. 69)

§ 6. The mayor and councilmen of the town shall be clothed with all the powers and authority of a justice of the peace in civil matters within the corporate limits of the town and one mile beyond. The council shall have the authority, however, by a majority vote to designate and appoint any person residing within the County of Shenandoah, or who maintains his principal place of business in said county to be the police judge of the town, and who shall hear and dispose of all violations of the ordinances of the town within its corporate limits and one mile beyond the corporate limits, and of all criminal cases within said territory and which are within the jurisdiction of such trial officer. Such trial officer shall be provided with a place within said town to be used in the trial of such cases and the administration of such office, and he shall hold office at the pleasure of the council, and he shall subscribe to such oath of office as other officers of the town subscribed to. All trials held in pursuance to this section shall be held and conducted as criminal cases are heard and tried by the Trial Justice and State Courts, and appeal shall be to the Circuit Court of Shenandoah County. The fees in connection with such cases shall be the same as the fees provided by law for trial justices, and all such fees, and all fines imposed by such trial officer, shall be collected by him and paid into the treasury of the town, unless said town by ordinance directs some other disposition thereof. The council may from time to time pass such ordinances as may be necessary to give this section proper force and effect and prescribe rules of procedure, collection of penalties, costs, et cetera, and provide for a clerk of such court and the proper records and supplies therefor. (1922, c. 69; 1946, c. 17)

§ 7. The jurisdiction of the corporate authorities of the town in all criminal matters and for imposing and collecting license taxes on shows, performances and exhibitions, shall extend one mile beyond the corporate limits of the said Town of Strasburg. All fines and costs imposed for offenses committed within the limits of said town and one mile beyond the same, when not paid to the trial justice imposing such fine, shall be collected by the sergeant of the town and turned into the treasury of the town. (1922, c. 69)

§ 8. The council may require the mayor to communicate to it annually as soon as may be practicable after the close of the fiscal year, or oftener if necessary, a general statement of the conditions of the town in relation to its government, finances and public improvements with such recommendations as he may deem proper, and the mayor may at any time, upon his own motion and at his pleasure, make such report and statement to the said council. The mayor shall exercise a constant supervision over all the affairs of the town and over the conduct of all subordinate officers. He shall have the power and authority to investigate the acts of such authorities, have access to all books and documents in their control and may examine such officers on oath. He shall have power to suspend all officers appointed by the council until the next regular meeting of the council, but such suspension shall in all cases be for misconduct in office or neglect of duties, the same to be specified in the order of suspension. In case of the suspension of any such officer, the mayor may appoint some other person in his place to hold such office and perform the duties thereof until the next regular meeting of the council. At such regular meeting, the mayor shall report such suspension, together with his reason therefor. (1922, c. 69)

§ 9. The mayor may appoint special policemen when in his judgment it is best for the peace and good government of said town. The mayor may, at any time that the welfare and peace of the town require it, direct the police force of the town in the performance of any of its special or regular duties. (1922, c. 69)

§ 10. The council shall, by ordinance or resolution, fix the time of its regular meetings; but a meeting may be called and convened by the mayor or by any three members of the council by giving due notice to all members of the council at any time, but at such call meetings no business shall be transacted except such as may be plainly stated in such call. (1922, c. 69)

§ 11. The council may adopt rules for the regulation of its proceedings but no tax shall be levied or corporate debt contracted except by a vote of two-thirds of the council, six votes being counted as two-thirds, the mayor having no vote except in case of a tie, which vote shall be taken by yeas and nays recorded on the journal in which the minutes of all meetings of the council are kept. It may appoint such committees as may be deemed proper for the transaction of business and may compel the attendance of absent members. The mayor shall preside over the council but shall not be entitles to vote on any question except in the case of a tie. A journal shall be kept of the proceedings of all meetings of

the council and at the request of any member the yeas and nays shall be recorded on any question. (1922, c. 69)

§ 12. Every ordinance passed by the council for the violation of which any penalty is imposed, shall be published in such way as the council may order, so as to give general publicity thereto and no such ordinance shall become effective until the same shall have been published, either by handbills or in some paper published in the town, as the council may deem proper. If the publication be by handbills, a certificate of the posting of them shall be given by the sergeant to the clerk of the council; provided, however, that after the expiration of six months from the date of the passage of such ordinance its publication shall not be questioned or its validity affected by any failure to publish the same. (1922, c. 69)

§ 13. In addition to the powers conferred by other general statutes, the council of the town shall have the power to lay off streets, walks or alleys; alter, improve and light the same and have them kept in good order; to lay off public grounds and provide all buildings necessary for the town; to abate and remove nuisances; to make regulations and provisions in reference to contagious diseases; to regulate the keeping of gun powder or other combustibles within the corporate limits and beyond within one mile thereof; to regulate the keeping of gasoline, kerosene and other combustible oils within the town or out of the town near the corporate limits, and may prohibit the keeping of more than certain fixed quantities of gasoline and other such combustible or explosive products at certain places and within fixed areas and permit the storage of larger quantities at other places within and beyond the limits of the town; to provide, permit or prohibit the establishment of cemeteries or places for interment of the dead in or within one mile of the town, and to regulate the same, and also all such places heretofore established; to acquire control or establish, maintain, operate, extend and enlarge water works, ice plants, gas works, electric light and power plants and other public utilities within or beyond the limits of the town for the purpose of supplying the inhabitants of the town with gas, light, power and other benefits and conveniences for public use, and for such other purposes as are permitted by the laws of the State; to acquire within or beyond the limits of the town by purchase, condemnation or otherwise, whatever land may be necessary for constructing, locating, establishing, maintaining, operating, extending, or enlarging any such water works, ice plants, gas works, electric plants and other plants and facilities necessary for establishing, any and other public utilities, and also the rights of ways, rails, pipes, poles, conduits or any of the fixtures or appurtenances thereof; to lease, own, operate or maintain rock quarries and land within or out of the town for the purpose of obtaining material for use upon the public streets, places or works of the town and to own and operate all machinery and plants necessary for the operation and development of any such quarries; to prevent the pollution of water and injuries to water works and electric light plants and their appurtenances, for which purposes the council shall have jurisdiction for ten miles beyond the limits of the town in like manner as if said works, plants and other property of the town were within the town, and to protect from injury by

ordinance with adequate penalty, the pipes, poles, works, fixtures, land and other things used in connection with the water works, electric plants or other public utilities owned or controlled by the town; to make, erect, and construct within or beyond the limits of said town septic tanks and other sewage disposal plants, sewers and public ducts and to acquire within or beyond the limits of said town, by purchase, condemnation or otherwise, so much land as may be necessary to make, erect, construct, operate and maintain the same; to make regulations concerning the building of houses in said town and to establish and maintain public squares, parks and playgrounds and boulevards and cause the same to be laid out, equipped or beautified and, in particular districts or along particular streets, to prescribe and elect building lines, regulate the height and character of buildings, and to require the removal of any dilapidated, unsightly or unused buildings, especially where same constitute a dangerous menace and fire risk; to locate and establish or re-locate and re-establish permanent street lines where same are in doubt and after due notice to all parties in interest; to make regulations for the purpose of guarding against accidents, fires and other dangers to the general public; to regulate the means of exit from houses used for the assemblage of the public; to prevent injury or annoyance to the public from anything dangerous, offensive or unwholesome; to protect places of divine worship and to prevent disturbances of public worship in and about the premises where held; to provide for order and preservance of the Sabbath Day; to prevent vice and immorality; to suppress houses for gambling and of ill fame; to appoint and publish the places for holding town elections and the time of holding special elections and polls. (1922, c. 69)

§ 14. In any case where a street of the town or other public place has been or may be encroached upon by any fence, building or other structure, the council may require its removal and may cause such encroachment to be removed at the expense of the person responsible therefor. No encroachment on any street, sidewalk or public place, however long continued, shall constitute an adverse possession or right against the town. (1922, c. 69)

§ 15. Any street or alley reserved in the division or subdivision in the lots of any portion of the territory within the corporate limits of the town by plat or plan of record, shall be deemed and held to be a dedication to the uses of the town and general public and this provision shall apply, through the subdivision of such territory into lots, streets and alleys, shall have taken place prior to the inclusion of such territory within the corporate limits of the town. Whenever any street or alley within the town shall have been opened to and used by the public for a period of five years, the same shall thereby become a public street or alley. And provided further, that all plats and replats hereafter made subdividing any land within the corporate limits of the town into streets, alleys, roads, lots or tracts, shall be submitted to and approved by the council before the land in question may be so subdivided. (1922, c. 69; 1946, c. 17)

§ 16. In addition to the right of the town under the general law to negotiate temporary loans and thereby anticipate its income for and during any year, the council in the name of and for the use of the

said Town of Strasburg, may contract loans, incur debts and cause certificates of debt or bonds to be issued whenever two-thirds of its members, by a recorded vote, decide that such course is in the best interest of the town and necessary in the acquirement and establishment of some needed public improvement or utility, but such council may borrow money in such manner and for such purposes only to the extent and subject to the provisions prescribed by the Constitution and laws of Virginia. If it is proposed by the town to borrow money and issue bonds under the provisions of the Constitution and laws of Virginia for any revenue producing undertaking, the council shall adopt an ordinance, reciting the expediency of borrowing money by the town and the issuance of bonds therefore, the amount of such issue, the length of time for which they are to run, the maximum rate of interest to be paid thereon, and the purpose for which the money realized therefrom is to be used, and if, under the Constitution and laws of Virginia, the purpose of borrowing money and issuing bonds qualifies such indebtedness so that it is not to be included within the otherwise authorized indebtedness of the town, the ordinance shall state that fact, as well as the specific undertaking for which the money is proposed to be borrowed and the bonds are to be issued. Any such ordinance must be passed upon the recorded affirmative vote of a two-thirds majority of all the members elected to the council. After adoption of such ordinance a certified copy thereof shall be forthwith presented to the circuit court having jurisdiction over the town, or to the judge thereof in vacation.

If the proposed bond issue be pursuant to Article VII, Section 10 (a) (3) of the Constitution of Virginia, whereby the principal and interest on such bonds are payable exclusively from the revenues and receipts of a specific undertaking or undertakings from which the town may derive a revenue or secured, solely or together with such revenues, by contributions of other units of government, the council shall thereupon authorize and issue such bonds in accordance with the Constitution and laws of Virginia without submission of the question of such bond issue to the qualified voters for approval.

If the proposed bond issue be pursuant to Article VII, Section 10 (a) (2) of the Constitution of Virginia, whereby the full faith and credit of the town is pledged by the ordinance authorizing the issuance of said bonds, the court or judge, on the receipt of the certified copy of such ordinance, shall, by an order entered in term time or vacation, direct the proper election officers of the town to take such steps and prepare such means as may be proper to give due publicity to such election. If a majority of the qualified voters who vote thereon at such special election shall approve contracting the debt, borrowing the money and issuing the bonds, the governing body of the town shall thereupon authorize and issue such bonds in accordance with the provisions of the Constitution and laws of Virginia applicable to the authorization and issuance of bonds by cities and towns.

For the purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those matters set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all

members shall be of the same dignity, whether a member has been elected or appointed. (1922, c. 69; 1972, c. 752; 2009, c. 815)

§ 17. The council shall have the power to impose taxes and assessments upon abutting landowners for making and improving the walkways upon then existing streets and improving and paving then existing alleys and for either the construction or for the use of sewers in accordance with the provisions of the State Constitution and general laws of the State enacted in regard thereto. (1922, c. 69)

§ 17-a. Except when prohibited by general law, the town council may levy a tax or a license on any person, firm, or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, which license may exceed the State license, if any be required. (1938, c. 244)

§ 18. There shall be elected by the council at its first meeting in July in the year following the year of a regular election of members to council, or as soon thereafter as practicable, a treasurer, a town manager, a clerk of the council, a chief of police, and a town attorney, whose terms of office shall be for a period of two years unless sooner removed for cause. If for any reason any or all officers are not elected in the July meeting, as set forth herein, the incumbent office holders shall continue in office until council has conducted an election as contemplated by this section. The salaries and compensation to be paid such officers, together with their respective duties, shall be fixed by the council. The council may also elect such other officers as may be necessary and desirable in the best interests of the town. All such officers as may be elected by the council shall reside within twenty miles of the limits of the town of Strasburg. For officers elected to their first term, the residency requirement will be waived for a period of one year.

In order to transition to the election cycle set forth herein, for the appointments in July of 2010, the appointment of a town officer shall be for a term of one year. Thereafter, each officer shall be appointed for a period of two years. (1922, c. 69; 1924, c. 173; 1946, c. 17; 1983, c. 46; 1995, c. 153; 2009, c. 815)

§ 19. Compensation of mayor and councilmen.

The Mayor shall receive a salary to be fixed by the council, but such salary shall not be increased or diminished during his term of office. The council shall be paid a salary for performing their duties, but such salary shall not be increased or diminished except as set forth herein. Any increase in the salary to be paid to the Mayor shall not take effect until after the next mayoral election following the approval of any such increase. Any increase or decrease in the salary to be paid to a member of council shall not take effect until July 1 following the next two regular council elections. The council may provide for additional salary to such of their committees performing special work to the extent that may be reasonable and fair. (1922, c. 69; 1972, c. 752; 2009, c. 815)

§ 19-a. Duties, qualifications, etc., of the town manager.

The town manager shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the town or the Commonwealth, but during his tenure of office he shall reside as provided in § 18 of this charter. The town manager shall be the chief administrative officer and head of the administrative branch of the town government. He shall execute the laws and ordinances and administer the government of the town and be responsible therefor to the council. He shall:

(1) Except with respect to § 18 above, appoint all directors, or heads of the administrative departments, and all other administrative officers and employees of the town;

(2) When deemed necessary and in accordance with policies approved by the council, suspend, demote or remove all such directors or heads and all other administrative officers and employees of the town appointed by him except as he may authorize the head of a department, an officer or any agency to exercise such powers respecting subordinates in such department, office or agency;

(3) Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees of the town; and when directed by the council he shall examine the records and books of the office of Treasurer;

(4) Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable;

(5) Keep the council advised of the financial condition and future needs of the town, and make such recommendations on matters of policy and other matters to the council as may seem to him desirable;

(6) Have power, whenever the interests of the town require, to assign employees of any department, bureau, office or agency, to the temporary performance of duties in another department, bureau, office or agency;

(7) Have such other powers and duties consistent with the town charter as the council may prescribe. (1972, c. 752; 1995, c. 153)

§ 20. All ordinances now in force in the town not inconsistent with this act or the laws of this State and of the United States, shall be and remain in force until altered, amended or repealed by the council of the said town. (1922, c. 69)

§ 21. All former acts and parts of acts of the general assembly in relation to said town in conflict with the provisions of this act are hereby repealed. (1922, c. 69)

§ 22. Inasmuch as there is a necessity for its going into effect at the earliest possible moment, this act is declared to be an emergency act and the same shall be in full force and effect from the date of its passage. (1922, c. 69)

Stuart, Town of

County of Patrick

History of incorporation

Incorporation and charter, 1884, Extra Session, c. 60; repealed 1952, c. 582.

Current charter

Charter, 1952, c. 582.

Amendments to current charter

1986, cc. 48, 380 (§ 17)
2006, c. 136 (§ 3)

§ 1. That the Town of Stuart, in the County of Patrick, as the same has heretofore been, or may hereafter be laid off in lots, streets and alleys, and as its limits are, or may hereafter be established by law, is, and shall continue to be, a body politic and corporate by the name of Stuart, and as such shall have and may exercise all powers which are now, or hereafter may be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1952, c. 582)

§ 2. The boundaries of said town are, and shall continue to be as follows:

"Beginning at a walnut tree on Mayo River, near where Staples and Williams mill formerly stood; thence down the river as it meanders to the crossing in what was formerly known as Lybrooks (and now known as Clark's) bottom; thence a straight line to mill branch at a point just below the old site of the Bishop turning--lathe; thence up the branch as it meanders to the fork of said branch near what was formerly known as Nowlin's spring; thence a straight line to the northeast corner of what was formerly known as the Turner Orchard; thence with the road (now street) by what was formerly known as Col. A. Staples' residence, to a cherry tree on the old road leading to Rye Cove; thence a straight line to the point of beginning." In addition to the foregoing boundary, which was the original boundary of the Town of Stuart, there is now included along with the foregoing the following two parcels of land that were annexed and taken into the Town of Stuart by an order of the Circuit Court of Patrick County, Virginia, entered on December 8th, 1939, which parcels are now parts of the town, and are bounded as follows, to-wit:

1. "BEGINNING at an iron stake 2 feet East of the dividing line between the property of J. J. West and the J. C. Shockley estate, and at a point S. 40 deg. E. 999 ft. from an iron stake on Mill

Branch 60 feet below the fork of the branch and just below the Nowlin old spring, which bearing and distance of the 999 ft. line is a line of the old corporate survey, thence off a new line, N. 84 deg. 15' W. 1365.2 feet to a telephone pole on the West margin of the Virginia-United States Highway No.58, thence S. 75 deg. 30' West crossing a branch at 100 feet, 1364.7 feet in all to a point in the West line of the E. E. Branscome residential lot, thence running through the property of I. C. DeHart, S. 37 deg. W. 270.5 feet to a spanish oak, thence running around the top of a bluff, S. 63 deg. W. 206.5 feet to a chestnut oak, N. 89 deg. W. 173.5 feet to a point 2 feet North of a chestnut oak, N. 66½ deg. W. 650 feet to a point in S. Mayo River at a high foot log 75 feet below the fork of the river, thence down the river as it meanders, 3160 feet more or less to the bridge on Rye Cove Road over the river, thence running with the road as it meanders, N. 10 deg. 45' E. 103 feet, N. 79 deg. E. 100 feet, S. 84 deg. 30' E. 100 feet, S. 69 deg. 30' E. 300 feet, S. 88 deg. 30' E. 100 feet, N. 47 deg. 45' E. 384.5 feet, S. 63 deg. 45' E. 100 feet, S. 18 deg. W. 240.5 feet, S. 17 deg. E. 100 feet, S. 45 deg. E. 100 feet, S. 70 deg. E. 100 feet, S. 82 deg. 15' E. 100 feet, N. 73 deg. 45' E. 190 feet, S. 87 deg. E. 100 feet, S. 7 deg. E. 100 feet, S. 59 deg. E. 55 feet, N. 39 deg. 45' E. 90 feet, N. 35 deg. 30' E. 500 feet, N. 29 deg. 30' E. 422.5 feet to a point in the said Rye Cove Road where the old corporate line crossed said road, thence running with the old corporate line, N. 34 deg. 50' W. 812 feet to an iron stake on the South margin of the formerly old Rye Cove Road, thence running with Staples Avenue, N. 2 deg. W. 186 feet, N. 6 deg. 30' W. 325 feet, N. 14 deg. 30' E. 800 feet, crossing Blue Ridge Street to a point in the Northern edge of the Street in front of L. B. Rucker's residence, thence N. 40 deg. E. 320 feet to the point of BEGINNING, containing 160 acres."

2. "BEGINNING at the mouth of Campbell's Mill Branch on South Mayo River, thence up the branch as it meanders, N. 33 deg. 30' E. 100 feet, N. 53 deg. 30' E. 59 feet, N. 5 deg. 15' E. 175 feet, N. 1 deg. 45' E. 435 feet, N. 49 deg. E. 100 feet, N. 30 deg. 30' E. 100 feet, N. 45 deg. 15' E. 153 feet, N. 35 deg. W. 327 feet, N. 50 deg. W. 240 feet, N. 9 deg. W. 278 feet, N. 22 deg. 30' E. 58 feet, N. 18 deg. W. 45 feet to a point at an angle in the branch, thence leaving the branch with the line of the old corporate line, S. 33 deg. W. 1220 feet to South Mayo River just below the bridge, or trestle, of the side track of the D. & W. R. R. leading to the Band Sawmill Plant, thence down the river as it meanders, S. 42 deg. 30' E. 376 feet, S. 33 deg. 15' E. 308 feet, S. 63 deg. 30' E. 168 feet, S. 25 deg. 15' E. 200 feet to the place of the BEGINNING at the mouth of Campbell's Mill Branch on said River, and contains 20 acres." (1952, c. 582)

§ 3. The mayor and councilmen shall constitute the Council of said town. The mayor and members of council elected at the general election held in May 2006 shall continue in office until December 31, 2008, or until their successors are duly elected and qualified.

At the election to be held on the Tuesday after the first Monday in November 2008, and every four years thereafter, the candidate for mayor receiving the greatest number of votes shall be elected for a

term of four years. At the election to be held on the Tuesday after the first Monday in November 2008, the two candidates for councilmen receiving the greatest number of votes, respectively, shall be elected for a term of four years; and at such election, the three candidates for councilmen receiving the next greatest number of votes, respectively, shall be elected for a term of two years. Thereafter, all councilmen shall be elected for terms of four years, and an election for councilmen to fill the vacancies caused by the expiration of the terms of the councilmen shall be held on the Tuesday after the first Monday in November in every even-numbered year. The persons so elected shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall continue in office until their successors have qualified. Every person elected as a councilman of said town shall take an oath to faithfully execute the duties of his office to the best of his judgment. The person elected mayor shall take the oaths prescribed by law for all State officers. (1952, c. 582; 2006, c. 136)

§ 4. The mayor and said councilmen shall, together, constitute the council of said town; and in the council so composed, shall be vested all of the corporate powers of the town. (1952, c. 582)

§ 5. The municipal officers of said town shall, in addition to the mayor, consist of a treasurer, sergeant, clerk of the council, who shall act as commissioner of the revenue for said town, and such other officers as the council may from time to time deem it necessary to have or employ; and the council may appoint such committees of the council and create such boards and departments of town government and administration with such powers and duties and subject to such regulations, as it may see fit, consistent with the provisions of this act and the general laws of the Commonwealth. The time of appointment of all officers may be prescribed by the council, and they may be appointed for such term, not exceeding two years, as the council shall provide, but all municipal officers shall serve until their successors shall have qualified, unless otherwise provided by the council. (1952, c. 582)

§ 6. The duties and compensation of all municipal officers, except as herein or by the general laws of the State defined or provided for, shall be defined and prescribed by the town council. (1952, c. 582)

§ 7. The council may appoint policemen and such other officers and agents for the proper conduct and business of the town as they deem necessary, prescribe their duties and fix their compensation and require and take from them such bond or bonds with good security and in such penalty as they may deem proper, with condition for the faithful discharge of the duties of their offices. The sergeant of the town shall be ex officio Chief of Police. (1952, c. 582)

§ 8. The council shall have, subject to the provisions of the general laws of the Commonwealth applicable to towns, the control and management of the fiscal and municipal affairs of the town, and all property, real and personal belonging to it, and may make such ordinances, orders and by-laws and regulations as they may deem necessary to enforce and carry out the powers vested in the council; and in addition thereto, the following powers which are hereby vested in them:

1. To do any and all things that are permitted by the laws of the Commonwealth to secure the inhabitants of the town from contagious, infectious, and other dangerous diseases.

2. To establish and maintain a fire department in the town and provide for the regulation of same, and to compel the residents of the town to aid and assist the fire department when required so to do. They shall have the power to establish fire limits in the town, within which no building shall be erected without the council's consent, unless the outer walls thereof be so constructed as to comply with any building code or ordinances of the town governing the same.

3. To regulate the operation of motor vehicles within the town and to adopt ordinances for said purpose not in conflict with the State law regulating the use, ownership and operation of motor vehicles, and to prescribe punishment for the violation of such ordinances.

4. To regulate the building of stables, privies, and hog pens, to require and compel the abatement and removal of all nuisances within the said town, at the expense of the person or persons causing the same, or the owner or owners of the ground wherein the same may be, the collection of which said expense may be enforced in the same manner as fines due to the town; to provide for the drainage of lots by proper drains or ditches, to prevent or regulate slaughterhouses or the exercise of any dangerous, offensive or unhealthy business, trade or employment within the town.

5. To prevent hogs, dogs, cows or other animals from running at large in the town, and may subject the same and the owners thereof to such levies, taxes and regulations as they may think proper.

6. To restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly conduct and assemblages; to suppress houses resorted to for the purpose of immorality and houses used for gambling purposes; to prevent and punish lewd, indecent and disorderly conduct or exhibitions within the town, and to expel therefrom persons guilty of such conduct.

7. To prevent any cow, horse, hog or other animal from injuring or trespassing upon any public square or ground within the corporate limits of the town, and to prevent the running at large of animals, and to prescribe punishment for the owner of such animal or animals permitted to trespass or run at large.

8. In addition to the powers conferred by the laws of the Commonwealth, the council of said town shall have the power to lay off streets, walks and alleys; alter, improve and light the same, and have them kept in good order; to lay off public grounds and provide all buildings proper for the town; to prescribe the times and places for holding markets and to regulate the same; to establish, erect and regulate hospitals; to provide for and order the removal of patients to such hospitals; to appoint and organize a board of health for said town, with the authority necessary for the prompt and efficient performance of its duties; to require the owner or owners of homes and places of business in the town, or if the owner be unknown or absent, the occupants of such homes or businesses to connect

all of their water closets and water drains with the sewer of the town, and upon their failure to do so, the same shall be done by the town, and the cost attending the same shall be collected from the occupants or owners of such homes or businesses as taxes are permitted to be collected; to prevent the riding or driving of horses or other animals upon streets of the town at a speed or in such a manner as to be dangerous; to prevent the sale of cigarettes to a minor without the consent of his parents or guardian; to regulate the keeping of dynamite, gunpowder or other combustible materials, and to compel persons handling or possessing same to provide proper magazines for same; to provide cemeteries and places for the interment of the dead in or near town; to acquire or otherwise obtain control of, or establish, maintain, operate, extend and enlarge water works, gas works, electric plants, and other public utilities within or without the limits of the town; to acquire within or without the limits of the town by purchase, condemnation or otherwise, whatever land may be necessary for acquiring, working, establishing, maintaining, operating, extending or enlarging said water works, gas works, electric plants and other public utilities, and the right of way, rails, pipes, poles, conduits or wire connected therewith, or any of the fixtures or appurtenances thereof; to prevent the pollution of the water supply of the town and injuries to the water works, for which purpose their jurisdiction shall extend for a distance of five miles from the same; to make, erect, and construct within or without the town, sewers, drains and public ducts; to acquire by purchase, condemnation, or otherwise, so much land as may be necessary to make, erect, construct, operate and maintain the same; to sell water to persons both within and without the town; and to adopt any rule, regulation or ordinance authorized by general law of the Commonwealth to be adopted by towns, whether specifically enumerated herein or not.

9. The council of said town shall have the power to divide the town into districts, or zones for business and residential purposes. In other words, it is the intent and purpose of this act to confer upon the council of said town all of the powers that are permitted by the laws of the State for zoning purposes. In any division that may be made of the town into business and residential areas, the town shall have all of the authority that is conferred by the general laws of the State, and in making such division or divisions, the same shall be made by the council of said town in accord with and in conformity with the provisions of the laws of the State relating to same.

10. To regulate or prevent the use of loud speakers or of any other device on the streets of the town that create any loud or offensive noises, provided that such regulation or prevention does not deprive any citizen of his constitutional rights of freedom of speech.

11. To pass or adopt any rule, regulation or ordinance authorized by general law of the Commonwealth to be adopted by towns. (1952, c. 582)

§ 9. The council of the said town shall be and have the power to judge of the election and qualifications of its members, and, with the concurrence of 2/3 of the membership, may expel a member for any cause permitted by law. Any vacancy occurring in the membership of the council during the term

for which said persons have been elected or selected, may be filled by a vote of the council by the selection of any person eligible to hold said office. A vacancy in the office of mayor may be filled by the council from the qualified electors of said town. (1952, c. 582)

§ 10. The council shall have authority to suspend and remove all other town officials whether they be elected or appointed, for misconduct in office, or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity shall be afforded him to make his defense thereto. (1952, c. 582)

§ 11. For the transaction of business by the council of the town four members of the council (of whom the mayor may be counted 1) shall constitute a quorum. (1952, c. 582)

§ 12. The mayor of the town shall be clothed with full authority to enforce the laws and ordinances of the town, and he shall also be clothed with all powers and authority of a trial justice in civil matters within the corporate limits of the town, and in criminal matters within said limits and within one mile beyond such limits; and he shall have power to issue process hear and determine all prosecutions, cases and controversies which may arise under the by-laws and ordinances of the town. The council shall have the power to name one or more of the members of the council as vice-mayor with full power to exercise the authority of the mayor in the event of his absence or disability. (1952, c. 582)

§ 13. The jurisdiction of the corporate authorities of said town in criminal matters and for imposing and collecting a license tax on all shows, performances, contests and exhibitions of all kinds shall be and shall extend one mile beyond the corporate limits of said town. (1952, c. 582)

§ 14. Where by the provisions of the law the council has authority to pass ordinances on any subject, they may prescribe punishment by fine or imprisonment, or both, for all violations thereof. Fines may be recovered with costs upon warrants issued in the name of the town. Whenever judgment is rendered against any person for a fine, the officer trying the offender may require immediate payment thereof, and in default of such payment, may commit the party so in default to jail until such fine and cost are paid, but such person shall not be so confined for the nonpayment of a fine for a longer period than that which is prescribed by the laws of the Commonwealth for the nonpayment of fines imposed in cases arising under the laws of the Commonwealth. (1952, c. 582)

§ 15. It shall be the duty of the mayor to communicate and report to the council annually as soon as may be after the close of the fiscal year, and oftener if he shall deem it expedient, or be required so to do by the council, a general statement of the financial condition of the town, as well as other matters pertaining to its government, finances and improvements, with such recommendations as he may deem proper. (1952, c. 582)

§ 16. The mayor shall exercise a constant supervision over the conduct of all subordinate officers; and have power and authority to investigate their accounts; have access to all books and documents and

offices, and have power to suspend all officers elected or appointed by the council, as well as any that may be appointed by himself, for misconduct in office, or neglect of official duty, which shall be specified in the order of suspension, but such suspension shall be effective only until the next succeeding regular meeting of the council. In case of the suspension of any officer, the mayor shall appoint some other qualified person in his place to hold said office and perform all of the duties thereof until the next regular meeting of the council; and at such next regular meeting of the council, the mayor shall report his suspension of the officer suspended to the council, together with his reasons for such suspension. (1952, c. 582)

§ 17. The council shall by ordinance or resolution, fix the time for its regular stated meetings; and no business shall be transacted at a special meeting except that for which it shall be called. If, however, all members of the council are present at a special meeting, then any business may be transacted at such meeting that might be properly brought before a regular meeting of the council. The council of said town within the limits of the Constitution of the Commonwealth, and in accordance with the general laws thereof, may in the name of and for the use of the town, contract loans or cause to be issued certificates of indebtedness, notes or bonds. The issuance of bonds or other evidence of indebtedness by the town shall conform to the provisions of the general laws of the Commonwealth with respect to the issuance of bonds by towns, so far as the same are applicable. (1952, c. 582; 1986, cc 48, 380)

§ 18. No ordinance hereafter passed by the council of said town as now constituted, or hereafter elected, for the violation of which any penalty is imposed, shall take effect until the same shall have been published in at least one issue of a newspaper published in or having a general circulation in said town, or by printed handbills posted for the length of time and in such manner as the council may order. If such publication be by handbills, the same shall be posted in at least three public places in said town, and a certificate of such posting shall be filed by the sergeant of the town in the office of the clerk of the council. After the expiration of six months from the date of the passage of any ordinance, its publication shall not be questioned, or its validity affected by any failure to publish the same. All laws, regulations and ordinances of the town, when certified by the clerk of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, committee, commission, body or board. (1952, c. 582)

§ 19. The town council shall not take or use any private property for streets or other public improvements without paying to the owner thereof just compensation for same; but in cases where the council shall fail by agreement to obtain title to any real estate or any easement therein for such property, it shall be lawful for the said council to apply to the Circuit Court of Patrick County or any other court or body having jurisdiction in such matters, for authority to condemn the same, and any proceeding brought for the foregoing purposes shall be brought and conducted in the manner required by the laws of the Commonwealth. (1952, c. 582)

§ 20. In every case where a street of said town is being encroached upon, or shall be encroached upon, by any fence, building or otherwise, the council may require the owner, if known, or if unknown, the occupant of the premises so encroaching to remove the same; and if such removal be not made within the period fixed by the council, then the council shall have the power to impose a penalty of not exceeding $5.00 per day for each and every day that such encroachment is permitted to continue thereafter, and may cause the encroachment to be removed, and may collect from the owner or occupier of the encroaching premises the cost of removing the same in the manner provided for the collection of taxes and levies. No encroachment upon any street, sidewalk, public alley or any other property belonging to said town, or over which said town has an easement, however long continued, shall constitute an adverse possession so as to confer any right upon the person claiming thereunder or against the said town. (1952, c. 582)

§ 21. Any street or alley laid off and reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said town by plat or plan of record shall be deemed and held to be a dedication to the public use unless it appears by the record that the street or alley so reserved is designated and intended for private use only. (1952, c. 582)

§ 22. There shall be elected by the council at its first meeting in September following its election or as soon thereafter as practicable, one town treasurer, who shall hold office during the pleasure of the council. He shall qualify and give bond before the council with surety approved by it in a penalty to be determined by the council. (1952, c. 582)

§ 23. The treasurer shall receive all money belonging to the town, and shall perform all such other duties as are or may be prescribed by the council. He shall keep his office in some convenient place in the town, and shall keep his books, accounts and records in such manner as the town council may direct, and such books, accounts and records shall always be subject to the inspection of the mayor, any member of the town council, or any committee or committees thereof. He shall receive for his services such compensation as the town council may from time to time prescribe for such services. (1952, c. 582)

§ 24. The treasurer shall report to the council or to a committee thereof at the end of each month, or oftener, if required by the council, a full and detailed account of receipts and expenditures during the preceding month, and the state of the treasury at the end of each month. He shall also keep a register of all warrants, their dates, amounts, numbers and the fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined by a committee of the council appointed for that purpose, who shall compare the same with the books of the treasurer and report discrepancies if any, to the council. (1952, c. 582)

§ 25. No money shall be paid out by the treasurer except by order of the council and upon a warrant of the clerk of the council, countersigned by the mayor; and the said treasurer shall keep a separate account of each fund or appropriation, and of the debts and credits belonging thereto. (1952, c. 582)

§ 26. The treasurer shall collect all taxes, levies and assessments which may be imposed by the town council, as well as any other monies due to the town from any source, and for the purpose shall be invested with all of the powers and subject to all the liabilities and penalties prescribed by law in regard to county treasurers. (1952, c. 582)

§ 27. All funds received on any levy or assessment shall be held by the treasurer as a public fund, to be applied to the purpose or purposes for which the levy or assessment was made, and shall be used for no other purpose whatever, except if there is a balance left after the accomplishments of the purpose or purposes for which such levy or assessment was made, then, and in such event, such balance may be used in any manner that the council of the town may direct. (1952, c. 582)

§ 28. The treasurer may be required to keep all funds belonging to the town in such place or places of deposit as the council may by ordinance or resolution direct. All funds of the town in the hands of the treasurer shall be kept separate and distinct from all other funds, and he is hereby expressly prohibited from using either directly or indirectly any corporate funds or warrants for his own benefit or that of any other person or persons whomsoever. (1952, c. 582)

§ 29. There shall be elected by the council at its first meeting in September after its election, or as soon thereafter as practicable, a clerk of the council, who shall hold office during the pleasure of the council. It shall be his duty to attend the meetings of the council and keep a record of all of its proceedings. He shall keep all records and papers required to be kept by this act or that may be required to be kept by order of the council. He shall publish such reports and ordinances as the town council is required by this act to publish, and such other reports and ordinances as the council may direct, and shall in general, perform all such other acts and duties as the council may from time to time require. (1952, c. 582)

§ 30. The clerk of the council shall perform all of the duties of a commissioner of revenue in relation to the assessment of property for the purpose of levying the town taxes and shall assess all license taxes that may be imposed by the council. He shall keep his office in some convenient place in the said town, and keep therein such books, schedules, records and other papers as the council may direct, which may be subject at all times to the inspection and examination of the mayor or any member of the council, or any committee or committees thereof. His compensation shall be such an amount as the council may from time to time prescribe and allow. (1952, c. 582)

§ 31. There shall be elected by the council at its first meeting in September after its election, or as soon thereafter as practicable, one town sergeant, who shall hold office during the pleasure of the council, who shall perform the duties and be subject to the liability prescribed by this charter, and by

the general law and by the ordinances, by-laws and regulations of the town council. He shall have authority within the corporate limits of said town, and to a distance of one mile beyond the same, to execute criminal process issued under the authority of this charter, and to make arrests for violations of the laws and ordinances of the town, and shall have general police powers. It shall be the duty of the sergeant or any police officer to swear out warrants for arrest for any person or persons where they have reason to believe that any violation of the ordinances, by-laws, rules and regulations of the town has been committed. (1952, c. 582)

§ 32. In said town the assessment of all property, real, personal and mixed for the purposes of municipal taxation, shall be the same as the assessment thereof for the purpose of State taxation, when there shall be a State assessment of such property. (1952, c. 582)

§ 33. The town council, in addition to the State taxes or licenses, may, when anything for which a license is so required is to be done within the town, impose a tax for the privilege of doing the same, and require a license to be obtained therefor. Said license to be for such time and cover such period as the council of the said town shall prescribe; and in any case in which they see fit, may require from the person, firm, or corporation so licensed bond, with surety in such penalty and with such condition as they may deem proper, or make other regulations concerning the same, and within the limitations of the Constitution of the State and of the United States, may levy a license tax on any other business carried on in the town, whether a license tax is required therefor by the State or not; provided no license shall be required in any case where the requirement or imposition thereof by cities or towns is prohibited by general law. (1952, c. 582)

§ 34. The council of said town shall annually cause to be made up and entered on their journal an account of all sums lawfully chargeable on the town which ought to be paid within one year, and order a town levy of so much as in their opinion, not exceeding $1.50 on one hundred dollars assessed valuations, is necessary to be raised in that way, in addition to what may be received for licenses and from other sources. The levy so ordered may, among other things, be upon all persons, both male and female in said town, above the age of 21 years, not exceeding $1.00, upon each such person and upon the property therein, and on such other subjects as may at the time be assessed or assessable with State taxes except when in conflict with general law. (1952, c. 582)

§ 35. The council of the town may adopt and use the jail of Patrick County as the jail of said town. It is also given the power to adopt and use any other jail or prison farm in the Commonwealth with which it may be able to contract for the purpose of confining the prisoners of the town, so long as the same is not in conflict with the general law of the Commonwealth. (1952, c. 582)

§ 36. All ordinances, by-laws and regulations now in force in said town that are not inconsistent with this charter or the laws of the Commonwealth, and of the United States, shall be and remain in full force until amended or repealed by the council of said town. (1952, c. 582)

§ 37. If any section or provision of this act shall for any reason be adjudged in any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act. (1952, c. 582)

Suffolk, City of

History of incorporation

Includes localities that were originally the Town of Holland, the Town of Whaleyville, and the County/City of Nansemond.
Suffolk incorporation and charter, 1922, c. 64; repealed 1973, c. 367 (effective January 1, 1974).
Holland charter, 1940, c. 430; repealed 1973, c. 31.
Whaleyville charter, 1950, c. 526; repealed 1973, c. 31.
Consolidation of Nansemond County and the Towns of Holland and Whaleyville into the City of Nansemond, Court Order, July 1, 1972.
Nansemond city charter, 1973, c. 31 (effective March 3, 1973, ineffective January 1, 1974).

Current charter

Charter, 1973, c. 367, consolidating City of Nansemond and City of Suffolk (effective January 1, 1974).

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the cities of Nansemond and Suffolk as they exist at the effective date of this charter shall be a body politic and corporate under the name city of Suffolk and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure. (1973, c. 367)

§ 1.02. Boundaries.

The boundaries of the city of Suffolk shall coincide with the outside boundaries of the city of Nansemond so as to include all of the territory comprising the city of Nansemond and the city of Suffolk as existing immediately preceding the effective date of this charter. (1973, c. 367)

Chapter 2. Powers.

§ 2.01. General grant of powers.

The city of Suffolk shall have and may exercise the powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia in force on January 1, 1987, and as thereafter amended. In addition thereto, the city shall have and may exercise all other powers which are now or may hereafter be conferred upon or delegated to cities of the first class under the Constitution and laws of the Commonwealth and all

other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the consolidated city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants. (1973, c. 367; 1987, c. 53)

§ 2.02. Taxing powers.

To levy a special tax on locally taxable property in any borough, or other special taxing district or combination thereof, which may be different from and in addition to the general tax rate throughout the city, for the provision of additional or more complete services of government than are desired in the city as a whole. (1973, c. 367; 1987, c. 53)

§ 2.03. Additional powers.

To acquire, construct, own, maintain and operate, within the city, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the landings, wharves and docks, and from persons using any of the facilities above described; provide for the management and control of such facilities or any of them by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; lease any or all of such facilities or any concessions properly incident thereto to any person, firm or corporation or contract with any person, firm or corporation for the maintenance and operation of any or all of such facilities on such terms and conditions as the council may determine by ordinance; apply to the proper authorities of the United States to grant to the city the privilege of establishing, maintaining and operating a foreign trade zone within the city; regulate the use of other landings, wharves and docks located on any body of water within the city; prevent and remove obstruction from said bodies of water in, upon or near the landings, wharves, docks or canals adjacent thereto, and collect from the person or persons responsible for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing, dock or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation therefor imposed by reason of such public use or easement by statute or otherwise. (1973, c. 367)

§ 2.04. Imposition of special fees.

To establish and collect such fees as may be determined by the council to be reasonable for the rendering of special services. (1973, c. 367)

§ 2.05. Eminent domain; generally.

(a) The powers of eminent domain set forth in Title 15.1, Title 25 and Title 33.1 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the city of Suffolk.

(b) In any case in which a petition for condemnation is filed by or on behalf of the city, a true copy of the ordinance or resolution duly adopted by the council, declaring the necessity for any taking or damaging of any property within the city, for the purposes of the city, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the city. (1973, c. 367; 1987, c. 53)

§ 2.06. Eminent domain; certificates.

(a) Certificates issued pursuant to §§ 33.1-121 to 33.1-132, inclusive, of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, may be issued by the city, signed by the city manager. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful purpose, whether within or without the city.

(b) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition or motion of the city, at any time after the filing thereof, provided that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the city or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the city. (1973, c. 367; 1987, c. 53)

§ 2.07. Eminent domain; alternate method.

(a) In addition to the other powers conferred by law, the city may, in exercising the right of eminent domain, make use of the procedure prescribed by the general law or may elect to proceed as hereinafter provided. Upon the adoption of an ordinance or resolution directing acquisition of any property, the city may file a petition for condemnation in the clerk's office of a court having jurisdiction.

(b) Upon the filing of the petition and the funds provided for the purpose having been duly deposited to the credit of the court, if the court is of the opinion that the property or interest or estate therein to be acquired is for the purpose of the city as provided by law, it may order that the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the

city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceedings are instituted shall make and certify a copy of the order and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his deed book and index it in the name of the record title owner of such property and in the name of the city.

(c) All other proceedings under this section shall be had in accordance with the provisions of the Virginia General Condemnation Act insofar as they are then applicable and not inconsistent with the provisions of this section; provided, however, that the provisions of § 25-233 of the Code of Virginia, as now or hereafter in effect, shall apply to any property belonging to any corporation possessing the power of eminent domain that may be taken hereunder. (1973, c. 367)

§ 2.08. Additional powers.

To exercise all powers possessed by the city of Nansemond and the city of Suffolk immediately preceding the effective date of this charter, consistent with general law and not inconsistent with this charter. (1973, c. 367)

§ 2.09. Establishment of special districts.

A special service district of the central business area of the Suffolk Borough shall be created by order of the circuit court of the city of Suffolk upon the petition of fifty percent of the property owners of the proposed district, which order shall prescribe the metes and bounds of the district. Upon the filing of such petition, the court shall fix a date for a hearing on the question of the proposed service district which hearing shall embrace a consideration of whether the property embraced within the proposed district will be benefited by the establishment thereof. Notice of such hearing shall be given by publication once a week for three consecutive weeks in some newspaper of general circulation within the city, and the hearing shall not be held sooner than ten days after completion of such publication. Any person interested may answer the petition and make defense thereto. If upon such hearing the court is of opinion that any property embraced within the limits of such proposed district will not be benefited by the establishment thereof, then such property shall not be embraced therein. Upon the petition of the city council and of not less than fifty percent of the property owners of the territory proposed to be added, after notice and hearing as provided above, any service district may be extended and enlarged by order of the circuit court of the city which order shall prescribe the metes and bounds of the territory so added.

After the entry of such order creating the special service district in the Suffolk Borough, the city council shall have the following powers and duties with respect to the service district:

A. To construct, maintain and operate such facilities and equipment as may be necessary or desirable to provide additional governmental services and/or facilities, including but not limited to water supply, sewerage, garbage removal and disposal, heat, light, public transportation service, fire-

fighting equipment and fire protection, power and gas systems, police protection, parking facilities, promotion of the central business area, and sidewalks and/or pedestrian malls for the use and benefit of the public in such service district,

B. To acquire by gift, condemnation, purchase, lease or otherwise, and to maintain and operate any such facilities and equipment as may be necessary and desirable to provide such additional governmental services in such district, and to acquire by gift, condemnation, purchase, lease or otherwise, rights, title, interest, or easements therefor in and to real estate in such district,

C. To contract with any person, firm or corporation or municipality to provide such additional governmental services or facilities in such district and to construct, establish, maintain and operate any such facilities and equipment as may be necessary and desirable in connection therewith,

D. To require owners or tenants of any property in the district to connect with any such system or systems, and to contract with the owners or tenants for such connections. The owners or tenants shall have the right of appeal to the circuit court within ten days from action by the city council,

E. To levy and collect an annual tax upon any property subject to local taxation in such service district to pay, either in whole or in part, the expenses and charges for providing such additional governmental services or facilities in such district and for constructing, maintaining and operating such facilities and equipment as may be necessary and desirable in connection therewith; provided, however, that such annual tax shall not be levied for, or used to pay for schools or general government services, but only for such additional services of government as are not then being offered throughout the entire city, and, provided further, that the proceeds from such annual tax shall be so segregated as to enable the same to be expended in the district in which raised,

F. To authorize the city manager to employ and fix the compensation of any technical, clerical or other force and help from time to time which may be necessary or desirable to provide such additional governmental services in such district or for the construction, operation or maintenance of any such facilities and equipment as may be necessary or desirable in connection therewith, and

G. To negotiate and contract with any person, firm, corporation, or municipality with regard to the connections of any such system or systems with any other system or systems now in operation or hereafter established, and with regard to any other matter necessary and proper for the construction or operation and maintenance of any such system within the district. (1979, c. 430)

Chapter 3. City Council.

§ 3.01. Composition.

The council of the consolidated city shall consist of seven members, as established in §§ 3.02 and 3.03 of this charter. (1973, c. 367; 1987, c. 53)

§ 3.02. Boroughs.

The consolidated city shall be divided into seven boroughs, named and generally described as follows:

(1) Suffolk Borough, the present Suffolk Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(2) Chuckatuck Borough, the present Chuckatuck Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(3) Cypress Borough, the present Cypress Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(4) Holy Neck Borough, the present Holy Neck Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(5) Sleepy Hole Borough, the present Sleepy Hole Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(6) Whaleyville Borough, the present Whaleyville Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(7) Nansemond Borough, the new borough created by the city council on May 15, 1991, with a population approximately one-seventh of the population of the consolidated city. (1973, c. 367; 1991, Special Session II, c. 3)

§ 3.03. Election of council members.

On and after January 1, 2009, the council of the city shall consist of eight members, one to be elected from and by the duly qualified voters of each of the seven boroughs, and a mayor, elected at large.

All council members shall be elected for terms of four years with the Nansemond, Whaleyville and Sleepy Hole Boroughs electing council members on the Tuesday after the first Monday in November 2008, or as soon thereafter as such elections may be held, and the Suffolk, Holy Neck, Chuckatuck and Cypress Boroughs electing council members on the Tuesday after the first Monday in November 2010. All council members elected prior to the Tuesday after the first Monday in November 2008, shall serve out their complete four-year terms. The terms of the three council members scheduled to expire on or the day before July 1, 2008, shall be extended to December 31, 2008, and the terms of the four council members scheduled to expire on or the day before July 1, 2010, shall be extended to

December 31, 2010. On and after the effective date of this act, candidates for the office of council member under the provisions of this charter shall be nominated only by petition in the manner prescribed by general law. Elections for the office of council member shall be nonpartisan. (1973, c. 367; 1974, c. 15; 1986, c. 219; 1991, Special Session II, c. 3; 2007, cc. 208, 772)

§ 3.04. Filling vacancies.

Except for vacancies in the office of mayor, vacancies in the office of council member, from whatever cause arising, shall be filled within sixty days for the unexpired portion of the term by majority vote of the remaining members of the council, provided that vacancy in the office of council member elected by and from a borough shall be filled by a resident of the same borough.

A vacancy in the office of mayor shall be filled by special election conducted as provided by general law. (1973, c. 367; 2007, c . 208, 772)

§ 3.05. Compensation.

Councilmen shall receive as compensation for their services such amounts as the council may determine, as authorized by the general laws of the Commonwealth of Virginia. No member of the council shall be appointed to any office of profit under the city government during the term for which elected and for one year thereafter. (1973, c. 367; 1985, c. 50)

§ 3.06. Procedural powers.

The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequent than twice each month. They shall also provide for the calling of special meetings by the mayor or any two members of the council and shall prescribe the methods of giving notice thereof. A majority of the council shall constitute a quorum for the transaction of business. No ordinance, resolution, motion or vote, other than motions to adjourn, to fix the time and place of adjournment and other motions of a purely procedural nature, shall be adopted by the council except at a meeting open to the public. (1973, c. 367)

§ 3.07. Mayor.

On the Tuesday after the first Monday in November 2008, and every four years thereafter, an election shall be held to elect the mayor. All persons seeking to have their names appear on the ballot as candidates for mayor must comply with the provisions of Chapter 5 (§ 24.2-500 et seq.) of Title 24.2 of the Code of Virginia, and must file with their declaration of candidacy a petition containing a minimum of 500 signatures of qualified voters of the city, to include at least 50 qualified voters from each of the seven boroughs.

In the election, the person receiving the most votes citywide shall be elected mayor. The term of the mayor shall be four years. Anyone serving as a member of city council may be a candidate for mayor, but no one may simultaneously hold the office of mayor and any other elected position. In the event

any member of council during his or her term of office shall decide to be a candidate for the office of mayor, he or she shall be eligible to do so, but shall tender a resignation as a member of council, such resignation to be effective upon the beginning of the term of the elected mayor. Such resignation shall state the council member's intention to run for the office of mayor, shall require no formal acceptance by the remaining members of council, and shall be final and irrevocable as of the date it is tendered.

At its first meeting following the taking of office of council member after a councilmanic election, the council shall choose by majority vote of all the members thereof one of their number to be vice-mayor for the ensuing term of two years. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He shall have no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor. In the absence or disability of both the mayor and the vice-mayor, the council shall by majority vote of those present choose one of their number to perform the duties of mayor. (1973, c. 367; 2007, cc. 208, 772)

§ 3.08. Clerk.

The initial council shall appoint a city clerk who shall serve until July 1, 1974. Thereafter the council shall appoint a city clerk for a four-year term. He shall be clerk of the council and custodian of the corporate seal of the city, and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation, to be fixed by the council. All receipts by him shall be paid into the city treasury. He shall keep all papers, documents and records pertaining to the consolidated city, the custody of which is not otherwise provided for. He shall perform such other duties as are required by this charter or by the council by ordinance or resolution. (1973, c. 367)

Chapter 4. City Manager.

§ 4.01. Appointment and qualifications.

The council shall appoint a city manager who shall be administrative head of the city government. He shall be chosen solely on the basis of his executive and administrative qualifications and shall serve at the pleasure of the council. (1973, c. 367)

§ 4.02. Powers and duties.

The city manager shall have the power and it shall be his duty:

(a) To appoint all officers and employees of the city and to remove such officers and employees, except as he may delegate such powers to appoint and remove to his subordinates and except as otherwise provided in this charter.

(b) To perform such other duties and to exercise such other powers as may be imposed or conferred upon him by the council.

(c) To perform such other duties and to exercise such other powers as are vested in city managers by Title 15.2 of the Code of Virginia and amendments thereto and as may be assigned by the council. (1973, c. 367; 1987, c. 53)

§ 4.03. Council not to interfere in appointments or removals.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by his subordinates. (1973, c. 367)

Chapter 5. Budget.

§ 5.01. Fiscal year.

The fiscal year of the city shall begin on the first day of July and shall end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year. (1973, c. 367)

§ 5.02. Submission of budget.

The city manager shall submit to the council a budget and a budget message at least sixty days prior to the beginning of each budget year. (1973, c. 367)

§ 5.03. Preparation of budget.

It shall be the duty of the head of each department, the judges of the courts not of record, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, to file at such time as the city manager may prescribe estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. The city manager shall hold such hearings as he may deem advisable and shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board he may recommend a revision only in its total estimated expenditure. The budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques. (1973, c. 367)

§ 5.04. Balanced budget.

In no event shall the expenditures recommended by the city manager in the budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year, the receipts from which estimated on the basis of the average experience with the same or similar taxes during the three tax years last past will

make up the difference. If estimated receipts exceed estimated expenditures, the city manager may recommend revisions in the tax and license ordinances of the city in order to bring the budget into balance. (1973, c. 367)

§ 5.05. Budget message.

The budget message shall contain the recommendations of the city manager concerning the fiscal policy of the city, a description of the important features of the budget and an explanation of all significant changes in the budget as to estimated receipts and recommended expenditures as compared with the current and last preceding fiscal years. (1973, c. 367)

§ 5.06. Appropriation and additional tax ordinances.

At the same time that he submits the budget, the city manager shall introduce and recommend to the council an appropriation ordinance which shall be based on the budget. He shall also introduce at the same time any ordinances levying a new tax or altering the rate on any existing tax necessary to balance the budget as provided in § 5.04 of this charter. In levying taxes, the council may provide that any tax so levied shall continue from year to year unless otherwise changed by the council. (1973, c. 367)

§ 5.07. Public hearing.

The council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard. The council shall cause to be published a notice of the time and place of the hearing not less than seven days prior to the date of the hearing. One copy of the budget and budget message shall always be available for public inspection in the office of the city clerk during regular business hours. (1973, c. 367)

§ 5.08. Adoption of budget.

After the public hearing, the council may make such changes in the budget as it may determine, except that no item of expenditure for debt service shall be reduced or omitted. The budget shall be adopted by the vote of at least a majority of all members of the council not later than the end of the current fiscal year. Should the council take no action prior to such day, the budget shall be deemed to have been finally adopted as submitted. In no event shall the council adopt a budget in which the estimated total of expenditures exceeds receipts, unless at the same time it adopts measures to provide additional revenue estimated to be sufficient to make up the difference. (1973, c. 367)

§ 5.09. Additional appropriations.

Appropriations in addition to those contained in the general appropriation ordinance may be made by the council only if there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations. (1973, c. 367)

§ 5.10. Lapse of appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully obligated or encumbered. (1987, c. 53)

Chapter 6. Borrowing.

§ 6.01. Borrowing power.

The council may, in the name of and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter. (1973, c. 367)

§ 6.02. Purposes for which bonds or notes may be issued.

Bonds or notes of the city may be issued for the following purposes:

(a) To finance capital projects. Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project.

(b) To anticipate the collection of taxes and revenues. Notes may be issued, when authorized by the council, at any time during the fiscal year in anticipation of the collection of taxes and revenues of such year.

(c) To refund outstanding bonds or notes. Bonds or notes may be issued for the purpose of refunding existing bonds or notes, provided that the director of finance shall certify in writing that such refunding is necessary to prevent default on the interest or principal of the city's outstanding bonds or notes, to secure a lower rate of interest or to relieve the city from covenants which have become burdensome. (1973, c. 367; 1987, c. 53)

§ 6.03. Limitations on indebtedness.

In the issuance of bonds and notes the city shall be subject to the limitations as to amount contained in the Constitution of Virginia. (1973, c. 367)

§ 6.04. Form of bonds.

Bonds and notes of the city shall be issued in the manner provided by general law. (1973, c. 367)

§ 6.05. Authority for issuance of bonds.

The council may, by a recorded affirmative vote of five-sevenths of all members elected thereto, from time to time borrow money and issue and sell bonds or notes of the city for the needs, uses and purposes of the city, or for the purchase and acquisition of land or other property for public school purposes or for school buildings and the equipment thereof, or for any other purpose or purposes now or hereafter authorized by general law, provided that on and after January 1, 1980, no bonds or notes of the city shall be issued which together with existing indebtedness of the city, as determined in the manner set forth in Section 10(a) of Article VII of the Constitution of Virginia, exceeds seven percent of the assessed valuation of the real estate in the city subject to taxation, as shown by the last preceding

assessment of taxes, until their issuance shall have been authorized by a majority of the qualified voters of the city voting on the question at an election held for the purpose in the manner provided by general law.

The council may, in its discretion, issue revenue bonds and notes made payable from the revenues and receipts of revenue producing undertakings, and the council may commit the full faith and credit of the city thereto; whether any such bonds or notes shall be subject to the debt limitation set forth in the first paragraph of this section shall be determined in the manner set forth in Section 10(a) of Article VII of the Constitution of Virginia.

All bonds or notes issued under this chapter shall be authorized by ordinance of the council and shall bear the date or dates and mature at the time or times that the ordinance provides, except that no bond or note shall mature more than fifty years from the date of issue. The bonds or notes may be in the denominations, be executed in the manner, be payable in the medium of payment, be payable at the place or places and at the time or times, and be subject to redemption or repurchase and contain such other provisions as may be determined by the council before their issuance. The bonds or notes may bear interest payable at such time or times and at such rate or rates as determined by the council or as determined in such manner as the council may provide, including the determination by agents designated by the council under guidelines established by it. The ordinance authorizing the issuance of bonds or notes may provide for such sources of payment, sinking funds and security for the payment of the bonds or the notes as the council may determine. Bonds or notes may be sold by the council at public or private sale at the prices that the council determines and approves. (1973, c. 367; 1979, c. 430; 1982, c. 149; 1987, c. 53)

§ 6.06. Payment of bonds and notes.

The power and obligation of the city to pay any and all bonds and notes issued pursuant to this chapter, except revenue bonds made payable solely from revenues and receipts of revenue producing undertakings, shall be unlimited and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and the interest thereon, without limitation as to rate or amount. The full faith and credit of the consolidated city are hereby pledged for the payment of the principal of and interest on all bonds and notes of the consolidated city hereafter issued pursuant to this chapter, except revenue bonds made payable solely from revenues and receipts of revenue producing undertakings, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance. (1973, c. 367; 1982, c. 149)

Chapter 7. Administrative Departments.

§ 7.01. Creation of departments.

The council may create new departments or subdivisions thereof, combine or abolish departments and distribute the functions thereof or establish departments for special work. (1973, c. 367; 1987, c. 53)

§ 7.02. Department heads.

There shall be a director at the head of each department, and the same person may be the director of several departments. The director of each department, except the departments of law and education, shall be appointed by the city manager and may be removed by him at any time provided, however, that the council may designate the city manager or assistant city manager to be director of one or more departments. The director of each department shall be chosen on the basis of his general executive and administrative ability and experience and his education, training and experience in the class of work which he is to administer. (1973, c. 367)

§ 7.03. Responsible to city manager.

The directors of each department, except the departments of law and education, shall be immediately responsible to the city manager or assistant city manager for the administration of their respective departments, and their advice may be required by him on all matters affecting their departments. They shall make reports and recommendations concerning their departments to the city manager under such rules and regulations as he may prescribe. (1973, c. 367)

Chapter 8. Financial Administration.

§ 8.01. Department of finance.

The department of finance shall consist of a director of finance and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the director consistent therewith. (1973, c. 367; 1987, c. 53)

§ 8.02. Director of finance.

The head of the department of finance shall be the director of finance who shall be a person skilled in municipal accounting and financial control. He shall have charge of the financial affairs of the city, including such powers and duties as may be assigned by the council not inconsistent with the Constitution and general laws of the Commonwealth. (1973, c. 367)

§ 8.03. City treasurer.

The city treasurer shall collect and receive all city taxes and other revenues or moneys accruing to the city, except such as the council may by ordinance make it the duty of some other person to collect, and he shall have such powers and duties as are provided by general law. He shall perform such other duties as may be assigned by the director of finance or the council not inconsistent with the laws of the Commonwealth. (1973, c. 367; 1987, c. 53)

§ 8.04. City collector.

The council may direct the city manager to appoint a city collector who shall have such powers and duties as the council may provide. (1973, c. 367)

§ 8.05. Commissioner of revenue.

The commissioner of revenue shall perform all duties required by statute and perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be assigned by the director of finance or the council. (1973, c. 367)

§ 8.06. Annual assessment of real estate.

The council may, in lieu of the methods prescribed by general law, provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation and to that end may appoint one or more assessors within the city and prescribe their duties and terms of office. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and as of the first day of January of each year, shall have the same authority as the assessors appointed under the provisions of general law, and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of general law.

The circuit court of the city of Suffolk shall appoint a board of equalization of real estate assessments to be composed of three members who shall be freeholders of the city. The initial terms of the members of the board shall be for one, two, and three years with subsequent appointments for terms of three years. Such board of equalization shall have and may exercise the powers to revise, correct, and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, however, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings or requests for review, and looking to the further facilitation and simplification of proceedings before the board. This section shall not apply to assessments of any real estate assessable by the State Corporation Commission. (1973, c. 367; 2015, c. 85)

§ 8.07. (1973, c. 367; repealed, 1987, c. 53)

§ 8.08. Annual audit.

The council shall cause to be made an independent audit of the city's finances at the end of each fiscal year by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. One copy of the report of such audit shall be always available for public inspection in the office of the city clerk during regular business hours. (1973, c. 367)

Chapter 9. Department of Law.

§ 9.01. Department of law.

The department of law shall consist of the city attorney and such deputy and assistant city attorneys and other employees as may be provided by the council. (1973, c. 367; 1987, c. 53)

§ 9.02. City attorney.

The head of the department of law shall be the city attorney. The city attorney shall be an attorney at law licensed to practice law in the Commonwealth. The council shall appoint a city attorney who shall serve at the pleasure of council. (1973, c. 367; 1987, c. 53; 1991, c. 394)

§ 9.03. Powers and duties.

The city attorney shall be the chief legal advisor of the council, the city manager and all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. The department of law shall represent the city in all civil proceedings, and shall institute and defend all legal proceedings which it shall deem necessary and proper to protect the interests of the city. The department of law may prosecute any violations of the city code. The department of law shall have such other powers and duties as may be assigned by the council. (1973, c. 367; 1987, c. 53)

§ 9.04. (1973, c. 367; repealed, 1987, c. 53)

Chapter 10. Department of Police.

§ 10.01. Department of police.

The department of police shall consist of a chief of police and such other officers and employees as may be provided by the council. The police department shall be responsible for preservation of the public peace, protection of the rights of persons and property and enforcement of laws of the Commonwealth and ordinances of the city. (1973, c. 367)

§ 10.02. Powers.

The chief of police and the other members of the police force shall have all the powers and duties of police officers as provided by general law. (1973, c. 367)

Chapter 11. Department of Fire Protection.

§ 11.01. Department of fire protection.

The department of fire protection shall consist of the fire chief and such other officers and employees as may be provided by the council. The department of fire protection shall be responsible for the coordination of the efforts of the fire fighting units in the city for the protection from fire of life and property within the city. (1973, c. 367)

Chapter 12. Department of Public Utilities.

§ 12.01. Department of public utilities.

The department of public utilities shall consist of the director of public utilities and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1973, c. 367; 1987, c. 53)

§ 12.02. Functions.

The department of public utilities shall be responsible for the waterworks system and sewers and sewage disposal, and such other powers and duties as may be assigned by the council. (1973, c. 367; 1987, c. 53)

§ 12.03. Director of public utilities.

The head of the department of public utilities shall be the director of public utilities. He shall have general management and control of the several bureaus, divisions and other units of the department. (1973, c. 367; 1987, c. 53)

§ 12.04. Financing.

The department of public utilities shall be self-sustaining in regards to its operating expenses. The general funds of the city may be used, singularly or in conjunction with any other revenue sources available to the city, to fund the cost of the capital improvements of the department of public utilities, and to include the debt services on bonds or notes, or both, issued to finance the same. (1987, c. 53)

Chapter 13. Department of Public Health.

§ 13.01. Department of public health.

The department of public health shall consist of the director of public health and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1973, c. 367)

§ 13.02. Functions.

The department of public health shall be responsible for the exercise of all health functions imposed on municipalities by general law and such other powers and duties as may be assigned by the council. (1973, c. 367)

§ 13.03. Director of public health.

The head of the department of public health shall be the director of public health. He shall have general management and control of the several bureaus, divisions and other units of the department. He shall have all the powers and duties with respect to the preservation of the public health which are conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth. (1973, c. 367)

Chapter 14. Department of Social Services.

§ 14.01. Department of social services.

The department of social services shall consist of the director of social services and such officers and employees organized in such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1973, c. 367)

§ 14.02. Functions.

The department of social services shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to public assistance and relief of the poor and such other powers and duties as may be assigned by the council. (1973, c. 367)

§ 14.03. Director of social services.

The head of the department of social services shall be the director of social services. He shall have general management and control of the several bureaus, divisions and other units of the department. (1973, c. 367)

Chapter 15. Department of Farm and Home Demonstration.

§ 15.01. Department of farm and home demonstration.

The department of farm and home demonstration shall consist of an agricultural agent, a home demonstration agent and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1973, c. 367)

§ 15.02. Functions.

The department of farm and home demonstration shall exercise all powers which are conferred upon counties relating to county farm and home demonstration work and shall have such other powers and duties as may be assigned by the council. (1973, c. 367)

§15.03. Director of farm and home demonstration.

The director of the department of farm and home demonstration shall be the agricultural agent. He shall be selected from a list of eligibles submitted by the Virginia Polytechnic Institute and State University. He shall have general management and control of the several bureaus, divisions and other units of the department. (1973, c. 367)

Chapter 16. Department of Education.

§ 16.01. Department of education.

The department of education shall consist of the city school board, the division superintendent of schools and the officers and employees thereof. Except as otherwise provided in this charter, the city school board and the division superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law.

Accounting for the department of education shall be consolidated with the accounting for the city and be performed by the department of finance of the city. (1973, c. 367; 1992, c. 251)

§ 16.02. School board.

On July 1, 1992, and thereafter, the school board shall consist of one member each from the Chuckatuck, Cypress, Holy Neck, Sleepy Hole, Whaleyville, Suffolk and Nansemond Boroughs. All members of the school board shall be elected for terms of four years, as required under the procedure established by the general laws of the Commonwealth of Virginia. Vacancies shall be filled as provided by the general laws for any unexpired term. School board members may be compensated as authorized by the general laws of the Commonwealth of Virginia. (1973, c. 367; 1979, c. 430; 1985, c. 50; 1987, c. 53; 1991, Special Session II, c. 3; 2015, c. 85)

§ 16.03. (1973, c. 367; repealed, 1987, c. 53)

Chapter 17. Department of Parks, Recreation and Community Affairs.

§ 17.01. Department of parks, recreation and community affairs.

The department of parks, recreation and community affairs shall consist of the director of parks, recreation and community affairs and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1973, c. 367; 1987, c. 53)

§ 17.02. Functions.

The department of parks, recreation and community affairs shall be responsible for operating and maintaining public parks, playgrounds and recreations facilities and organizing and conducting recreation programs and shall have such other powers and duties as may be assigned by the council or the city manager. (1973, c. 367; 1987, c. 53)

§ 17.03. Director of parks, recreation and community affairs.

The head of the department of parks, recreation and community affairs shall be the director of parks, recreation and community affairs. He shall have general management and control of the several bureaus, divisions and other units of the department. (1973, c. 367; 1987, c. 53)

Chapter 18. City Planning.

§ 18.01. Planning commission.

There shall be a city planning commission which shall consist of not less than five nor more than fifteen members, and shall be appointed and organized as provided by general law. (1973, c. 367)

§ 18.02. Functions of planning commission.

The planning commission shall be responsible for making recommendations to the council on all phases of city planning, including a master plan, zoning and subdivision control. It shall have the

powers and duties provided by general law and such other powers and duties as may be assigned by the council. (1973, c. 367)

§ 18.03. Board of zoning appeals.

There shall be a board of zoning appeals appointed as provided by general law. (1973, c. 367)

§ 18.04. Powers of the board of zoning appeals.

The board of zoning appeals shall have all powers granted to boards of zoning appeals by general law. (1973, c. 367)

Chapter 19. Administration of Justice. (Repealed)

§§ 19.01 through 19.14. (1973, c. 367; repealed, 1987, c. 53)

Chapter 19A. Department of Public Works.

§ 19a.01. Composition.

The department of public works shall consist of the director of public works and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1987, c. 53)

§ 19A.02. Functions.

The department of public works shall be responsible for the construction and maintenance of all public buildings, streets, roads, bridges and drains, for garbage and refuse collection and disposal, and for all other public works, and for the care of all public buildings, and shall have such other powers and duties as may be assigned by the council or city manager. (1987, c. 53)

§ 19A.03. Director.

The head of the department of public works shall be the director of public works. He shall have general management and control of the several bureaus, divisions and other units of the department. (1987, c. 53)

Chapter 20. Industrial Development Authority.

§ 20.01. (1973, c. 367; repealed, 1987, c. 53)

§ 20.02. Powers, etc.

The Industrial Development Authority of the city of Suffolk shall have all powers, authority and obligations as are provided by state law and such other duties assigned by the city council not inconsistent therewith. (1973, c. 367)

Chapter 21. Miscellaneous and Transition Provisions.

§ 21.01. Assets and liabilities.

Upon the effective date of this charter, all property, real and personal, belonging to the cities of Nansemond and Suffolk shall be vested in and owned by the consolidated city of Suffolk, and any and all debts due the cities of Nansemond and Suffolk shall become due to the consolidated city of Suffolk. The consolidated city of Suffolk shall assume the payment of all the then outstanding indebtedness, bonded or otherwise, including interest thereon, and all of the then existing contracts and any other obligation of the cities of Nansemond and Suffolk, in the same manner and to the same extent as if they were originally issued, made, entered into or arose directly by or with the consolidated city of Suffolk. (1973, c. 367)

§ 21.02. Election of constitutional officers.

The offices of the clerk of the circuit court, attorney for the Commonwealth, commissioner of revenue, city treasurer and city sheriff shall be elective and shall be filled in accordance with the provisions of the Constitution and, except as otherwise provided in this charter, in accordance with general law. (1973, c. 367; 1987, c. 53)

§ 21.03. Powers and duties of constitutional officers.

The clerk of the court of record, attorney for the Commonwealth, commissioner of revenue, city treasurer and sheriff shall have such powers and perform such duties as are provided by the Constitution of the Commonwealth, and, except as otherwise provided in this charter, as are provided by the provisions of general law for cities of the first class. (1973, c. 367)

§ 21.04. Appointment by courts.

All appointments required by this charter or by general laws to be made by a court, judge or judges shall be made by the senior judge of the court of record. (1973, c. 367)

§ 21.05. Ordinances continued in effect.

All ordinances, rules, regulations and orders legally made by the city of Nansemond and the city of Suffolk in force immediately preceding the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith or with the consolidation agreement between the city of Nansemond and the city of Suffolk, shall remain in full force and effect within the same area to which they were applicable immediately preceding the effective date of this charter until amended or repealed in accordance with the provisions of this charter or general law. (1973, c. 367)

§ 21.06. (1973, c. 367; repealed, 1987, c. 53)

§ 21.07. (1973, c. 367; repealed, 1987, c. 53)

§ 21.08. Housing authority.

All of the ownership, rights, title, interest, powers and obligations of the city of Suffolk relative to or in any manner connected with the Suffolk Redevelopment and Housing Authority shall be vested in, enure to and be assumed by the consolidated city. (1973, c. 367; 1987, c. 53)

§ 21.09. Advisory boards and commissions.

The council of the consolidated city shall have full authority to establish such advisory boards and commissions as it may deem necessary for the purpose of advising the council and city manager. (1973, c. 367)

§ 21.10. Gender.

A word importing the masculine gender only may extend and be applied to females and to corporations as well as males. (1973, c. 367)

§ 21.11. Saving clause.

In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, but all parts of this charter not expressly held to be invalid shall remain in full force and effect. (1973, c. 367)

Editor's note: Complete amendments listing for the City of Suffolk:

Current charter

Charter, 1973, c. 367, consolidating City of Nansemond and City of Suffolk (effective January 1, 1974).

Amendments to current charter

1974, c. 15 (§ 3.03)

1979, c. 430 (§§ 2.09 [added], 6.05, 16.02)

1982, c. 149 (§§ 6.05, 6.06)

1985, c. 50 (§§ 3.05, 16.02)

1986, c. 219 (§ 3.03)

1987, c. 53 (§§ 2.01, 2.02, 2.05, 2.06, 3.01, 4.02, 5.10 [added], 6.02, 6.05, 7.01, 8.01, 8.03, 8.07 [repealed], 9.01, 9.02, 9.03, 9.04 [repealed], 12.01, 12.02, 12.03, 12.04 [added], 16.02, 16.03 [repealed], 17.01, 17.02, 17.03, 19.01 through 19.14 [repealed], 19A.01 [added], 19A.02 [added], 19A.03 [added], 20.01 [repealed], 21.02, 21.06 [repealed], 21.07 [repealed], 21.08)

1991, c. 394 (§ 9.02)

1991, Special Session II, c. 3 (§§ 3.02, 3.03, 16.02)

1992, c. 251 (§ 16.01)

2007, cc. 208, 772 (§§ 3.03, 3.04, 3.07)

2015, c. 85 (§§ 8.06, 16.02)

Surry, Town of

County of Surry

History of incorporation

Incorporation and charter by order of Circuit Court, September 26, 1928.

Charter, Circuit Court, 1928; repealed 1973, c. 95.

Current charter
Charter, 1973, c. 95.

Chapter 1. General Provisions.

§ 1-1. Definition of municipality.
Whenever the word "municipality" or "municipal" appears in this charter it shall be construed to refer to the incorporated town of Surry, Virginia. (1973, c. 95)

§ 1-2. Powers and privileges generally; corporate status.
The town of Surry, in the county of Surry, Virginia, shall continue to be a town corporate in the name and style of the town of Surry, Virginia, and as such shall have and may exercise the powers and privileges conferred upon it by this charter and which are now, or may be hereafter delegated to towns in accordance with the Constitution and laws of the Commonwealth of Virginia. (1973, c. 95)

§ 1-3. Corporate limits.
The corporate limits or boundaries of the municipality, unless and until changed in the manner prescribed by law, shall be the same as set forth in Common Law Order Book, page 178, dated 1926, in the Clerk's Office of the Circuit Court of Surry County, Virginia. (1973, c. 95)

§ 1-4. Corporate seal.
The municipality may provide for the adoption of its corporate seal. (1973, c. 95)

§ 1-5. Elections generally.
All elections shall be conducted pursuant to, and in accordance with, the general law as provided in the Code of Virginia governing the holding of elections in towns. (1973, c. 95)

Chapter 2. Municipal Council Generally; Mayor; Vice-Mayor Powers and Duties.

§ 2-1. Legislative powers in municipal council.
The legislative powers of the municipality shall be vested in a municipal council, consisting of six members, one of whom in addition shall be a mayor. (1973, c. 95)

§ 2-2. Town council: composition, terms of office.
Each member of council shall be an elector of the municipality.

The municipal council of the town of Surry shall be elected by the town at large. Councilmen shall serve for terms of two years. (1973, c. 95)

§ 2-3. Election of council: term of office, mayor and vice-mayor.
On the first Tuesday in May, 1974, and every two years thereafter, there shall be elected by the qualified voters of the town, five electors who shall be denominated councilmen. In addition thereto, the

qualified voters shall elect an additional elector who shall be denominated mayor. They shall enter upon the duties of their offices on the first day of July next succeeding their election. Council shall elect from their numbers one who shall be denominated vice-mayor, who shall serve in the absence of the mayor. (1973, c. 95)

§ 2-4. Duties of mayor.

The mayor shall preside at all meetings of the council and shall be a regular member of council. The mayor shall be recognized as the head of the municipal government for all ceremonial purposes, the purpose of military law and the service of civil process. The mayor shall authenticate by his signature such documents and instruments as the council, Constitution of Virginia or general laws of the Commonwealth require. The mayor shall be the chief executive officer of the town, unless and until a manager is appointed as hereafter provided. (1973, c. 95)

§ 2-5. Clerk of council.

The council may appoint a clerk of the council whose duties shall be as prescribed by the council. (1973, c. 95)

§ 2-6. Meetings of council.

Council shall hold at least one regular meeting each month. All meetings of the council shall be public meetings except as provided for by § 2.1-342 of the Code of Virginia of 1950. No official action shall be taken by the council in executive session. Council may by ordinance adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings. (1973, c. 95)

§ 2-7. Vacancies in office of councilmen.

Vacancies in the office of councilmen or mayor for whatever cause, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council. If council shall fail to fill a vacancy within sixty days, such vacancy shall be filled by appointment of the judge of the Circuit Court of Surry County, Virginia, upon notice of the court by petition filed by the mayor or any councilman. (1973, c. 95)

Chapter 3. Powers Generally.

§ 3-1. Adoption of state law provisions.

The powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as amended, are hereby conferred on and vested in the town of Surry. (1973, c. 95)

§ 3-2. Eminent domain.

The powers of eminent domain set forth in Title 15.1; Chapter 1.1 of Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of Surry subject to the provisions of § 25-233 of the Code of Virginia, as amended. (1973, c. 95)

§ 3-3. Rates for services.

The municipality shall have the power and right to charge a different rate for any utility service rendered or convenience furnished without the corporate limits from the rates charged for similar services within the corporate limits. (1973, c. 95)

Chapter 4. Zoning.

§ 4-1. Zoning.

The powers set forth in §§ 15.1-486 through 15.1-489, inclusive, of Article 8 of Chapter 11 of Title 15.1 of the Code of Virginia are hereby conferred on and vested in the town of Surry. (1973, c. 95)

Chapter 5. Town Manager.

§ 5-1. Appointment and qualifications.

There may be a town manager, who shall be the executive officer of the town, responsible to the town council for the proper administration of the town government. The town manager shall be appointed by council for an indefinite term. At the time of appointment, he need not be a resident of the town, or of the Commonwealth, but during his tenure of office he shall reside within the town limits. (1973, c. 95)

§ 5-2. Duties.

The town manager shall:

(a) attend all meetings of town council with the right to speak but not to vote;

(b) advise town council of the financial condition and future needs of the town and of all matters pertaining to its proper administration and to make such recommendations as may seem to him requisite and proper;

(c) prepare and submit to town council the annual budget and be responsible for the administration of the budget as adopted;

(d) prepare in suitable form and submit to town council each year a comprehensive report of the financial transactions and administrative activities of the town government during the immediate preceding fiscal year;

(e) arrange for an annual audit by a certified public accountant previously approved by the town council;

(f) perform such other duties as may be prescribed by the general laws of this Commonwealth, required of him by town council, or otherwise provided for by this charter; and

(g) have the right to attend and participate, but not vote, in the proceedings of all boards, commissions or agencies created by this charter, or by ordinance, or designated by town council. (1973, c. 95)

§ 5-3. Powers as to employees.

Except those officers and employees appointed by town council pursuant to this charter or the general laws of this Commonwealth, all officers and employees shall be appointed by, and may be removed by, the town manager who shall report each appointment or removal to the town council at the next regular meeting thereof following such appointment or removal. (1973, c. 95)

§ 5-4. Acting town manager.

The town council shall designate by ordinance a person to act as town manager in the case of absence, incapacity, death or resignation of the town manager until his return to duty or the appointment of his successor. (1973, c. 95)

Chapter 6. Appointive Officers.

§ 6-1. Appointment and term of office.

The town council may appoint such officers of the town as they may from time to time deem necessary for the proper government thereof. Officers, deputies and assistants appointed by town council shall serve for a term of two years unless otherwise provided by this charter or by ordinance of the town council. Such terms shall commence upon appointment. The enumeration of officers hereinafter set forth in this chapter of this charter shall not be construed to require the appointment of any such officers herein named subject to the provisions of Article VII, Section 6 of the Virginia Constitution. The town council in its discretion may appoint the same person to more than one appointive office. Vacancies in appointive offices shall be filled by town council for the remainder of the unexpired term. (1973, c. 95)

§ 6-2. Duties; appointment of deputies and assistants.

The officers appointed by town council shall perform such duties as may be specified in this charter, or as town council may designate. Town council may appoint such deputies and assistants to appointive offices as town council shall deem necessary. (1973, c. 95)

§ 6-3. Town clerk.

The town clerk shall be clerk of the town council and shall be responsible for maintaining the journal of its proceedings and recording all ordinances and resolutions in the book or books kept for that purpose. The town clerk shall be custodian of the town corporate seal and shall be the officer authorized to use and authenticate it. The town clerk shall perform such other duties and keep such other records as town council may require or the general laws of the Commonwealth may require. All records of the office of town clerk shall be public records and open to inspection at all times during regular business hours. (1973, c. 95)

§ 6-4. Town treasurer.

Town council shall appoint a municipal treasurer who shall give such bond as may be prescribed by town council and perform such duties as may be prescribed by town council or prescribed by the general laws of this Commonwealth. (1973, c. 95)

§ 6-5. Issuing justices.

Town council shall appoint not more than two issuing justices who shall be qualified electors of the town and who shall hold office as provided for in § 39.1-8 of the Code of Virginia, as amended. Town council may provide for the compensation of any such issuing justices; for the issuance of any warrant, subpoena or other process and for admitting any person to bail, such issuing justices shall charge the same fees and costs as are provided in like cases by general law; which fees, costs and cash bail shall be paid to the clerk of the municipal court or the town treasurer if no clerk has been appointed. The issuing justices shall have power to issue warrants for arrest for violation of municipal ordinances and civil warrants in cases in which the municipal court has jurisdiction, the power to issue subpoena or other processes the same as could be issued by the municipal court and shall have the power to admit to bail in any case where the municipal court could admit to bail. Any warrant, summons or process issued by such issuing justices for violation of a municipal ordinance shall be returnable before the municipal court. The procedure for issuing warrants, service of process, return of a warrant, examination, bail, arrest, commitment and recognizances as provided by general law of the Commonwealth shall be followed by the issuing justices and police officers of the municipality. (1973, c. 95)

Chapter 7. Courts.

§ 7-1. Establishment and jurisdiction.

Town council may establish by ordinance a municipal court which shall be known as the Municipal Court of Surry. Jurisdiction of the municipal court in civil matters shall be as provided in § 16.1-77, as amended, of the Code of Virginia and in criminal matters as provided in § 16.1-124, as amended, of the Code of Virginia. (1973, c. 95)

§ 7-2. Judge and substitute judge.

The judge of the municipal court shall be appointed by the town council and shall serve at the pleasure of town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. The judge of the municipal court need not be a resident of the town. Compensation of the judge and the substitute judge shall be fixed by town council. Council may appoint a clerk of the municipal court. (1973, c. 95)

§ 7-3. Jurisdiction of county court in absence of municipal court.

In the event town council shall elect not to establish a municipal court as herein provided, the County Court of Surry County shall have such jurisdiction within the town as the municipal court would have had if it were established by town council. The town council may enter into such contracts or

agreements as it may deem necessary to permit the trial in said county court of cases or causes of action arising within the town or within the jurisdiction of the town. (1973, c. 95)

Chapter 8. Financial Provisions.

§ 8-1. Fiscal year.

The fiscal year of the town shall begin on July first of each year and end on June thirtieth of the year following. (1973, c. 95)

§ 8-2. Actions against the town.

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent or employee thereof unless a written statement of the claimant, his agent or attorney or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, stating the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or any attorney, hereby authorized, appointed by the town council for this purpose, within sixty days after such cause of action shall have accrued. Where the claimant is an infant, or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within 120 days, provided that if the complainant is compos mentis during such sixty days but is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the sixty-day period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from such injury so as to give notice. No officer, agent, employee or attorney of the town shall have the authority to waive such conditions, precedent or any of them.

(b) No order shall be entered or made and no injunction shall be awarded by any court or judge to stay proceedings of the town in the prosecution of its works unless it be manifest that the town, its officers, agents or servants are transcending the authority granted by this charter and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated by damages.

(c) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1973, c. 95)

§ 8-3. Creation of debt: issuance of bonds.

The town shall have the authority to borrow money, contract debts, make and issue or cause to be issued, as evidence thereof, bonds, notes, or other obligations within the limitations prescribed by the Virginia Constitution, and in accordance with the provisions of the Virginia law concerning bond

issues by towns. Any ordinance creating a debt for which money is to be borrowed shall be adopted by a recorded majority vote of the elected members of the town council. (1973, c. 95)

§ 8-4. Sale or lease of town utilities.

Neither town council nor any town officers or agents shall have the power or authority to sell, lease, rent or otherwise dispose of any public utility owned by the town without first submitting such sale, rental, lease or other dispositions to a vote of the qualified electors of the town at a special election to be held in accordance with the law providing for special elections for towns in Virginia. Such sale, lease or disposition shall be consummated only upon a vote of the majority of the qualified electors of the town voting in such election. (1973, c. 95)

Chapter 9. Miscellaneous.

§ 9-1. Bonds of officers and employees.

Town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of their respective duties, whether such officers and employees be solely or partly paid by the town. Town council may authorize payment of premium on such bonds from town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town, as its interest may appear, in event of breach of the conditions thereof. (1973, c. 95)

§ 9-2. Ordinances to continue in force.

All ordinances now in force in the town of Surry and not inconsistent with the provisions of this charter shall be and remain in force until altered, amended or repealed by the town council. (1973, c. 95)

§ 9-3. Officers to continue.

The present elected officers of the town of Surry shall be and remain in office until expiration of their respective terms and until their respective successors have been duly elected and qualified. (1973, c. 95)

§ 9-4. Applicability of ordinances to lands outside of town.

All ordinances of the town of Surry, so far as they are applicable, shall apply on, in, or to all land, buildings and structures owned by or leased or rented to the town of Surry and located outside the town limits. (1973, c. 95)

§ 9-5. Continuation of privileges and property.

All the rights, privileges and property of the municipality heretofore acquired, now owned or enjoyed shall continue undiminished and remain vested in the town of Surry. (1973, c. 95)

§ 9-6. Power to tax utilities.

In addition to other taxing powers of towns as generally provided by law, the town of Surry shall have the power to tax public utility facilities within the corporate limits of the town. (1973, c. 95)

§ 9-7. Severability of provisions.
If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1973, c. 95)

§ 9-8. This charter shall supersede and render null and void any other charter heretofore ordered by a court of this Commonwealth. (1973, c. 95)

Tangier, Town of

County of Accomack

History of incorporation
Incorporation, 1906, c. 176; repealed 1910, c. 276.

Editor's note: Although the title of Chapter 276 of the Acts of Assembly of 1910 states that the act is to repeal Chapter 176 of the Acts of Assembly of 1906, the first enactment does not repeal; rather, it states that Chapter 176 is approved.

Current incorporation
Incorporated by order of the Circuit Court of Accomack County, February 6, 1915. (Common Law Order Book 1914-16, p. 74).

Editor's note: A photocopy of the circuit court order is on file in the Legislative Reference Center at the Division of Legislative Services.

Ex Parte: Petition of J. H. Crockett and others for the corporation of Tangier Island, Accomack County, into an incorporated town to be known as the Town of Tangier.
This day came the said petitioners by George L. Doughty, Jr., their attorney, being twenty or more electors of Tangier Island Precinct in said County, and filed their petition in writing, which petition sets forth that the said petitioners are citizens of Tangier Island in Accomack County, Virginia, a thickly settled community, the Island and no part thereof being incorporated, and which also sets forth that the area of said Island proposed to be incorporated is approximately one hundred (100) acres, and has a population of about one thousand (1000) inhabitants, the metes and bounds of said Island proposed to be incorporated being as follows:

"Beginning at the South-east corner of the property of William A. Shores, thence running in a Northerly direction between the highland and the marsh to a point thirty (30) feet North of the (said) road leading to the East ridge known as Canton, thence in an Easterly direction to the highland in Canton, thence running in a Southerly direction between the highland and the marsh to the extreme end of the highland of Canton, thence circling the highland of Canton in an Easterly direction, thence

running in a Northerly direction between the highland and the marsh to the extreme North end of Canton, thence in a Northerly direction across the marsh to the Creek, thence following the shore line from headline to headline to E. S. Chambers store, thence following the shore line of the Creek to the extreme North end of the main ridge, thence circling the North end of the main ridge running in a Southerly direction in a line between the highland and the marsh to a point twenty (20) feet South of a road, thence in a Westerly direction to what is known as west ridge, thence in a Northerly direction to the North boundary of the property of Elisha Crockett of John, thence a westerly course following a line of the property of the said Elisha Crockett of John, thence running in a Southerly direction following a line of the West side of the said West ridge between the highland and the marsh to the South end of said West ridge or the supposed land of Hanson Crockett, Jr., thence circling in an Easterly direction around the said West ridge, thence in a Northerly direction following a line on the East side of the west ridge between the highland and the marsh to a point twenty (20) feet North of the first road leading to the main ridge, thence running in an Easterly direction with parallel lines with said road to the highland of the main ridge, thence continues Easterly to the East side of the main road or street, thence following the West line of the property of Harrison Shores and Mitchel Dise running Southerly, thence running Easterly circling the property of William A. Shores to the point of beginning."

And it appearing to the Court that the said petition has been published for four successive weeks in the Peninsula Enterprise, a newspaper published in this County, and has also been posted at the front door of the Court House of said County for four successive weeks, and the court being satisfied that it will be to the best interest of the inhabitants of the locality desired to be incorporated, that the prayer of the petition is reasonable; that the general good of the community will be promoted by the incorporation of the said locality; that the number of inhabitants of said locality exceeds two hundred (200) and does not exceed five thousand (5000), to-wit, about twelve hundred (1200); and that the area of said locality designed to be embraced within the town in not excessive, the Court doth order and decree that such town be, and the same is, hereby incorporated as a town by the name and style of "The Town of Tangier," the metes and bounds to be as above set out in said petition, and henceforth the inhabitants within such bounds shall be a body politic and corporate with all the powers, privileges and duties conferred upon it appertaining to towns under the general law. And it is ordered that the first election of town officers shall be held at The High School Building in said Town on the 27th day of March, 1915.

Tappahannock, Town of

County of Essex

History of incorporation

Trustees, 1818, c. 139; repealed 1841, c. 134.
Charter, 1841, c. 134; repealed 1894, c. 244.

Charter, 1894, c. 244; repealed 1972, c. 759.

Current charter
Charter, 1972, c. 759.

Amendments to current charter
1976, c. 415 (§ 7.3)
1988, c. 141 (§ 4.2)
1989, c. 120 (§§ 3.1, 3.4 [repealed])
1991, c. 402 (§ 3.6)
1994, c. 100 (§§ 5.1, 5.7)
1995, c. 162 (§§ 4.1, 8.5)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Tappahannock, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Tappahannock, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1972, c. 759)

§ 1.2. Boundaries.

The territory embraced within the Town of Tappahannock is that territory in the County of Essex, Virginia, established in Section 1, Chapter 450 of the Acts of Assembly of 1926 and as expanded by orders of the Circuit Court of Essex County entered on November 14, 1939, and of record in Law Order Book 9, page 231 and entered on November 8, 1966, and of record in Law Order Book 12, page 107. (1972, c. 759)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of Tappahannock shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (1972, c. 759)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1972, and as hereafter amended are hereby conferred on and vested in the Town of Tappahannock. (1972, c. 759)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.1 and Title 25, Chapter 1.1 and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the Town of Tappahannock subject to the provisions of § 25-233 of the Code of Virginia.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121 of Code of Virginia, as amended, and acts may be issued by the town council, signed by the mayor and countersigned by the town treasurer. Such certificate shall have the same effect as certificates issued by the state highway commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1972, c. 759)

Chapter 3. Mayor and Council.

§ 3.1. Composition of council; election, qualification and term of office of councilmen.

A. The Town of Tappahannock shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be elected at large and all of whom shall be qualified voters of the town.

B. On the first Tuesday in May, 1990, there shall be elected by the qualified voters of the town a mayor and six council members. The candidate for mayor and the three persons receiving the greatest number of votes in the election for council members shall serve for terms of four years each beginning on

July 1 following the date of their election. The three candidates receiving the next highest number of votes shall serve for terms of two years each beginning on July 1 following the date of their election. Thereafter, the mayor and all council members shall be elected for terms of four years to fill vacancies caused by expiration of terms of office. The mayor and council members shall serve for the terms for which they were elected, or until their successors are duly elected and qualified. (1972, c. 759; 1989, c. 120)

§ 3.2. When terms of office to begin.

The terms of office for the town councilmen shall begin on the first day of July next following their election. (1972, c. 759)

§ 3.3. Vacancies on the town council shall be filled within forty-five days for the unexpired terms by a majority vote of the remaining members. (1972, c. 759)

§ 3.4. (1972, c. 759; repealed 1989, c. 120)

§ 3.5. Powers and duties of mayor.

The mayor shall preside over the meetings of the town council and shall vote only in case of a tie. He shall be recognized as the head of the town government for all ceremonial purposes, for the purposes of military law and for the service of civil processes. The mayor shall have no power of veto over the ordinances and resolutions of the town council. He shall possess such other powers and duties as he may from time to time be given by ordinance or resolution of the town council. (1972, c. 759)

§ 3.6. Absence or disability of mayor.

The town council may elect, by a majority vote of the members present, from its members a person to serve as vice mayor during the absence or inability of the mayor to act. The person so elected shall possess the powers and discharge the duties of the mayor during such absence or disability of the mayor. The election shall occur at the first regular meeting of the council in the fiscal year immediately following a local general election or at a special meeting of the town council called for the purpose of conducting such election. Whenever it is necessary to elect a vice mayor pursuant to this section, in the absence of the mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until a vice mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1972, c. 759; 1991, c. 402)

§ 3.7. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1972, c. 759)

§ 3.8. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this Charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1972, c. 759)

§ 3.9. Meetings of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. Special meetings may be called at any time by the mayor or by three members of the town council; provided, that all members shall be duly notified a reasonable period of time prior to any special meeting. (1972, c. 759)

§ 3.10. Quorum; reconsideration of action.

Four members of the town council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the town council present as were present when such vote was taken. (1972, c. 759)

§ 3.11. Rules of order and procedure.

The town council shall establish its own rules of order and procedure, and may punish its own members and other persons for violations thereof. (1972, c. 759)

§ 3.12. Council to fix salaries.

The town council is hereby authorized to fix the salaries of each of the members of the town council, members of boards or commissions and all appointed officers and all employees of the town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. (1972, c. 759)

Chapter 4. Town Manager.

§ 4.1. Appointment for qualifications.

There shall be a town manager, who shall be the executive officer of the town and shall be responsible to the town council for the proper administration of the town government. He shall be appointed by the town council at the first meeting of each newly elected town council on or after July 1 of each even-numbered year. Thereafter, his term shall run concurrently with the appointing town council and continue until a successor town manager is appointed by the next town council and duly qualified. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to this actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the town or the Commonwealth, but during his tenure of office, he shall reside within the town, unless specifically authorized by the town council. (1972, c. 759; 1995, c. 162)

§ 4.2. Duties.

It shall be the duty of the town manager to:

(a) Attend all meetings of the town council, with the right to speak but not to vote.

(b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.

(c) Prepare and submit the annual budget to the town council and be responsible for its administration after its adoption.

(d) Prepare in suitable form for publication and submit to the town council at a regular meeting in September of each year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.

(e) Present adequate financial and activity reports as required by the town council.

(f) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

(g) (Repealed)

(h) Perform such other duties as may be prescribed by this Charter or required of him in accordance therewith by the town council or which may be required of the chief executive officer of a town by the general laws of the Commonwealth, other than the duties conferred on the mayor by this Charter. (1972, c. 749; 1988, c. 141)

§ 4.3. Powers as to town officers and employees.

All officers and employees of the town, except those appointed by the town council pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. (1972, c. 759)

§ 4.4. Temporary transfer of personnel between departments.

The town manager shall have power, whenever the interest of the town require, irrespective of any other provisions of this Charter, to assign employees of any department, bureau, office or agency to the temporary performance of duties in another department, bureau, office or agency. (1972, c. 759)

§ 4.5. Council not to interfere in appointments or removals; relationship with council.

Neither the town council nor any of its members shall direct or request the appointment of any person to or his removal from any office or employment by the town manager or by any of his subordinates or in any way take part in the appointment of or removal of officers and employees of the town, except as specifically provided in this Charter. Except for the purpose of inquiry, the town council and its

members shall deal with the administrative services solely through the town manager, and neither the town council nor any member thereof shall give orders, either publicly or privately, to any subordinate of the town manager. Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to be a councilman. (1972, c. 759)

§ 4.6. Relations with boards, commissions and agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this Charter or by ordinance and any other board or commission the town council may designate, except those of which he is a member. (1972, c. 759)

§ 4.7. Acting town manager.

The town council may designate by ordinance a person to act as town manager in case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. (1972, c. 759)

Chapter 5. Appointive Officers.

§ 5.1. Appointment.

The town council may appoint such officers of the town as they may deem necessary. Such officers may include, but shall not be limited to, a town manager, a town clerk, a town attorney, a town treasurer and a chief of police. The enumeration of officers in this section shall not be construed to require the appointment of any such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this Charter or by the town council. (1972, c. 759; 1994, c. 100)

§ 5.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. (1972, c. 759)

§ 5.3. Term of office.

Officers and deputy and assistant officers appointed by the town council shall be appointed for a term of two years, to coincide with the term of the appointing council, unless otherwise provided by this Charter or by ordinance of the town council. Such term shall begin on the first day in July in each even-numbered year. (1972, c. 759)

§ 5.4. Vacancies in office.

The town council shall fill any vacancy in any appointive office for the remainder of the unexpired term. (1972, c. 759)

§ 5.5. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office, at the discretion of the town council, subject to the provisions of Section 5 of Article VIII of the Constitution of Virginia. (1972, c. 759)

§ 5.6. Duties of town clerk.

The town clerk shall be the clerk of the town council. He shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council may specify or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1972, c. 759)

§ 5.7. Appointment, power and duties of chief of police.

The town council may appoint a chief of police for the town. He shall have all powers and authority conferred by law upon the chiefs of police of towns, and shall discharge the same duties as sheriffs within the corporate limits of the town and for a distance of one mile beyond the same. He shall discharge such further duties as the town council or town manager may impose. (1972, c. 759; 1994, c. 100)

§ 5.8. Town treasurer.

The town council may appoint a treasurer whose duty it shall be to collect all the town levies and taxes, and disburse the same by check. He shall have the same power of levy or distress in collecting the levies and taxes as is now conferred upon county and city treasurers.

The town council may require of the town treasurer a bond in any penalty with such sureties as it may deem proper, payable to the Town of Tappahannock, and conditioned according to law for the faithful performance of his duties as treasurer of the town.

Before entering upon the discharge of his duties, the town treasurer shall take the oaths required to be taken by the treasurer of the county. He may be removed by the council at any time from the office of treasurer for any default in duty, or any failure properly and promptly to account for any money in his hands, as the council may order or direct. He shall receive for his services as treasurer such compensation as the town council may from time to time direct. (1972, c. 759)

Chapter 6. Courts.

§ 6.1. Authority to establish municipal court; jurisdiction of court.

The town council may establish by ordinance a municipal court, which shall be known as the Municipal Court of Tappahannock. Jurisdiction of the municipal court in civil matters shall be as provided in § 16.1-77 of the Code of Virginia, and in criminal matters as provided in § 16.1-124 of the Code of Virginia. (1972, c. 759)

§ 6.2. Judge of municipal court; substitute judge.

The judge of the municipal court shall be appointed by the town council. He shall serve at the pleasure of the town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. (1972, c. 759)

§ 6.3. Jurisdiction of county court if municipal court not created.

If the town council shall elect to not establish a municipal court, as provided in § 6.1 of this Charter, the county court of Essex County shall have such jurisdiction within the town as the municipal court would have if it were established by the town council. The town council may enter into such contracts or agreements as it may deem necessary to permit the trial in said county court of cases or causes of action arising within the town or within the jurisdiction of the town. (1972, c. 759)

§ 6.4. Warrant justice.

The mayor, in his discretion with the approval of the town council, may appoint special justices of the peace to be known as warrant justices, for the Town of Tappahannock. Such warrant justices shall have power to issue warrants for violation of town ordinances, the power to issue subpoenas or other processes the same as could be issued by the police justice and the power to admit to bail in any case where the police justice could admit to bail, but any warrant, summons or process issued by such warrant justices shall be returnable before the police justice for action thereon. Compensation shall be paid to any such warrant justices by the town as provided by the council. All costs collected shall be paid into the town treasury. (1972, c. 759)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1972, c. 759)

§ 7.2. Actions against town for damages, etc.

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the town council for this purpose, and the town is hereby authorized to appoint such an attorney within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within one hundred twenty days provided, that, if the complainant is compos mentis during such sixty-day period but is able to establish by a clear and convincing evidence that due to the injury sustained for

which a claim is asserted that he was physically or mentally unable to give such notice within the sixty-day period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from such injury so as to be able to give such notice. No officer, agent or employee of the town shall have authority to waive such conditions precedent or any of them.

(b) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them in this Charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(c) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1972, c. 759)

§ 7.3. Creation of debt; issuance of bonds.

The town shall have the authority to borrow money, contract debts, make and issue or cause to be issued, as evidence thereof, bonds, notes, or other obligations within the limitations prescribed by the Virginia Constitution, and in accordance with the provisions of the Virginia law concerning bond issues by towns.

Any ordinance creating a debt for which money is to be borrowed shall be adopted by a recorded majority vote of the elected members of the town council. (1972, c. 759; 1976, c. 415)

§ 7.4. Licensing of utilities.

The town council shall have the authority to require a license and to impose a license tax upon any public utility doing business within the town; provided, that this section shall not be construed as to limit any licensing power granted to the town pursuant to the Code of Virginia or this Charter. (1972, c. 759)

Chapter 8. Miscellaneous.

§ 8.1. Elections governed by State law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1972, c. 759)

§ 8.2. Amendment of Zoning Ordinance.

The town council may, by ordinance, require that whenever the planning commission recommends against the adoption of any proposed amendment to the Zoning Ordinance of the town, now or hereafter in effect, such amendment shall become effective only upon the affirmative vote of two-thirds of the elected members of the town council. (1972, c. 759)

§ 8.3. Applicability of ordinances to lands, etc., outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1972, c. 759)

§ 8.4. Bonds of officers and employees.

The town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of their duties. As used herein, the words "officers and employees" shall include officers and employees paid solely or partly by the town. The town may pay the premium on such bonds from the town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town, as its interest may appear, in event of breach of the conditions thereof. (1972, c. 759)

§ 8.5. Present officers to continue.

Officers appointed by the town council shall be and remain in office until expiration of their several terms, and until their successors have been duly appointed and qualified. (1972, c. 759; 1995, c. 162)

§ 8.6. Ordinances continued in force.

All ordinances now in force in the Town of Tappahannock, not inconsistent with this Charter, shall be and remain in force until altered, amended or repealed by the town council. (1972, c. 759)

§ 8.7. Severability of provisions.

If any clause, sentence, paragraph or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1972, c. 759)

Tazewell, Town of

County of Tazewell

History of incorporation

Jeffersonville established, 1801, c. 30 (Hening's Statutes at Large, Vol. II).
Incorporation, 1822, c. 97; repealed 1840, c. 173.
Charter, 1840, c. 173.
Incorporation, 1850, c. 279.
Incorporation and charter as Town of Jeffersonville, 1866, c. 159; repealed 1916, c. 78.
Name changed to Tazewell, 1892, c. 447.
Incorporation and charter, North Tazewell, 1894, c. 384.
Charter, North Tazewell, 1916, c. 121; repealed 1942, c. 109.
Charter, North Tazewell, 1942, c. 109.
Charter, Tazewell, 1916, c. 78; repealed 1958, c. 358.

Current charter

Charter, Tazewell, 1958, c. 358.
(Tazewell and North Tazewell consolidated by court order July 3, 1962, effective January 2, 1963)

Amendments to current charter
1966, c. 123 (§§ 2-1, 5-12)

1973, c. 155 (§§ 3-2, 3-5)

1998, c. 366 (§ 2-426)

2014, cc. 245, 682 (§§ 1-1, 1-2, 1-3, 2-1, 2-420, 3-2, 3-94 [repealed], 3-95 [repealed], 3-401, 3-5, 3-9, 4-11, 5-1 [repealed], 5-11 [repealed], 5-12 [repealed], 5-13 [repealed], 5-14 [repealed], 5-15 [repealed], 5-16 [repealed], 5-17 [repealed], 5-21 [repealed], 5-22 [repealed], 5-23 [repealed], 5-31 [repealed], 6-1, 6-11, 6-12, 6-131, 6-133, 6-14, 6-15, 6-23, 6-231, 6-234, 7-6)

2016, cc. 163, 413 (§§ 3-3, 3-31 [added], 3-311 [added], 3-32 [added], 3-321 [added], 3-322 [added], 5-2 [repealed], 5-32 [repealed], 6-1, 6-11, 6-12, 6-3, 7-6)

2022, cc. 199, 200 (§§ 6-231)

Article I. Incorporation.

§ 1-1. Incorporation.

The inhabitants of the territory embraced within the present limits of the Town of Tazewell as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Tazewell (hereinafter Town), and as such have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure, and shall have and exercise all the powers conferred by, and be subject to all the laws of the State of Virginia for the government of towns of the State of Virginia. (1958, c. 358; 2014, cc. 245, 682)

§ 1-2. Form of government.

The municipal government provided by this charter shall be known as the "Town Manager Comprehensive Plan." Pursuant to its provisions, and subject to the constitution and general laws of the Commonwealth, all powers of the town shall be vested in an elected council hereinafter referred to as the "Council," which shall enact local legislation, adopt budgets, determine policies and appoint the town manager, who shall execute the laws and administer the government of the town. (1958, c. 358; 2014, cc. 245, 682)

§ 1-3. Boundaries.

The boundaries of the town shall be as established by Chapter 78 of the Acts of Assembly of 1916, approved February 29, 1916, and as amended by Orders of the Circuit Court of Tazewell County, Case No. CH00-000297, entered on November 8, 2000, and Case No. CL09-001547, entered on

December 28, 2009, respectively, with the latter two orders of record in the Clerk's Office for the Circuit Court of Tazewell County. (1958, c. 358; 2014, cc. 245, 682)

Article II. Powers.

§ 2-1. General grant of powers.

The powers set forth in §§ 15.2-1100 through 15.2-1133, inclusive, of Chapter 11 of Title 15.2 of the Code of Virginia, as amended, are hereby conferred on and vested in the Town of Tazewell, Virginia, together with all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth, and all other powers pertinent to the town government the exercise of which is not in conflict with the said Constitution and the laws of the Commonwealth of Virginia, and which, in the opinion of the council are necessary or desirable to promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1958, c. 358; 1966, c. 123; 2014, cc. 245, 682)

§ 2-2. Financial powers.

In addition to the powers granted by other sections of this charter, the town is empowered: (1958, c. 358)

§ 2-201. To raise annually by levy of taxes and assessments in the town on all property, real and personal, as it now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council shall deem necessary for the purposes of the town, in the manner as the council shall deem expedient in accordance with the Constitution of this State and of the United States. (1958, c. 358)

§ 2-202. To impose special or local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments. (1958, c. 358)

§ 2-203. To require the owner of every motor vehicle kept or habitually used in the town, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license to operate the same by making application to the Town Treasurer, or such other persons as may be designated by the town council to issue such license, and to require the vehicle owner to pay an annual license fee therefor to be fixed by the council, provided that the license shall not exceed the amount charged by the State on such vehicle. (1958, c. 358)

§ 2-204. To establish, levy and collect, except when prohibited by general law, a tax or license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation,

employment or calling whatsoever within the boundary of the town, whether a license may be required therefor by the State or not, provided that such license fee therefor, shall not exceed the amount charged by the State for such license, if the State requires a license for such trade, business, profession, occupation, employment or calling, and may provide penalties for the nonpayment thereof, which penalties may include, among other things, the right to prohibit such person, firm or corporation from pursuing or conducting such trade, business, profession, occupation, employment or calling within the boundaries of said town unless and until such license shall have been paid. (1958, c. 358)

§ 2-205. To establish, levy and collect taxes for admission to or other charges for any public amusement, entertainment, performance, exhibition, lecture, sport or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge. (1958, c. 358)

§ 2-206. To establish, levy and collect taxes upon the amount paid for the use of water, sewage facilities, electricity, gas, telephone or other public utilities service used within the town, which public utility service is wholly owned, operated and controlled by the town or an agency, board or commission of the town, which taxes may be added to and collected with the bills rendered to the purchasers of such service. (1958, c. 358)

§ 2-207. To establish, levy and collect a tax on all subjects of taxation not prohibited to it by, or exempted in, the Constitution and general laws of Virginia. (1958, c. 358)

§ 2-208. To establish, levy and enforce the collection of water and sewage rates and charges, and rates and charges for public utilities, products or conveniences operated, rendered or furnished by the town; and to assess or cause to be assessed, after reasonable notice to the owner or owners, water, sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants. In event such rates or charges are assessed against the owner or owners, such rates and charges, together with such penalties, and interest not to exceed six per cent, as the council by ordinance may prescribe, shall constitute and be a lien against the real estate and buildings in or on which such service is rendered, and may be filed in the Clerk's Office of the Circuit Court of Tazewell County and collected in such manner as delinquent taxes are filed and collected. In the event such rates and charges shall be assessed against a tenant, then the council may by ordinance require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant. The town shall have the right and power to charge a different rate for water or sewage service rendered or furnished to citizens without the corporate limits from the rates charged for similar services furnished to citizens within the corporate limits. (1958, c. 358)

§ 2-209. To charge and collect fees for permits to use public facilities and for public services and privileges. The said town shall have the right and power to charge a different rate for any service, facility or privilege rendered or convenience furnished to citizens without the corporate limits from the rates

charged for similar services, facilities or privileges rendered or conveniences furnished to citizens within the corporate limits. (1958, c. 358)

§ 2-210. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers, rights, duties and functions of the town government. (1958, c. 358)

§ 2-211. To provide, or add to the support of public libraries, public schools, public hospitals, public parks, public museums, and public recreation facilities. (1958, c. 358)

§ 2-212. To provide for the control and management of the fiscal affairs of the town, and to prescribe and require the adopting and keeping of such books, records, accounts and systems of accounting as may be necessary to give full and true accounts of the affairs, resources and revenues of the town, and the handling, use and disposal thereof. (1958, c. 358)

§ 2-213. To borrow money, contract debts, make and issue, or cause to be issued as evidences thereof, bonds, notes, or other obligations within the limitations prescribed by the Constitution, and in accordance with the provisions of the law concerning bond issues by towns, upon the credit of the town or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from property, facilities or services in connection with any public utility owned or operated by the town. (1958, c. 358)

§ 2-214. To expend the money of the town for any and all lawful purposes. (1958, c. 358)

§ 2-3. Powers relating to public works, utilities and properties.

In addition to the powers granted by other sections of this charter, the town is empowered: (1958, c. 358)

§ 2-301. To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein within or without the town for any purposes necessary in carrying out any of the functions of the town or the government of the town; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof, including any property now owned by the town. (1958, c. 358)

§ 2-302. To own, operate and maintain waterworks; to acquire in any lawful manner in any county of the state such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing an adequate water supply to the town and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines either within or without the corporate limits of the town, for the distribution of water to customers and consumers, both within and without the corporate limits of the town, and to charge and collect water rates therefor; to erect and maintain all necessary dams, storage basins or tanks, filtration plants, purification plants, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and of protecting the same from pollution; and for this purpose to exercise

full police powers and sanitary control over all land owned or leased by the town and within the limits of the watershed tributary to any such water supply wherever such lands may be located in this state; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction or any other appropriate legal process any pollution or threatened pollution of such water supply and any and all acts likely to impair the purety thereof for adequate water supply; and to carry out the powers herein granted, the town may exercise within this state all powers of eminent domain provided by the laws of this State. (1958, c. 358)

§ 2-303. To construct, maintain, regulate and operate public improvements of all kinds, including, among other things, but not limited to, municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town, and for the comfort, welfare and benefit of the citizens; to acquire by condemnation or otherwise, as may be provided by law, all lands, riparian and other rights, easements, rights of way and privileges as may be necessary for such improvements, or any of them, either within or without the town; and to construct, maintain or aid therein, roads, streets, highways, bridges, underpasses and overpasses to any property owned by the town and situate beyond the corporate limits thereof, and to acquire the land necessary by condemnation or otherwise as may be provided by law. (1958, c. 358)

§ 2-304. To survey, establish, enter, open, widen, extend, grant, construct, pave, maintain, repair, light, sprinkle and clean public streets, highways, alleys, sidewalks, parkways, and parks, and relocate, alter or close the same; and in relocating, altering or closing any public street, alley, sidewalk, parkway or park, to have the power to agree to a substitution of a new location, in whole or in part, in the place and stead of such street, alley, sidewalk, parkway or park, or portions thereof relocated, altered or closed, and to execute such agreements, releases or deeds in connection therewith as may be deemed expedient or proper in carrying the same into effect; and also to have the power to ratify and approve the substitution and new locations, in whole or in part, in the place of a public street, alley, sidewalk, parkway or park, or portions thereof previously relocated, altered or closed, in whole or in part, and all approving and ratifying agreements, releases or deeds previously executed by said town in connection therewith and carrying the same into effect at the time thereof, if deemed expedient and proper; to regulate the weight of loads to be hauled or carried over and upon the streets, alleys, sidewalks and parkways, insofar as such regulation of weights and loads does not conflict with general State laws relating to load limits to be carried or transported over state highways; to regulate the use of all such highways, parks, streets, sidewalks, alleys, parkways and public places; to prevent the obstruction, destruction or injury to any such streets, highways, alleys, parkways, parks, sidewalks or public places; in conformity with and subject to the provisions of Articles 3 and 6 of Chapter 13 of Title 56 of the Code of Virginia, 1950, as amended, to require any railway company operating a railroad at the place where any highway, street or alleyway or sidewalk is crossed within the limits of the town, to

construct and maintain adequate crossings and to erect and maintain at such crossing any style of gate or warning signal deemed proper by council; to regulate the operation and speed of all cars, motorcycles, bicycles, or vehicles of any nature whatsoever upon said streets or highways, as well as the speed of all engines, cars and rolling stock of railroad trains within the town; to permit or prohibit towers, poles, conduits, cables, or wires for electric, telephone, telegraph, radio or television purposes to be erected, wired, or constructed; to construct, maintain, repair and operate bridges, sidewalks, subways, tunnels, sewers, and drains or to permit the construction, maintenance, repair and operation thereof; to plant, maintain or remove shade trees along the streets and upon public grounds; and to do all other things whatsoever to make said streets and highways safe, convenient and attractive. (1958, c. 358)

§ 2-305. To establish, maintain, regulate the use of parks, golf courses, playgrounds, stadia, recreation areas and public grounds, and to keep them lighted and in good order; to construct in such parks, golf courses, playgrounds and public grounds as the town may maintain or upon any town property, stadia, swimming pools, gymnasia and recreation or amusement buildings, structures, or enclosures of every character, refreshment stands, restaurants and the like; to charge admission for the use of such grounds, and to rent out or lease the privileges of such constructing or using such parks, golf courses, playgrounds, public grounds, swimming pools, stadia, recreation or amusement buildings, structures or enclosures of every character, refreshment stands, restaurants and the like. (1958, c. 358)

§ 2-306. To establish, construct, repair and maintain sanitary sewers, sewer lines and systems, and to require all property owners within the town to connect therewith; to establish, construct, repair, maintain and operate sewage disposal plants; to acquire by condemnation or otherwise, within or without the town, all lands, rights of way, riparian and other rights, and easements necessary for the purposes aforesaid; and to charge, assess and collect reasonable fees, tap fees, rentals, assessments and costs of service for connection with and using the same. (1958, c. 358)

§ 2-307. To grant franchises for public utilities subject to the provisions of the Constitution, the general laws of Virginia and this charter; provided the town shall at any time have the power to contract for, own, operate, manage, sell, lease, encumber or otherwise dispose of, either within or without the town, any and all public utilities for the town and to sell the services thereof, subject to existing franchises, but no utility shall be sold except by an express consent of the citizens by referendum. (1958, c. 358)

§ 2-308. To own, operate, repair and maintain electric light and gasworks, either within or without the corporate limits of the town, and to supply electricity and gas whether the same be generated, produced or purchased by the town, to its customers and consumers both within and without the corporate limits of said town, at such prices and upon such terms as the Council may deem advisable;

the town shall have the right and power to charge a different rate for any service rendered for electricity or gas furnished to citizens without the corporate limits of the town from the rates charged for similar services, electricity and gas to citizens within the corporate limits; and to that end the town may contract and purchase electricity and gas upon such terms as it may deem expedient. (1958, c. 358)

§ 2-309. To establish, maintain and operate landing fields or airports within or without the corporate limits of the town and for such purposes to acquire real estate by gift, lease purchase or condemnation; to lease such landing fields or airports to others to be used for any lawful purpose; to sell, encumber, or otherwise dispose of the same as the Council may deem expedient; to erect and maintain buildings and appurtenances necessary for the use of such landing fields and airports and to prescribe and enforce rules and regulations not in conflict with the laws, rules and regulations prescribed by the State of Virginia and the Federal Government for the use and protection of the citizens and for such landing fields or airports. (1958, c. 358)

§ 2-310. To give names to and to change and alter the names of streets and alleys. (1958, c. 358)

§ 2-311. To acquire, construct, own, maintain and operate within and without the corporate limits of the town, places for the parking or storage of vehicles by the public, which shall include but shall not be limited to, parking lots, garages, buildings or other lands, structures, equipment and facilities, when in the opinion of the Council they are necessary to relieve congestion in the use of streets, roads and alleys, and to reduce hazards incident to such use; to provide for their management and control by a department of the town government or by a board, commission or agency especially established by ordinance for that purpose; to authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the Council may prescribe by appropriate ordinance or resolution; and to charge or authorize the charging of compensation for the parking or storage of vehicles, or other services at or in such places. (1958, c. 358)

§ 2-312. To accept or to refuse, by ordinance or resolution, the dedication of streets, roads, parks, parkways and alleys, easements or lands for other public use or purpose, unless the title to the same be acquired in fee simple in accordance with any subdivision regulation adopted under the provisions of Article VII. (1958, c. 358)

§ 2-313. To exercise the power of eminent domain within the town for any lawful purpose of the town; and without the corporate limits of the town for any property required for any of the public services or utilities of the town. (1958, c. 358)

§ 2-4. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the town and its inhabitants.

In addition to the powers granted by other sections of this charter, the town shall have power to pass and enforce bylaws, rules, regulations and ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth, for the preservation of the safety, health, peace, good order,

comfort, convenience, morals and welfare of the town and of its inhabitants, and among such powers, but not a limitation thereof, the town is empowered: (1958, c. 358)

§ 2-401. To collect and dispose of sewage, offal, ashes, garbage, trash, carcasses of dead animals and other refuse, and to make reasonable charges therefor, and to provide such facilities for citizens living without the corporate limits of said town and to make reasonable charges therefor; to acquire and operate dumps, land fills, reduction plants, or any other plants for the utilization or destruction of such materials; and to contract for or regulate the collection and disposal thereof. (1958, c. 358)

§ 2-402. To inspect, test, measure and weigh any commodity or commodities, or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures and scales; to provide standards of purity, in conformity with existing state and federal laws and regulations for milk, foods and foodstuffs sold within the corporate limits of the town. (1958, c. 358)

§ 2-403. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and other similar shows or fairs or to prohibit the holding of the same or any of them within the town. (1958, c. 358)

§ 2-404. To compel the abatement and removal of all nuisances within the town or upon property owned by the town without the corporate limits at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be and to collect said expense by suit or motion or by distress or sale; to require that all lands, lots and other premises within the town be kept clean and sanitary and free from stagnant water, weeds, filth, junk and unsightly deposits, or to make them so at the expense of the owners or occupants thereof; to control and regulate junk yards and automobile parts yards to the end that such junk yards or automobile parts yards shall not be unsightly, and the town may require by appropriate ordinance that all such junk yards or automobile parts yards be so fenced or screened that the same will be hidden from public view and in the event it is necessary for the town to do any work in connection with keeping the property or lands sanitary and free from stagnant water, weeds, filth, junk or other unsightly deposits or controlling such junk yards or automobile parts yards as above set forth, the town shall have the right to collect moneys expended by it from the owner or operator by suit or motion or by distress and sale; to pass and enforce any ordinance that may be necessary for the public safety for the control of dogs, cats and other pets; to regulate or prevent slaughter or other noisome or offensive business within the town, the keeping of hogs or other animals, poultry or other fowl therein or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through and upon the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation and maintenance of billboards, signs and advertising; and generally to define, prohibit, abate, suppress and prevent all things

detrimental to the health, morals, aesthetic sensibilities, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary and free from all weeds, filth, junk, unsightly deposits, ice and snow. (1958, c. 358)

§ 2-405. To extinguish and prevent fires and to establish, maintain, regulate and control a fire department or division; to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or require to be reconstructed any building, structure or addition thereto which, by reason of dilapidation, defect of structure or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, steel or other fireproof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainment or amusements. (1958, c. 358)

§ 2-406. To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, kerosene oil or other like materials; to regulate the discharge of firearms, and the making of bonfires in the streets and yards; to prohibit the sale and use of fireworks. (1958, c. 358)

§ 2-407. To provide for regular and safe construction of houses in the town for the future; and to provide a building code for the town, and setback lines on the streets. (1958, c. 358)

§ 2-408. To provide for the preservation of the general health of the inhabitants of the town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in the town of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally, to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the use of the people of the town. (1958, c. 358)

§ 2-409. To provide and maintain, either within or without the town, charitable, recreative, curative, corrective, detentive or penal institutions. (1958, c. 358)

§ 2-410. To prevent fowls and animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper. (1958, c. 358)

§ 2-411. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals. (1958, c. 358)

§ 2-412. To control, regulate, limit and restrict, insofar as not prohibited by general law, the operation of motor vehicles carrying passengers for hire upon the streets and alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through the town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare. (1958, c. 358)

§ 2-413. To exercise full police powers and establish and maintain a department or division of police. (1958, c. 358)

§ 2-414. To restrain and punish drunkards, vagrants and street beggars; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in the town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year. (1958, c. 358)

§ 2-415. To prohibit and punish for mischievous, wanton or malicious damage to school and public property, as well as private property. (1958, c. 358)

§ 2-416. To offer and pay rewards for the apprehension and conviction of criminals; to compel persons sentenced to confinement in the jail of the town for any misdemeanor or other violation of the laws or ordinances of said town to work on the public streets, parks or other public works of the town; and on the requisition of the mayor, or other person acting as judge of the municipal court, it shall be the duty of the police of the town to deliver such person to the duly authorized agent of the town for such purposes from day to day as he may be required. For the purpose of carrying into effect the police regulations of said town, the town may, subject to the provisions of general law, be allowed the use of the jail of Tazewell County or the jails of other counties or municipalities, or the use of the facilities of Bland Correctional Farm, for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under an ordinance of said town, provided, however, the town shall pay the cost of keeping such persons in such jails or at such correctional farm. (1958, c. 358)

§ 2-417. To prohibit begging, and to prohibit or regulate the soliciting by any person, group of persons, firm, corporation, charitable organization and the like, and the peddling or hawking of any article for sale within the town, provided that such prohibition or regulation shall not be applied with respect to persons duly licensed and regulated exclusively by the Commonwealth of Virginia; the town, however, shall have the right to require the purchase of a local license at a cost not exceeding the cost of a similar state license, from any person, firm or corporation hawking or peddling any article for sale within the town. (1958, c. 358)

§ 2-418. To punish for releasing or attempting to release a prisoner, or interfering in any manner with an officer in the exercise of his official duties. (1958, c. 358)

§ 2-419. To make and enforce ordinances to regulate, control, license and tax the manufacture, bottling, sale, distribution, handling, advertising, possession, dispensing, drinking, and use of alcohol, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation or otherwise; provided, however, that no such ordinance shall be in conflict with any of the provisions of the Alcoholic Beverage Control Act or the general laws of this Commonwealth with respect to such alcoholic beverages, liquids, and articles. (1958, c. 358)

§ 2-420. To provide for the protection of the town's property, real and personal, the prevention of the pollution of the town's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, cemeteries, airports and other public property, whether located within or without the town. For the purpose of enforcing such regulations all town property wherever located shall be under the police jurisdiction of the town. Any member of the police force of the town, or employee thereof appointed as a special policeman, shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section, and the appropriate District Court shall have jurisdiction in all cases arising thereunder within or without the Town wherein the offense occurs. (1958, c. 358; 2014, cc. 245, 682)

§ 2-421. To prescribe the location in, under or over, and grant permits for the use of, streets, alleys, and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, sewers, areas and cellars; require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted and prohibit such use of the streets, alleys and other public places of the town, and no such use shall be made of the streets, alleys or other public places of the town without the consent of the council. (1958, c. 358)

§ 2-422. To prevent any obstruction of or encroachment on, over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment; remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroached, and collect the sum charged in any manner provided by law for

the collection of taxes; require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, and recover possession of any street, alley, sidewalk or other public place or any other property of the town by suit or action. (1958, c. 358)

§ 2-423. To regulate, in the interest of public health, the production, preparation, distribution, and sale of milk, other beverages and foods for human consumption, and the places within the town in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, and the sanitation of swimming pools; compel the use of sewers, the connection of premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; to prevent the connecting of roof drains and storm sewers to any sanitary sewer system; to regulate or prohibit the use of garbage disposal units connected to the sanitary sewer system; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the town from contagious, infectious or other diseases. (1958, c. 358)

§ 2-424. To regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same. (1958, c. 358)

§ 2-425. To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided for conviction of such violation. (1958, c. 358)

§ 2-426. To prescribe penalties for the violation of any town ordinance, rule, or regulation, but not exceeding any penalty established by the Commonwealth for a similar offense. (1958, c. 358; 1998, c. 366)

§ 2-427. To make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within the town or within two miles thereof, into streets, alleys, roads, and lots or tracts shall be submitted to and approved by the council or such official or board, including the Tazewell Planning Commission, as the council designates in any regulations controlling the orderly subdivision or land it may adopt, before such plats or replats are filed for record or recorded in the office of the Clerk of Tazewell County, Virginia. (1958, c. 358)

§ 2-428. To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants. (1958, c. 358)

§ 2-429. To declare the practice of going in and upon private residences in the Town of Tazewell by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking, to be a nuisance and punishable as such as a misdemeanor, provided that the power referred to in this section shall not apply with respect to persons duly licensed and regulated by the Commonwealth Of Virginia. (1958, c. 358)

§ 2-430. To create a Sinking Fund Commission to have full power and control over and administration of a sinking fund or funds for the redemption of bonds, issued heretofore or issued hereafter, in conformity with general law. (1958, c. 358)

Article III. The Council.

§ 3-1. Creation and composition.

The mayor and council of the Town of Tazewell shall consist of a mayor and six councilmen elected at large. All of them shall be residents and qualified voters of the town. (1958, c. 358)

§ 3-2. Nominations and elections.

The mayor and members of council in office on the effective date of this act shall serve until their successors have been elected and qualified. Municipal elections within the Town of Tazewell shall take place on the Tuesday after the first Monday in the month of November of each even-numbered year to coincide with the general election. At each such regular municipal election, three councilmen shall be elected for terms of four years each, and a mayor shall be elected for a term of two years. The terms of office for both councilmen and mayor so elected shall commence on the first day of January, immediately following such election, and shall continue until their successors have been elected and qualified. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of the term or removal of any of its members. (1958, c. 358; 1973, c. 155; 2014, cc. 245, 682)

§ 3-3. Vacancies.

Vacancies in the office of mayor or council, whether occurring when the mayor-elect or a councilman-elect does not for any reason take office or after he begins his term, shall be filled for the unexpired term as set forth hereinbelow. (1958, c. 358; 2016, cc. 163, 413)

§ 3-31. Interim appointment. When a vacancy occurs in the council, the remaining members of the council, within 45 days of the council member position's becoming vacant, may appoint a qualified voter of the town to fill the vacancy. If a majority of the remaining members of the council cannot agree or do not act, a judge of the Circuit Court of Tazewell County may make the appointment. The person so appointed shall hold office only until the qualified voters of the town fill the vacancy by special

election and the person so elected has qualified. Any person so appointed shall hold the councilman position the same as an elected person and shall exercise all powers of the elected office. (2016, cc. 163, 413)

§ 3-311. When a vacancy occurs in the office of mayor, the council shall make an interim appointment to fill the vacancy as provided in § 3-31. (2016, cc. 163, 413)

§ 3-32. Election to fill vacancy. Within 15 days of the occurrence of a vacancy in the office of mayor or on the council, the council shall petition the Circuit Court of Tazewell County to issue a writ of election to fill the vacancy by special election. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly, which shall be no later than the next general election in November, unless the vacancy occurs within 90 days of the next such general election, in which event it shall be held promptly but no later than the second such general election. (2016, cc. 163, 413)

§ 3-321. Upon receipt of written notification from the mayor or councilman, or mayor-elect or councilman-elect, of his resignation of a stated date, the council may immediately petition the Circuit Court of Tazewell County to issue a writ of election, and the court may immediately issue the writ to call the election. The resignation of the mayor or councilman, or of the mayor-elect or councilman-elect, shall not be revocable after the date stated by him for his resignation or after the 45th day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled. (2016, cc. 163, 413)

§ 3-322. The scheduling of a special election is subject to the following conditions: the election shall be held on a Tuesday; no such election shall be held within the 55 days prior to a general or primary election; no such election shall be held on the same day as a primary election, although such election may be held on the same day as a general election; no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled; and when an interim appointment to a vacancy in the council or in the office of mayor has been made by the council or by the remaining members of the council, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires. (2016, cc. 163, 413)

§ 3-4. Powers.

All powers of the town and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this charter, the council is empowered to: (1958, c. 358)

§ 3-401. Appoint and remove the town manager, the town clerk, the town attorney, and officers of the volunteer fire department. (1958, c. 358; 2014, cc. 245, 682)

§ 3-402. Adopt a budget of the town. (1958, c. 358)

§ 3-403. Inquire into the conduct of any office, department or agency of the town and make investigations as to municipal affairs. (1958, c. 358)

§ 3-404. Appoint members of the Planning Commission, the Board of Zoning Appeals, the Sinking Fund Commission, Recreation Commission and the members of any and all other boards, agencies and commissions authorized by this charter or by general law, and fill any vacancies thereon. (1958, c. 358)

§ 3-405. Create a housing authority. (1958, c. 358)

§ 3-406. Adopt and modify the official map of the town. (1958, c. 358)

§ 3-407. Pass all laws and ordinances relating to its municipal affairs subject to the Constitution and general laws of the Commonwealth and of this charter, and may from time to time amend, reamend, or repeal any or all of its ordinances for the proper regulation, management, and government of the town and impose fines and penalties for the violation or nonobservance thereof. (1958, c. 358)

§ 3-408. To compel the attendance of its members and to punish its members for disorderly behavior and by an affirmative vote of five members of the council, expel a member. (1958, c. 358)

§ 3-409. To require and secure bonds for any of the town employees as it may deem necessary. (1958, c. 358)

§ 3-410. To keep a journal of its proceedings, which journal shall be open to public inspection. (1958, c. 358)

§ 3-411. To fix the salaries and wages of all officers and employees of the town except as herein otherwise specifically provided. (1958, c. 358)

§ 3-5. Mayor.

The mayor shall preside over the meetings of the council, have the same right to speak therein as other members and shall vote only in case of a tie but shall have no veto. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process. At the regular meeting of the council held in the month of January following a municipal election, the council shall choose, by a majority vote of all the members thereof, one of their number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, and if a vacancy shall occur in the office of mayor, shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor. (1958, c. 358; 1973, c. 155; 2014, cc. 245, 682)

§ 3-6. Compensation.

The council may from time to time fix and adjust the compensation for the services of the mayor, council and clerk. (1958, c. 358)

§ 3-7. Rules of procedure.

The council is empowered, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall not be less frequently than once each month. They shall also provide for the calling of special meetings by the mayor or any three members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meetings except by the unanimous consent of all the members of the council. The meetings of the council shall be open to the public, except when the public welfare, in the opinion of two-thirds of the council, requires secrecy. A majority of the council shall constitute a quorum for the transaction of business. (1958, c. 358)

§ 3-8. Ordinances.

Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. (1958, c. 358)

§ 3-81. The enacting clause of all ordinances passed by the council shall be "Be it ordained by the council of the Town of Tazewell." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than seven days apart, unless the requirement of such reading has been dispensed with by the affirmative vote of four of the members of the council. No ordinance or section thereof shall be revised or amended by its title section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the members. (1958, c. 358)

§ 3-82. All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by the affirmative vote of two-thirds of its members, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of town property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed. No measure increasing a tax or license, or providing for any new form of tax shall be adopted

until notice has been published at least once a week for four consecutive weeks prior to its passage in a newspaper having general circulation in the town. (1958, c. 358)

§ 3-83. Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the town clerk. (1958, c. 358)

§ 3-84. Every member, when present, when a question is put, shall vote unless excused by council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. (1958, c. 358)

§ 3-9. Appointees.

At the first meeting in January following each councilmanic election, or as soon thereafter as practicable, the council shall appoint: (1958, c. 358; 2014, cc. 245, 682)

§ 3-91. A Town Manager who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the town or the Commonwealth but during his tenure of office shall reside within the town. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He may be bonded as the council may deem necessary. During the absence or disability of the town manager or in case of a vacancy the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the town manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. The town manager shall have the authority and it shall be his duty: (1958, c. 358)

§ 3-911. To see that all laws, ordinances, resolution, and bylaws of the council are faithfully enforced. (1958, c. 358)

§ 3-912. To appoint such officers and employees as the council shall determine and authorize as are necessary for the proper administration of the affairs of the town, with the power to discipline and remove any such officer or employee, but he shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the town manager and confirmed by the council shall have the power to discipline his subordinates, and with the approval of the town manager to discharge any subordinate for just cause. Any officer or employee so removed shall have the

right of appeal to the council within thirty days after his removal and after notice to the town manager. The action of the council on such appeal shall be final. (1958, c. 358)

§ 3-913. To attend all meetings of the council, with the right to take part in the discussion, but having no vote. (1958, c. 358)

§ 3-914. To recommend to the council for adoption such measures as he may deem necessary or expedient. (1958, c. 358)

§ 3-915. To make reports to the council from time to time upon the affairs of the town and to keep the council fully advised of the town's financial condition and its future financial needs. (1958, c. 358)

§ 3-916. To prepare and submit to the council a tentative budget for the next fiscal year as provided by general law and by this charter. (1958, c. 358)

§ 3-917. To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent. (1958, c. 358)

§ 3-918. To supervise and control all encumbrances, expenditures and disbursements, to insure that budget appropriations are not exceeded and to appoint, subject to confirmation of the council, or upon resolution of the council to act as, the town treasurer with the following duties: (1958, c. 358)

§ 3-9181. To be the collector and custodian of all funds belonging to the town and to deposit such funds in such depositories as may be designated by the council. (1958, c. 358)

§ 3-9182. To have custody of all investments and invested funds of the town in a fiduciary capacity. (1958, c. 358)

§ 3-9183. To disburse by check all moneys payable by the town. If the treasurer is a person other than the town manager, all checks shall be countersigned by the town manager. (1958, c. 358)

§ 3-9184. To protect the interest of the town by withholding the payment of any claim or demand by any person, firm or corporation against the town until any indebtedness or other liability due from such person, firm, or corporation shall first have been settled and adjusted. (1958, c. 358)

§ 3-919. To perform such other duties as may be prescribed or requested by the council. (1958, c. 358)

§ 3-92. A Town Clerk, who may also be the town manager, for an indefinite term and shall hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He shall have the following duties: (1958, c. 358)

§ 3-921. To be custodian of the corporate seal. (1958, c. 358)

§ 3-922. To give notice of council meetings. (1958, c. 358)

§ 3-923. To keep a journal of council proceedings. (1958, c. 358)

§ 3-924. To authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions. (1958, c. 358)

§ 3-925. To prepare all statements for moneys owed the town for supplies or services rendered. (1958, c. 358)

§ 3-926. To perform such other duties as may be prescribed or requested by the council. (1958, c. 358)

§ 3-93. A Town Attorney, for an indefinite term, who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth. He shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. He shall have the following powers and duties: (1958, c. 358)

§ 3-931. To be legal advisor of the council, the town manager and all departments, boards, commissions and agencies of the town, in all matters affecting the interests of the town and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties. (1958, c. 358)

§ 3-932. To prepare, at the request of the town manager or any member of the council, ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof. (1958, c. 358)

§ 3-933. To draw or approve all bonds, deeds, leases, contracts or other instruments to which the town is a party or in which it has an interest. (1958, c. 358)

§ 3-934. To represent the town as counsel in any civil case in which it is interested and in criminal cases when so requested by the town council. (1958, c. 358)

§ 3-94. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 3-95. (1958, c. 358; repealed 2014, cc. 245, 682)

Article IV. Financial Administration.

§ 4-1. Budgets and appropriations: (1958, c. 358)

§ 4-11. The fiscal year of the town shall begin on the first day of July and end on the thirtieth day of June of the succeeding year. (1958, c. 358; 2014, cc. 245, 682)

§ 4-12. At the regular July meeting of the council, the town manager shall submit to the council separate current expense budgets for the general operation of the town government, hereinafter referred to as the general fund budget, including a budget for each utility operated by the town, and a capital budget. (1958, c. 358)

§ 4-13. The general fund and/or utility budget shall contain: (1958, c. 358)

§ 4-131. An itemized statement of the appropriations recommended with comparative statements in parallel columns showing appropriations made for the current and next preceding year. (1958, c. 358)

§ 4-132. An itemized statement of the taxes and/or utility services charges required, and of the estimated revenue of the town and/or utilities from all other sources for the ensuing year, with comparative statements in parallel columns of the taxes and other sources of revenue for the current and next preceding year and of the increases or decreases estimated or proposed. (1958, c. 358)

§ 4-133. A statement of the financial condition of the town and/or utilities. (1958, c. 358)

§ 4-134. A budget message relative to the conditions, reasons, etc., connected with the estimates for the ensuing year together with a work program showing the undertakings to be begun and those to be completed during the next year. (1958, c. 358)

§ 4-135. Such other information as may be requested by the council. (1958, c. 358)

§ 4-14. At the same time that the town manager shall submit a general fund and/or utility budget he shall prepare for introduction appropriation ordinances listing the appropriation for each department, utility, branch, board or commission which ordinance shall also fix the tax rate on real and personal property; on bank stock for the ensuing fiscal year; and service charges on utilities. Said budgets shall act as the supporting schedules for the appropriation ordinances. (1958, c. 358)

§ 4-15. A public hearing on the budget plan as a whole shall be held by the council within thirty days after its submission to the council, but not until a resume of the proposed budgets and notice of such hearing shall have been published at least one time in a newspaper of general circulation within the town at least ten days prior to such hearing. After the conclusion of the public hearing the council may insert new items of expenditure or may increase, decrease, or strike out any item of expenditure in the budgets except that for debt service. (1958, c. 358)

§ 4-16. The council shall approve not later than September 30th, upon the affirmative vote of the majority of the membership of the council, a general fund and/or utility budget and adopt appropriation ordinances. (1958, c. 358)

§ 4-17. The council may, after referring to the town manager for a recommendation, make additional appropriations during the fiscal year upon the affirmative vote of two-thirds of the membership of the council. (1958, c. 358)

§ 4-18. Any portion of an annual appropriation, except for capital expenditures, remaining unexpended and unencumbered at the close of the fiscal year, shall lapse. (1958, c. 358)

§ 4-19. The capital budget shall contain a program previously acted upon by the town planning commission as provided in § 6-135 of this charter, of proposed capital improvement projects, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendation as to the means of

financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year, but, except in the case of emergency as provided in § 3-82 of this charter, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation for such project is included in the capital budget as adopted by it. The council shall take final action on the capital budget not later than the twenty-eighth day after the date prescribed for the adoption of the general fund budget. No appropriation for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and the next capital budget. Nothing herein contained shall be construed to limit the power of the town council to originate or initiate capital improvements. (1958, c. 358)

§ 4-2. Bids and purchases.

The council may fix the requirements under which purchases of equipment, materials and supplies are to be made. (1958, c. 358)

§ 4-3. Independent audit.

Prior to the end of each fiscal year the council shall designate the Auditor of Public Accounts, or qualified certified public accountants, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the town government and shall mail a copy of their report to each member of the town council and to the town manager. The auditors shall post-audit the books and documents kept by the treasurer and any separate or subordinated accounts kept by any other office, department or agency of the town government. (1958, c. 358)

§ 4-4. Liens.

A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, together with all penalties and interest at the rate of six per centum due thereon from the commencement of the year for which the same were assessed, and the procedure for collecting said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes

and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession. (1958, c. 358)

Article V. Administration of Justice.

§ 5-1. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-11. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-12. (1958, c. 358; 1966, c. 123; repealed 2014, cc. 245, 682)

§ 5-13. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-14. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-15. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-16. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-17. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-2. Issuing justice. (1958, c. 358; repealed 2016, cc. 163, 413)

§ 5-21. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-22. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-23. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-3. Fines and costs. (1958, c. 358)

§ 5-31. (1958, c. 358; repealed 2014, cc. 245, 682)

§ 5-32. (1958, c. 358; repealed 2016, cc. 163, 413)

Article VI. Planning, Zoning, and Subdivision Control

§ 6-1. Power to adopt a comprehensive plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a comprehensive plan for the physical development of the town to promote health, safety, morals, comfort, prosperity, and the general welfare. The comprehensive plan may include but shall not be limited to the following: (1958, c. 358; 2014, cc. 245, 682; 2016, cc. 163, 413)

§ 6-101. The general location, character and extent of all streets, highways, avenues, boulevards, roads, lanes, alleys, walks, parks, squares, playfields, playgrounds, recreational facilities, stadia, swimming pools, airports and other public places or ways, change of use or extension thereof. (1958, c. 358)

§ 6-102. The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof. (1958, c. 358)

§ 6-103. A comprehensive zoning plan for the control of the height, area, bulk, location and use of buildings and premises. (1958, c. 358)

§ 6-11. Town planning commission. There shall be a town planning commission consisting of eight members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with his term in the council. One member shall be the town manager, who shall be a nonvoting member, appointed for a term concurrent with his term in such capacity. There shall be six citizen members, who shall be qualified voters of the town appointed for a term of four years, one of whom may be a member of the Board of Zoning Appeals and who shall hold office for a term concurrent with his term on said board. Members may be removed for malfeasance in office, and a member of the commission may be removed from office by the Town without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any 12-month period. Vacancies on the commission shall be filled by the council. Members of the town planning commission shall serve as such without compensation. (1958, c. 358; 2014, cc. 245, 682; 2016, cc. 163, 413)

§ 6-12. Organization and expenditures of planning commission. The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for re-election, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Four voting members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor. (1958, c. 358; 2014, cc. 245, 682; 2016, cc. 163, 413)

§ 6-13. Powers and duties of the planning commission. The Town Planning Commission shall have the following powers and duties: (1958, c. 358)

§ 6-131. To make and adopt a comprehensive plan which with accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs which will, in accordance with existing and future needs, best

promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development. (1958, c. 358; 2014, cc. 245, 682)

§ 6-132. To act as a zoning commission as provided in § 6-221. (1958, c. 358)

§ 6-133. To promote public interest in and understanding of the comprehensive plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. (1958, c. 358; 2014, cc. 245, 682)

§ 6-134. To authorize members of the commission to attend planning conferences or meetings of planning institutes or to attend hearings upon pending planning legislation or to visit other communities and the commission may by resolution pay the reasonable traveling expenses incident to such attendance or visit from funds appropriated for the use of the commission. (1958, c. 358)

§ 6-135. To prepare and revise annually a program of capital improvement projects for the ensuing five years and submit the same annually to the town manager, at such time as he shall direct, together with its recommendation, and estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year and in the next four years, as the basis of the capital budget to be submitted to the council by the town manager. (1958, c. 358)

§ 6-136. To make an annual report to council concerning its activities. (1958, c. 358)

§ 6-137. To preserve historical landmarks and to control the design and location of statuary and other works of art which are or may become the property of the town, and the removal, relocation and alteration of any such work; and to consider and suggest the design of bridges, viaducts, airports, stadia, arenas, swimming pools, street fixtures and other public structures and appurtenances. (1958, c. 358)

§ 6-14. Adoption of comprehensive plan by the Commission. The Commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical or topographical divisions of the town, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the town. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby,

shall be certified to the council, and to the Clerk of the Circuit Court of Tazewell County who shall file the same in his office. (1958, c. 358; 2014, cc. 245, 682)

§ 6-15. Legal status of comprehensive plan. Whenever the commission shall have adopted a comprehensive plan for the town or one or more parts thereof, geographical, topographical or functional, and the comprehensive plan or such part or parts thereof shall have been approved by the council and it has been certified and filed as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure shall be constructed or authorized in the town or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the town or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission; and no ordinance giving effect to or amending the comprehensive zoning plan as provided in § 6-2 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council, which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the town as well as the acquisition by the town of any land within or without the town for public purposes, or the sale of any land then held by the town shall be subject to similar approval and in case the same is disapproved such disapproval may be similarly overruled. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way. (1958, c. 358; 2014, cc. 245, 682)

§ 6-2. Zoning powers.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets, secure safety from fire, panic and other danger, promote health, sanitation and general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provision for schools, parks, playgrounds, and other public improvements and requirements. The comprehensive zoning plan shall include the division of the town into districts with such boundaries as the council deems necessary to carry out the purposes of this charter and shall provide for the

regulation and restriction of the use of land, buildings and structures in the respective districts and may include but shall not be limited to the following: (1958, c. 358)

§ 6-201. It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses. (1958, c. 358)

§ 6-202. It may restrict the height, area and bulk of buildings and structures in the districts. (1958, c. 358)

§ 6-203. It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces. (1958, c. 358)

§ 6-204. It may restrict the portion of the area of lots that may be occupied by buildings and structures. (1958, c. 358)

§ 6-205. It may prescribe the area of lots and the space in buildings that may be occupied by families. (1958, c. 358)

§ 6-206. It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles. (1958, c. 358)

§ 6-207. It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event within a reasonable period of time to be specified in the ordinance. (1958, c. 358)

§ 6-21. Conformity of regulations. The regulations and restrictions shall be uniform and shall apply equally to all land, buildings and structures and to the use and to each class or kind thereof throughout such district but the regulations and restrictions applicable in one district may differ from those provided for other districts. (1958, c. 358)

§ 6-22. Effecting and changing of regulations. The council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of

time and place of such hearing shall be published once in a paper of general circulation in said town; provided, however, that where each proposed change in, or amendment or supplement to, any such regulation, restriction, or boundary, if initiated within the council, shall be first referred by the council to the planning commission for report and recommendation, and where said commission makes such report and recommendation to the council after a public hearing in relation thereto held by said commission pursuant to one notice published at least five days prior to such hearing in a paper of general circulation in the town, the public hearing by the council in relation to such change, amendment or supplement may be held after at least ten days' notice of time and place of hearing published once in a paper of general circulation in the town. In case, however, of a protest against any change in such regulations signed by the owners of twenty per centum or more, either of the lots included in each proposed change, or of those adjacent in the rear thereof, or of those directly opposite thereto, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the council. The provisions of this section relative to public hearings and official notice shall apply equally to all changes and amendments. (1958, c. 358)

§ 6-221. The town planning commission acting as the zoning commission shall recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report or reports and hold public hearings thereon before submitting its final report, and the council of the Town of Tazewell shall take such action on said preliminary report or reports, and also on the final report of the commission, as it shall deem necessary. (1958, c. 358)

§ 6-23. Board of Zoning Appeals. The council may establish a Board of Zoning Appeals, the members of which shall be appointed by the judge of the Circuit Court of Tazewell County. The regulations and restrictions adopted pursuant to the authority of this act may provide that the board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. (1958, c. 358; 2014, cc. 245, 682)

§ 6-231. The board of zoning appeals shall consist of five members, one of whom may be a member of the Planning Commission, each of whom is to be appointed for a term of five years, and subject to removal for cause by the council, upon written charges and after public hearing. Vacancies shall be filled by the council for the unexpired term of any member. (1958, c. 358; 2014, cc. 245, 682; 2022, cc. 199, 200)

§ 6-232. The board shall select a chairman, a vice-chairman, and a secretary, and shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act. Meetings of the board shall be held at the call of the chairman and such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of

witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board, and shall be a public record. (1958, c. 358)

§ 6-233. Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of zoning appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application, and notice to the officer from whom the appeal is taken and on due cause shown. (1958, c. 358)

§ 6-234. The board of zoning appeals shall fix a reasonable time and a reasonable appeal fee for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney. (1958, c. 358; 2014, cc. 245, 682)

§ 6-24. Power of Board of Zoning Appeals. The board shall have the following powers: (1958, c. 358)

§ 6-241. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or any ordinance adopted pursuant thereto. (1958, c. 358)

§ 6-242. To hear and decide uses permissible on appeals and other special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance. (1958, c. 358)

§ 6-243. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in exceptional and peculiar hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. (1958, c. 358)

§ 6-25. Decisions by the Board of Zoning Appeals. In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and to that end shall have all the powers of the administrative officer charged by the

ordinance with enforcement. The concurring affirmative vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall act by formal resolution which shall set forth the reason for its decision and the vote of each member participating therein which shall be spread upon its records and shall be open to public inspection. The board may, upon the affirmative vote of three members, reconsider any decision made and, upon such reconsideration, render a decision by formal resolution. Every decision of the board shall be based upon a finding of fact which may be abased on sworn testimony which finding of face shall be reduced in writing and preserved among its records. (1958, c. 358)

§ 6-26. Appeals from decisions of Board of Zoning Appeals. Any person or persons, jointly or severally, aggrieved by any decision of the board of zoning appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality . Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board. (1958, c. 358)

§ 6-261. Upon filing of the petition the court may cause a writ of certiorari to issue directed to the board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from, which writ shall be served upon any member of the board. The issuance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, give notice to the board and, upon due cause shown, issue a restraining order. The board shall not be required to produce the original record and documents but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents the board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, verified by affidavit. (1958, c. 358)

§ 6-262. The court shall review the record, documents and other matters produced by the board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. Unless it is made to appear that the decision is contrary to law or is arbitrary and constitutes an abuse of discretion the court shall affirm the decision. If the court finds that the testimony of witnesses is necessary for a proper disposition of the matter it may hear evidence. (1958, c. 358)

§ 6-27. Proceedings against violator of zoning ordinance. Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with § 6-22 the town may institute

and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property. (1958, c. 358)

§ 6-28. Penalties for violations. Said regulations shall be enforced by a building and zoning inspector who shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist in violation of any provision of the regulations made under authority of this or the preceding section. Any person convicted of violating any rule or regulation enacted by ordinance under the zoning powers granted the council by this charter and general law shall be guilty of a misdemeanor and upon conviction shall be subject to such penalties as may be prescribed by the council. (1958, c. 358)

§ 6-3. Subdivision control.

In order to provide for the orderly subdivision of land within the town and within two miles of the corporate limits thereof there is hereby conferred upon the town and the county in which the area outside the town but within two miles thereof is included, the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: the location, size and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the comprehensive plan; access for fire fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks and playgrounds, planting of shade trees and shrubs; naming and designation of streets and other public places; laying out and constructing sidewalks; procedure for making variations in such regulations and restrictions; requirements for plats and subdivisions and their size, scale, contents and other matters; the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines; the extent to which and the manner in which new streets shall be graded, graveled or otherwise improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the council or its designated agents, may accept a bond, in an amount and with surety or conditions satisfactory to the council or its designated agents, providing for such securing to the council, the actual construction and installation of such improvements and utilities within a period specified by the council or designated agents. (1958, c. 358; 2016, cc. 163, 413)

§ 6-31. Hearing on subdivision ordinance. The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been published once a week for two successive weeks in a newspaper of general circulation in the town. The notice shall

specify the time, not less than ten days after final publication, and the place at which persons affected may appear before the council and present their views. (1958, c. 358)

§ 6-32. Adoption of subdivision regulations. After hearing as above provided the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the town and may adopt such regulations and restrictions applicable in an area outside such limits, provided that such regulations and restrictions applicable in any area outside such town limits shall not be adopted or become effective or applicable except in the manner and to the extent provided by the general laws of the Commonwealth. (1958, c. 358)

§ 6-33. Filing of regulations. When such regulations have been adopted, a certified copy thereof and all amendments thereto shall be filed in the office of the building and zoning inspector and in the office of the Clerk of the Circuit Court of Tazewell County. (1958, c. 358)

§ 6-34. Making and approval of plats. Any owner or any proprietor of any tract of land situated within the corporate limits of the Town of Tazewell, who subdivides the same shall cause a plat of such subdivision with reference to known or permanent monuments to be made and recorded in the office of the Clerk of the Circuit Court of Tazewell County. No such plat of subdivision shall be recorded unless and until it shall have been submitted and approved by the town council or its designated agent in accordance with regulations adopted under this act and so certified by the person authorized to make such certificate. (1958, c. 358)

§ 6-35. Recording of plats of subdivision. From and after the date on which such regulations and restrictions became effective in the town or in any area outside the town but within two miles thereof, no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in the preceding section. No owner of land in the town or outside area in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided and admitted to record in the office of the Clerk of the Circuit Court of Tazewell County. (1958, c. 358)

§ 6-36. Transfer of portion for public use. The recordation of the plat shall operate to transfer in fee simple to the town or the county in which the land lies such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose, and to create a public right of passage over or use of the same. The owner or owners of the land subdivided may construct, reconstruct, operate and maintain with the consent of the town or the county where the land lies, sewers, gas and water pipes or electric lines along or under the streets, alleys, easements or other land devoted to public use, provided that it shall not obstruct or hinder the passage over the streets, alleys, easements or

other property devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate and maintain such works. (1958, c. 358)

§ 6-37. Vacation of recorded plats. Any plat or part thereof recorded may be vacated, with the consent of the council or of the governing body of the county wherein the land lies, or both where the plat has been approved by both, by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated which shall be duly executed, acknowledged and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements and other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat or part thereof may be vacated upon the application of the owners of the lots in the plat and with the approval of the council or governing body of the county, or both where the plat has been approved by both, and shall not be vacated otherwise. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated" and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded. (1958, c. 358)

§ 6-38. Violation of subdivision regulations. In case of any violation or attempted violation of the provisions of this act, or of any of the provisions of the regulations adopted as authorized in this act, the council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such violation or attempted violation, to restrain, correct, or abate such violation or attempted violation, or to prevent any act which would constitute such a violation. Any owner or proprietor of any tract of land who subdivides such tract of land and who violates any of the provisions of the regulations adopted under the authority of this act shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars and not more than two hundred and fifty dollars, and each day after the first, during which violation shall continue, shall constitute a separate violation. (1958, c. 358)

Article VII. General Provisions

§ 7-1. Officers to hold over until their successors are appointed and qualified.

Whenever under the provisions of this charter any officer of the town or member of any board or commission is elected or appointed for a fixed term except the mayor and vice-mayor, such officer or member shall continue to hold office until his successor is appointed and qualified. (1958, c. 358)

§ 7-2. Present ordinances and rules and regulations continued in effect.

All ordinances of the town and all rules, regulations and orders legally made by any department, board, commission or officer of the town, in force at the effective date of this charter, insofar as they or

any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1958, c. 358)

§ 7-3. General powers.

The Town of Tazewell and all the officers thereof elected or appointed in accordance with the provisions of this act shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this act. (1958, c. 358)

§ 7-4. Constitutionality.

If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1958, c. 358)

§ 7-5. All contracts and obligations heretofore or hereafter made by the Council of the Town of Tazewell, while in office, not inconsistent with this charter, or the Constitution or the general laws of this State shall be, and are hereby, declared to be valid and legal. (1958, c. 358)

§ 7-6. Citation of act.

This act may for all purposes be referred to or cited as the Town of Tazewell Charter of 1958, as amended by the Acts of Assembly of 2014 and 2016. (1958, c. 358; 2014, cc. 245, 682; 2016, cc. 163, 413)

Timberville, Town of

County of Rockingham

History of incorporation

Incorporation and charter, 1884, c. 455; repealed 1962, c. 167.
Incorporation and charter, 1894, c. 329; repealed 1962, c. 167.

Current charter

Charter, 1962, c. 167.

Amendments to current charter

1972, c. 157 (§§ 2, 3, 4, 9)
1977, c. 129 (§§ 3, 4, 5, 8 [repealed], 11, 12 [repealed])
2007, c. 147 (§ 4)

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Timberville, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Timberville, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred

upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though all such powers were specifically enumerated herein. (1962, c. 167)

§ 2. The territory embraced within the present limits of the Town of Timberville is described in Chapter 329, Acts of Assembly of 1893-94, approved February 21, 1894, as enlarged by an order entered by the Circuit Court of Rockingham County, May 18, 1950, and December 14, 1968, recorded in the Clerk's Office of said Court in Common Law Order Book No. 23, page 154, and in Common Law Order Book No. 27, page 202. (1962, c. 167; 1972, c. 157)

§ 3. The administration and government of the town shall be vested in a council which shall consist of seven members, six of whom shall be denominated the councilmen and one to be denominated the mayor, all of whom shall be residents and qualified voters of the town. The salary of each councilman and the mayor shall be set in accordance with general law. (1962, c. 167; 1972, c. 157; 1977, c. 129)

§ 4. On the Tuesday after the first Monday in November 2008, and every two years thereafter, the qualified voters of the town shall elect a mayor for a term of office of two years, commencing on the first day of January following the date of his election and until his successor has been duly elected and qualified; however, the term of office of the mayor subject to expire June 30, 2008, shall be extended to December 31, 2008. On the Tuesday after the first Monday in November 2008, and every two years thereafter, the qualified voters of the town shall elect three council persons for a term of office of four years each, commencing on the first day of January following the date of their election and until their successors have been elected and qualified; however, the terms of the three council persons subject to expire June 30, 2008, shall be extended to December 31, 2008, and the terms of the three council persons subject to expire June 30, 2010, shall be extended to December 31, 2010. Any vacancy occurring during the term for which a councilman has been elected shall be filled by the council from the electors of the town until a successor has been elected. The successor shall be elected at the next general election as provided by law to fill the unexpired term of office. The council may elect one of their number vice-mayor to act in the place and stead of the mayor in the latter's absence. The term of office of the vice-mayor, if there be one, shall be the same as that provided for the mayor. (1962, c. 167; 1972, c. 157; 1977, c. 129; 2007, c. 147)

§ 5. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' written notice shall be given to the other members of the council of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. Notice of all meetings, including special meetings, shall be given as required by the Virginia Freedom of Information Act. (1962, c. 167; 1977, c. 129)

§ 6. The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1962, c. 167)

§ 7. The council shall appoint a sergeant who shall qualify as provided by law, and give bond in such amount as the council requires. The sergeant shall be a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to as distance of one mile beyond the same, as were formerly had and performed by constables. He shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1962, c. 167)

§ 8. (1962, c. 167; repealed 1977, c. 129)

§ 9. The powers set forth in §§ 15.1-838 through 15.1-907 of the Code of Virginia as in force on January 1, 1972, and as may be hereafter amended, are hereby conferred on and vested in the Town of Timberville. (1962, c. 167; 1972, c. 157)

§ 10. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to impose and collect a license tax for the privilege of doing within the town, anything upon which the State imposes a license tax; provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such thing, than that imposed by the State on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council. (1962, c. 167)

§ 11. (a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering. He shall be appointed for such term as he and the council agree upon, not to exceed two years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no order of suspension or removal shall be made until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council, suspending or removing the town manager, shall be final. The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he

deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1962, c. 167; 1977, c. 129)

§ 12. (1962, c. 167; repealed 1977, c. 129)

§ 13. All ordinances now in force in the Town of Timberville, not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this act. (1962, c. 167)

Toms Brook, Town of

County of Shenandoah

History of incorporation

Incorporated by order of the Circuit Court of Shenandoah County, January 9, 1922.
Validating order of court incorporating town, 1932, c. 144.

Editor's note: A copy of the court order was sent to the Division of Legislative Services by the Clerk of the Circuit Court of Shenandoah County, April 25, 1997. This handwritten court order was reproduced almost verbatim in the validating order of the General Assembly in 1932; therefore, the text of this document is Chapter 144 of the Acts of Assembly of 1932. A photocopy of the court order is available in the Legislative Reference Center at the Division of Legislative Services.

Chapter 144 of the Acts of Assembly of 1932

An ACT to validate, ratify and confirm an order of the circuit court of Shenandoah county, incorporating the town of Toms Brook, in the said county; to validate the boundaries of said town as set out in said order; to validate an election held in pursuance of said order; all the ordinances of the council of said town and all official acts of the mayor of said town, and its council; to provide that said town shall have certain officers chosen by the council, and that the elective officers shall be elected for a term of four years, instead of two years, as now provided by general law.

Whereas, the circuit court of Shenandoah county, did upon the petition of S. B. Miley, and more than twenty other qualified voters of the unincorporated town of Toms Brook, after legal notice thereof had been published in the Shenandoah Herald, a newspaper published in the town of Woodstock, Shenandoah county, Virginia, once a week for four successive weeks, and posted at the front door of the court house of Shenandoah county, for four successive weeks, enter an order on the ninth day of January, nineteen hundred and twenty-two, incorporating said town of Toms Brook, in pursuance of section twenty-eight hundred and eighty-one of the Code of Virginia, and did declare the boundaries of said town to be as follows:

Beginning at a post on the southeast side of the county road, leading from Toms Brook towards the Shenandoah river and a corner to the lot of James M. Walten, and extending thence with the back lines of the lots of said Walten, Daniel Kibler, Lillian Keller, south fifty-nine west four hundred and fourteen feet to a cedar post near Keller's corner; thence with another of her lines north thirty-one west two hundred and thirty-eight feet to a post, corner to the lot of J. D. Hupp, his east corner; thence with the back line of the various lots fronting on the Valley turnpike, south fifty-one and one-half west three hundred and forty-five feet to a post; thence continuing with the back line of other of said lots south sixty-three west eleven hundred and seventy-nine feet to a stake at Angus Bauserman's fence, thence with a fence crossing his land north twenty-eight west two hundred and thirty-eight feet to a stake on the west side of the said Valley turnpike; thence with the west edge of the pike north fifty-five east two hundred and thirty-six feet to a station on the west edge of the pike, and on the northeast side of the new State road at its junction with the pike; thence along the northeast side of said road north thirty-nine and one-half west four hundred and sixty-seven feet to the west edge of the railroad limits; thence with the west edge of the said limits north forty-eight east fourteen hundred and sixty-five feet crossing Toms Brook stream, to a post at the south corner of the cemetery north forty-four west three hundred and thirty-one and one-half feet to the west corner of the same; thence with the northwest line thereof, and a continued corner, with a middle fence north fifty-five east five hundred and eighty-eight feet to a post on the west edge of Caroline street; thence with the west edge of the said street south thirty-one east twenty-nine feet to a stake; thence with the back line of various residence lots and crossing said street north sixty-three and one-half east seven hundred and eighty-two feet to a stake, in a line dividing the lands of H. S. and D. M. Crabill, in the hollow; thence with the said line south thirty-one and one-half east three hundred and forty-nine feet to a stake on the west edge of the railroad limits; thence with the northwest line of said railroad north sixty-five and three-fourths east one thousand and sixty-nine feet to a stake in the said limits at the fence; thence crossing the railroad and the Valley turnpike south thirty-eight east three hundred and seventy-two feet to a stake in a gateway back of the barn of D. M. Crabill; thence with a middle fence south forty-eight and one-half west thirteen hundred and thirty-six feet to a large white oak tree, a corner to the residence lots of J. C. Paxton; thence along with the lines of the said lots and including the same south forty-one east three hundred and twenty-two feet to a post; thence south forty-five west nine hundred feet recrossing the creek of Toms Brook to the place of beginning, containing ninety-three acres, one rod, and thirty-five square poles, more or less, including the lands embraced in the Valley pike, the railroad and the county roads.

Whereas, in pursuance of the said order, an election was held in the said town for the election of a mayor and six councilmen, on the twenty-sixth day of March, 1922; and

Whereas, the said persons so elected duly qualified by taking and subscribing the oaths of office and at once entered upon the discharge of the duties of their respective offices, and their successors in office are still performing said duties; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the said order of the circuit court of Shenandoah county, be, and the same is hereby validated, ratified and confirmed, and that the boundaries of the said town shall be in all respects as set out in the said order of the said court.

2. The election aforesaid, and all ordinances passed by the council of the said town and all official acts of the mayor of the said town and its council, not in conflict with the general laws of this Commonwealth, or its Constitution, or the Constitution of the United States, are hereby validated.

3. The present elected officers of the said town shall continue to hold office during the term for which they were elected as now provided by law; and at an election to be held on the second Tuesday in June, 1932, and every four years thereafter, a mayor and six councilmen shall be elected, whose term of office shall begin on the first day of September, following their election and continue for a period of four years thereafter.

4. The said town shall have a sergeant, clerk, and treasurer and such officers as the council may deem necessary, or proper, all of whom shall be chosen by the council for a term of four years. The council shall prescribe the duties of such officers in addition to the duties required of them by law. It shall also fix their compensation, prescribe the penalties for the neglect of their duties and determine which of such officers shall give bond and shall fix the penalties thereof.

Troutdale, Town of

County of Grayson

Current charter

Incorporation and charter, 1906, c. 161.

Amendments to current charter

2012, c. 319 (§ 2)
2017, c. 219 (§ 2)

§ 1. Be it enacted by the general assembly of Virginia, That all the territory embraced in a radius of one mile in every direction from the northeast corner of what is known as "Church lot" on Main street, in the town of Troutdale, Grayson county, as the same is now and shall hereafter be laid off into lots, squares, streets and alleys, be, and the same is hereby, made a town corporate by the name of Troutdale, and by that name shall have and exercise all the powers conferred on towns of less than five thousand inhabitants by the laws of Virginia, now in force, or which may hereafter be enacted in reference to towns of less than five thousand inhabitants. (1906, c. 161)

§ 2. The government of said town shall be vested in a mayor, a sergeant, a recorder, and six councilmen, and such other officers as may be provided for by the mayor and councilmen. The mayor, the

recorder, and members of council shall serve for terms of four years. (1906, c. 161; 2012, c. 319; 2017, c. 219)

§ 3. C. P. Greear is hereby appointed mayor thereof, W. H. Handy is hereby appointed recorder, J. W. Huddler is hereby appointed sergeant; David T. Carter, R. L. Greear, S. W. Greear, I. Pacely, T. Paceley, and C. T. Forrester are hereby appointed councilmen. The said officers shall have and exercise all the powers now granted and hereafter granted to such officers by the general assembly of Virginia, and shall continue in office until their successors are elected and qualified according to law, and in the absence of any provision of law on the subject, they shall be elected in the manner prescribed by ordinances of the council. (1906, c. 161)

Troutville, Town of

County of Botetourt

History of incorporation

Incorporation by Circuit Court of Botetourt County, June 4, 1956.

Current charter

Charter, 1973, c. 73.

Amendments to current charter

2007, c. 405 (§ 3.1)
2008, c. 4 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Troutville as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Troutville, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1973, c. 73)

§ 1.2. Boundaries.

The territory embraced within the town of Troutville is that territory in the county of Botetourt, Virginia, as recorded in the clerk's office of the Circuit Court of Botetourt County in Common Law Order Book 1954 at Page 100. (1973, c. 73)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Troutville shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as full and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1973, c. 73)

§ 2.2. Adoption of certain sections of the Code of Virginia.

Included specifically in § 2.1 of this chapter are the powers set forth in §§ 15.1-873 through 15.1-907, inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, and as hereafter amended, which are hereby conferred on and vested in the town of Troutville. (1973, c. 73)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The town of Troutville shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified. An election for mayor and councilmen shall be held on the first Tuesday in May, 1974, and the mayor and councilmen shall constitute the town council, who shall hold office for a term of two years from the first day of July, next following the date of their election and until their successors have been duly elected and qualified. In the year 1974, and every second year thereafter, a municipal election of councilmen shall be held on the first Tuesday in May. In the year 1974, and every second year thereafter, a municipal election of mayor shall be held on the first Tuesday in May.

However, beginning in 2008, the elections for mayor and councilmen shall be held at the time of the November general election. The mayor and councilmen in office on June 30, 2008, shall remain in office until their successors have been duly elected and qualified. Furthermore, for purposes of staggering the terms of council members, the three candidates who receive the highest number of votes in the November general election shall be elected to terms of three years. The mayor and remaining three council members shall serve terms of two years. Thereafter, the mayor and all council members shall be elected for terms of two years. (1973, c. 73; 2007, c. 405; 2008, c. 4)

§ 3.2. Vacancies on council.

Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1973, c. 73)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1973, c. 73)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no matter pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (1973, c. 73)

§ 3.5. General grant of powers to council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1973, c. 73)

§ 3.6. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the town council, but shall not vote, except in the case of tie. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with this office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. He, or the person acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1973, c. 73)

§ 3.7. Vice-mayor.

The town council shall elect from its members by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council. (1973, c. 73)

§ 3.8. Meetings of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. The council shall keep a journal of its official proceedings and its meetings shall be open. Four members of the town council shall constitute a quorum for the transaction of business at any meeting.

Special meetings may be called at any time by the mayor or by four members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. (1973, c. 73)

§ 3.9. Rules of order and procedure.

The town council shall establish its own rules or order and procedure and may take appropriate action against its own members and other persons for violation thereof. (1973, c. 73)

§ 3.10. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. (1973, c. 73)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

The town council may appoint a town clerk, a chief of police, a town attorney and a town treasurer and may appoint such other officers of the town as they deem necessary. Each and every officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the council may prescribe. (1973, c. 73)

§ 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive officers as they may deem necessary. (1973, c. 73)

§ 4.3. Term of office.

Officers and deputy and assistant officers appointed by the town council shall serve at and during the pleasure of the town council. (1973, c. 73)

§ 4.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1973, c. 73)

§ 4.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1973, c. 73)

§ 4.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office subject to the limitations of Article VII, Section 6 of the Virginia Constitution. (1973, c. 73)

§ 4.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1973, c. 73)

Chapter 5. Miscellaneous.

§ 5.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1973, c. 73)

§ 5.2. Actions against town for damages, etc.

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representatives of any descendant whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the town council for this purpose, and the town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within 120 days. No officers, agents or employees of the town shall have authority to waive such conditions precedent or any of them.

(b) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(c) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1973, c. 73)

§ 5.3. United States government employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States Government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission. (1973, c. 73)

§ 5.4. Acceptance of federal aid, contribution, etc.

The town of Troutville shall have the power to receive and accept from any federal agency grants of any kind for or in aid of public works, the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. (1973, c. 73)

§ 5.5. Power of town as to poles and wires for electric, etc., service.

The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient and to require all wires or cables carrying electric current, whether heretofore or hereafter installed, to be placed in suitable conduits, underground, in the discretion of the council; provided, that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1973, c. 73)

§ 5.6. Eminent domain.

The powers of eminent domain set forth in Title 15.1 and Title 25 of the Code of Virginia and all acts amendatory and supplemental thereto are hereby conferred upon the town of Troutville. (1973, c. 73)

§ 5.7. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected town officials not inconsistent with the general law. (1973, c. 73)

§ 5.8. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1973, c. 73)

§ 5.9. Present officers to continue.

The present elected officers of the town shall be and remain in office until June 30,1974, or until their successors have [been] duly elected and qualified. (1973, c. 73)

§ 5.10. Ordinance in force.

All ordinances now in force in the town of Troutville, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1973, c. 73)

§ 5.11. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgement shall have been rendered. (1973, c. 73)

Urbanna, Town of

County of Middlesex

History of incorporation

Inspector of flour appointed, 1794, c. 30.
Incorporation and charter, 1902, c. 682; repealed 1964, c. 131, except paragraph 1.

Current charter

Charter, 1964, c. 131.

Amendments to current charter

1973, c. 189 (§§ 4, 5)
2011, c. 516 (§§ 4, 5)
2022, c. 155 (§§ 4, 5)

Editor's note: The following paragraph 1 is retained from the Charter of 1902 as referenced in § 2 of the current charter.

1. Be it enacted by the general assembly of Virginia, That all the territory in the county of Middlesex contained within the following limits -- that is to say: Commencing at the north end of the bridge across Urbanna creek, and known as "Urbanna bridge," and running thence westwardly and up the middle of the cove back of the Ross house and the lots of C. H. Palmer, R. A. Davis, F. S. Tomlinson, and others to the head of said cove; thence up the ravine leading to said cove, and along the line of "Garnett Hill" farm, to the public road leading from Urbanna to Churchview at a point known as "Spout bridge"; thence up the middle of said public road a distance of about one hundred and forty-four yards to a point opposite a row of cedars; thence at almost right angles northwardly along said row of cedars and on the line between the white public school lot and what is known as the "Segar field" to the head of a branch; thence along this branch, still northwardly, following the division line between W. H. Purkins on the west and L. M. Carlton, Silas Chandler, J. W. Hurley, and others on the east to the Rappahannock river; thence along the river shore to the mouth of Urbanna creek; thence along the channel of said creek a distance of about eight hundred and seventy-five yards; thence to the place of beginning at the north end of Urbanna bridge, shall constitute the town of Urbanna, and the inhabitants within the said boundaries and their successors shall be a corporation under the name and style of the town of Urbanna, and the forty-fourth and forty-sixth chapters of the Code of Virginia of 1887,

and amendatory acts thereto, as far as consistent with this act, shall be applicable thereto. (1902, c. 682)

§ 1. Incorporation.

The inhabitants of the territory comprised within the limits of the town of Urbanna, in the county of Middlesex, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the town of Urbanna, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew and amend at its pleasure. (1964, c. 131)

§ 2. Boundaries.

The boundaries of the town of Urbanna shall be and remain as now established, but the boundaries thereof are incorporated herein by reference to paragraph 1 of Chapter 682 of the Acts of Assembly of 1901-02, approved April 2, 1902, and entitled: "An Act to incorporate the town of Urbanna, in the county of Middlesex." (1964, c. 131)

§ 3. Powers.

The powers set forth in §§ 15-77.5 to 15-77.70 (15.1- 841 to 15.1-907), inclusive, of the Code of Virginia as in force on the first day of January, 1964, are hereby conferred on and vested in the town of Urbanna. (1964, c. 131)

§ 4. Mayor.

The mayor shall be elected for a term of four years, on the November general election date. The mayor so elected shall enter upon the duties of his/her office on the first day of January succeeding his/her election, and remain in office until his/her successor has qualified. The mayor's compensation shall be fixed by the council.

The mayor shall be the chief executive officer of the town. He/she shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He/she shall preside over the meetings of the town council and shall have the same right to speak and vote as members of the town council. He/she shall be recognized as the head of the town government for all ceremonial and military purposes. He/she shall perform such other duties consistent with his/her office as may be imposed by the council. He/she shall see that the duties of the various town officers are faithfully performed. He/she, or the person acting as mayor, may sign and deliver such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require or authorize. (1964, c. 131; 1973, c. 189; 2011, c. 516; 2022, c. 155)

§ 5. Council.

Six council members shall be elected in November of 2022 and shall take office January 1, 2023. The three council members receiving the highest number of votes and the mayor shall serve four-year terms expiring on December 31, 2026; the other three council members elected in November of 2022

shall serve two-year terms expiring on December 31, 2024. At the election in November 2024, three council members shall be elected for four-year terms. After the staggering of terms, council members shall serve four-year terms.

Candidates for Town Council shall not be identified on the ballot by a political affiliation.

Notwithstanding term expiration dates, all council members shall remain in office until their successors have qualified. (1964, c. 131; 1973, c. 189; 2011, c. 516; 2022, c. 155)

§ 6. Officers and employees formerly elected or appointed.

All town officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation of law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the town as set forth in § 15-77.9 (§ 15.1-845, Chapter 18, Title 15.1) of Chapter 5.1 of Title 15 of the Code of Virginia as in force on January 1, 1964. (1964, c. 131)

§ 7. Ordinances continued.

All ordinances and resolutions heretofore made and adopted by the town, not in conflict with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the town. (1964, c. 131)

Victoria, Town of

County of Lunenburg

History of incorporation

Incorporation, Circuit Court of Lunenburg County, March 14, 1908.
Charter, 1916, c. 158; repealed 2014, cc. 237, 710.

Current charter

Charter, 2014, cc. 237, 710.

Amendments to current charter

2022, c. 88 (§ 5)

Chapter 1. Incorporation, Boundaries, and Powers.

§ 1. Incorporation.

The inhabitants of the territory in Lunenburg County contained within the boundaries prescribed in § 2 hereof is, be, and shall continue to be a body politic and corporate, in fact and in name, under the name and style of the Town of Victoria; and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal that it may alter at its pleasure,

and shall have and exercise all the powers conferred by and be subject to all laws of the Commonwealth now in force, or that may hereafter be enacted for the government of towns of the Commonwealth, so far as the same are not inconsistent with the provisions of this act. (2014, cc. 237, 710)

§ 2. Boundaries.

The boundaries of the Town of Victoria is that territory in Lunenburg County, established on the 14th day of March, 1908, as found in the Common Law Order Book 5, Page 422, and territory added by an annexation decree by the Circuit Court of Lunenburg County dated November 11, 1971, as found in Common Law Civil Book 16, Page 513, or as the same may be hereafter altered by law. (2014, cc. 237, 710)

§ 3. Powers.

In addition to the powers and authority that are now or may hereafter be granted to towns by the general laws and the Constitution of the Commonwealth of Virginia, including but not limited to the powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia, and any acts amendatory thereof or supplemental thereto, and the powers enumerated elsewhere in this charter, the town shall have the powers set forth below, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth of Virginia to the town, but not herein specified.

(1) Eminent domain. The town shall also have all powers of eminent domain that are now or may be granted to a municipal corporation under the laws of the Commonwealth and to exercise such power with respect to land and improvements therein, machinery and equipment for any lawful purpose of the town.

(2) Taxation. The town shall have the power to raise annually by taxes and assessments, as permitted by general law, in the town, such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the town, in such manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general grant of power the town shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, local general retail sales and use tax as provided by law, and capitation taxes; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation, or calling without such a license, and require taxes to be paid on such licenses in respect to all businesses, professions, vocations, and callings that cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets and other public places of the town, require taxes to be paid on such licenses, and prohibit the use of streets, alleys, and other public places in the town

without such license, said town to have the power to require as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all personal property taxes then due and payable to the town by the license applicant. In addition to the other powers conferred by law, the town shall have the power to impose, levy, and collect, in such manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, sewer, gas, electricity, telephone, and any other public utility service within the town or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services.

(3) Indebtedness. The council may, in the name of and for the use of the town, incur indebtedness by issuing its bonds or notes for the purposes, in the manner, and to the extent provided for in this Charter and by the general law of the Commonwealth. Bonds and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided may be issued for any purpose for which towns are authorized to issue bonds by the Constitution or general laws of the Commonwealth. Notes in anticipation of collection of revenue may be issued when authorized by the council at any time during the fiscal year.

(4) The council shall have the power and authority to provide places for the interment of the dead in or near the town, and to acquire the lands necessary therefor. The council shall also have the power to prescribe and enforce all needful rules and regulations, not inconsistent with the laws of the Commonwealth, for the use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, a portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease and to prescribe what class or condition of persons shall be admitted to interment in the cemetery. The money from such sale or lease of burial lots shall be invested, used, and employed for the use, protection, preservation, and ornamentation of said cemetery. The cemetery, when established and enclosed, shall be exempt from all state, county, and municipal taxation.

(5) The council shall have the power and authority to provide for the removal, transport, and containing of garbage, rubbish, recyclables, or other waste and to set, bill, and collect costs, fees, and rates for such service, and to provide such service within the boundaries of the town and within one mile thereof, either directly by employees of the town or by contract. (2014, cc. 237, 710)

Chapter 2. Administration and Government.

§ 4. Powers vested in council.

All powers of the town as a body politic and corporate shall be vested in the council. The town shall be governed by a council that shall be composed of six members and a mayor, each elected at large.

Each member of council, including the mayor, shall be a qualified voter and a bona fide resident of the town. A bona fide resident of the town is one who lives in the town and intends to do so in the future, maintains a physical place within the town where he dwells, and provides documentation of such residency by personal tax form or similar government documentation relating to residency. (2014, cc. 237, 710)

§ 5. Election of mayor and council.

The mayor shall be elected for a term of two years. The members of council and mayor in office at the effective date of this amendment are hereby continued in office for the terms for which they were elected. During the general election in November 2022, there shall be elected by the electors of the town three council members from the town at large, who shall serve for terms of four years each. During the general election in November 2024 and every two years thereafter, there shall be elected by the electors of the town three council members from the town at large, who shall serve for terms of four years each. The mayor and council members shall take office on the first day of January following their election. (2014, cc. 237, 710; 2022, c. 88)

§ 6. Electors of town.

The electors of the Town of Victoria shall be bona fide residents within the corporate limits of the town and who are otherwise qualified to vote in the Commonwealth. (2014, cc. 237, 710)

§ 7. Municipal officers.

The municipal officers of the town shall consist of such officers set forth in this Charter and such other officers as may be provided for by the council. The council may appoint such committees of the council and create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this Charter and the general laws of the Commonwealth. The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. (2014, cc. 237, 710)

§ 8. Removal of appointees.

All members of committees, boards, and commissions appointed by the council may be removed by the council unless otherwise provided by the general law. (2014, cc. 237, 710)

§ 9. Appointments.

It shall be lawful for any officer appointed by the council, any committee, municipal board, mayor, or the head of any department to fill two or more of the offices whose incumbents are appointed by the council or by any appointing power designated by the council, subject to the same penalties, liabilities, and requirements as to each of said offices as would apply to the incumbents thereof if held by different persons. (2014, cc. 237, 710)

§ 10. Oath of office.

The mayor, councilmen, and all municipal officers of said town shall, before entering upon the duties of their respective offices, be sworn in accordance with the laws of the Commonwealth by anyone authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council. (2014, cc. 237, 710)

§ 11. Failure to qualify for office.

If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall, for 20 days after the beginning of his term of office, fail to file such bond with such security as may be required of him by the council, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled as prescribed in this Charter or by general law. (2014, cc. 237, 710)

§ 12. Books, records, and documents.

All books, records, and documents used by any elected or appointed town officer, official, or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this Charter, the general laws of the Commonwealth, or the Town of Victoria Town Code as responsible for the keeping of such books, records, and documents shall, within 10 days after the end of his term of office, deliver to the town clerk all such books, records, documents, and town property. Upon the end of any such person's term of office, or upon the resignation or removal from office of any such person, the town clerk shall provide all such persons written notice of the requirements of this provision of this Charter. Any person failing to deliver such books, records, documents, and property shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 and not more than $500, or imprisoned for not more than six months, or both, at the direction of the court or jury before whom the case is tried. (2014, cc. 237, 710)

Chapter 3. Mayor and Vice Mayor.

§ 13. Mayor; salary.

The mayor shall be elected by the qualified electors of the town for the term of two years. The mayor's salary shall be fixed by the town council and shall not be diminished during the mayor's term of office. (2014, cc. 237, 710)

§ 14. Mayor; powers.

The mayor shall preside at meetings of the council and shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes but shall have no administrative or judicial duties. The mayor shall not have the authority to veto any action of the council. The mayor shall have a vote in the council. (2014, cc. 237, 710)

§ 15. Vice mayor.

The council, at its first meeting after its election, shall elect from its membership one of its members as vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of mayor, the vice mayor may vote as a member of the town council. (2014, cc. 237, 710)

§ 16. Absence or disability of mayor and vice mayor.

If both mayor and vice mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice mayor, the town manager or town clerk shall call the meeting of the council to order and shall preside during the meeting until the council elects an acting mayor. This shall not be construed to vest in the town manager or town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (2014, cc. 237, 710)

§ 17. Vacancy in office of mayor.

In case a vacancy shall occur in the office of mayor, the vacancy shall be filled as provided by general law. (2014, cc. 237, 710)

Chapter 4. Council.

§ 18. Council; powers.

All powers of the town as a body politic and corporate shall be vested in the town council. The council shall be the policy-determining body of the town and shall be vested with all of the rights and powers conferred on councils in towns, not inconsistent with this Charter. In addition to the foregoing, the council shall have the following powers:

(1) To have full power to inquire into the official conduct of any office or officer under its control and to investigate the accounts, receipts, disbursements, and expenses of such town employees; for these purposes it may subpoena witnesses, administer oaths, and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

(2) To provide for the performance of all the governmental functions of the town and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this Charter what office or employee of the town shall exercise any power or perform any duty conferred upon or required of the town or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the town so designated by ordinance or resolution of council. Any activity that is not assigned by the provisions of this Charter to specific departments or agencies of the town government shall be

assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer, or combine any town functions, activities, or departments. The council, in its discretion, may appoint the same person to more than one appointive office.

(3) To fix a schedule of compensation for all town officers and employees. The council may by ordinance define certain classes of town employees whose salaries shall be set by the town manager.

(4) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the town as the council may designate. (2014, cc. 237, 710)

§ 19. Meetings.

The town council shall, by ordinance, fix the time of their stated meetings, and no business shall be transacted at a special meeting unless two-thirds of all members of the council be present, but that for which it shall be called. (2014, cc. 237, 710)

§ 20. Special meetings.

The town council may be convened at any time upon the call, in writing, of the mayor or any three members thereof, but if all members of the council shall be present at such meetings, any action taken or resolution or ordinance passed at such meeting shall be valid though there should have been no call in writing for said meeting or such call be irregular, or not served upon all the members of the council. Service of the notice of a call of any special meeting shall be had upon all the members of the council and the mayor, who do not sign the call. Such notice may be served by delivering a copy of such call in writing to the party in person, or, if he be not found at his usual place of abode or his usual place of business in the town, if any, by delivering such copy and giving such information of its purport to his spouse or any person found at his usual place of abode who is a member of his family and over the age of 16 years, or who is in his employment; and if he be not found at his usual place of abode or place of business, if any, within the town, or any such person be found at his usual place of abode, by leaving such copy posted at the front door of the said place of abode or place of business. (2014, cc. 237, 710)

§ 21. Quorum.

The mayor and three councilmen, or in the absence of the mayor, four councilmen, shall constitute a quorum for the transaction of business, except as herein otherwise provided. But no vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of the council as were present when such vote was taken. (2014, cc. 237, 710)

§ 22. Rules; ordinances.

The town council shall have authority to adopt rules for the regulation of their proceedings and to appoint such officers and committees as they deem proper; but no tax shall be levied or corporate debt contracted, unless by a vote of two-thirds of the council, which vote shall be by yeas and nays, and recorded in the journal; nor shall any ordinance be passed or resolution adopted having for its

object the appropriation of money exceeding the sum of thirty thousand dollars except by the recorded affirmative vote of a majority of all members elected to the council. (2014, cc. 237, 710)

§ 23. Journal of proceedings.
A journal shall be kept of the proceedings of the town council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next regular meeting the journal of proceedings of the previous meeting shall be approved and signed by the person who was presiding when the previous meeting adjourned or, if he be not then present, by the person presiding when said journal was approved. (2014, cc. 237, 710)

§ 24. Clerk of the council.
The clerk of the council shall keep said journal and shall record the proceedings of the council at large thereon and keep the same properly indexed. (2014, cc. 237, 710)

§ 25. Council may compel attendance of members; malfeasance or misfeasance in office.
The town council shall have authority to compel the attendance of its members, punish its members for disorderly behavior, and by a vote of two-thirds of its members expel a member for malfeasance or misfeasance in office. Any member of the council or other officer of the town who shall have been convicted of a felony while in office shall thereby forfeit his office. (2014, cc. 237, 710)

§ 26. Filling vacancy on council.
If any council person shall be adjudged by the council disqualified or expelled, the vacancy shall be filled as provided by general law. (2014, cc. 237, 710)

§ 27. Absence from council meetings.
If any member of said council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council and the vacancy shall be filled as provided by general law. (2014, cc. 237, 710)

Chapter 5. Public Utilities.

§ 28. Water and sewers and other public utilities.
The town council shall have power and authority to acquire or otherwise obtain control of or establish, maintain, operate, extend, and enlarge waterworks, gasworks, electric plants, and other public utilities within or without the limits of the town; and to acquire within or without the limits of the town by purchase, condemnation, or otherwise whatever land may be necessary for acquiring, establishing, maintaining, operating, extending, and enlarging said waterworks, electric plants, and other utilities, and the right-of-way, rails, pipes, poles, conduits, and wires connected therewith or any of the fixtures or appurtenances thereof, provided that said town shall not have the right to acquire by condemnation the steam and electric plants, gasworks, and waterworks, or water-power fixtures and appurtenances, or any part thereof, owned and operated in whole or in part on August 1, 1915, by any manufacturing

or public service corporation, for the purpose of acquiring, establishing, operating, or enlarging its electric plant or waterworks. (2014, cc. 237, 710)

§ 29. Pollution of water.

The town council shall have the power and authority to prevent the pollution of the water and injuries to waterworks, for which purpose their jurisdiction shall extend to five miles above the same. (2014, cc. 237, 710)

§ 30. Protect utilities from injury.

The town council shall have the power and authority to protect from injury the waterworks, gasworks, and electric works of the town, whether within or without the town, by ordinances prescribing adequate penalties of the injury thereof. (2014, cc. 237, 710)

§ 31. Connection to water and sewer.

The town council shall have the power and authority to require owners or occupiers of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipeline or conduit to make connections therewith, and to use sewer pipes and conduits and water furnished by the town, under such ordinances and regulations as the council may deem necessary to secure the proper sewerage and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties under the provisions of this act. (2014, cc. 237, 710)

§ 32. Charges.

The town council shall have the power and authority to fix and impose the charges and dues to be paid by the owners or occupiers of the properties or persons served thereby for tapping or using such sewers, pipes, or conduits and for the use of water supplied by the town; to make and pass all such ordinances and to enforce the same as may be necessary and proper to compel the payment of said fees and charges by the imposition and collection of reasonable fines and penalties, to be collected as are other fines and penalties under the provisions of this act; and to pass ordinances prohibiting the use of the town sewerage or water system through any such connections the fees and charges for which have not been paid, and the use of the town sewerage through any connections with any property and of the delivery of water supplied by the town on or to any property when the fees and charges for the use of the town sewerage system through connections with such property or for water delivered by the town on such property or the delivery of town water to any person delinquent in the payment of the fees and charges for such connections, for the use of the town sewerage system or for water supplied to him by the town. (2014, cc. 237, 710)

Chapter 6. Streets, Alleys, and Walkways.

§ 33. Streets, et cetera, and cemeteries.

All streets, cross streets and alleys, and walkways that have already been laid off and opened according to the plats of the several subdivisions of the town, to-wit, the plat or survey of the Tidewater Townsite Corporation, the Tidewater Improvement Company, the Victoria Land Company, and the survey and plat of A. D. Kaylor, made in 1915, and all streets, cross streets and alleys, and walkways that have heretofore been opened and used as such, or which may at any time be located, surveyed, and opened in said town, or any extension of the same within the corporate limits of the town, shall be and they are hereby established as public streets, alleys, and walkways of the town. (2014, cc. 237, 710)

§ 34. Public street, alley, or walkway.

Any street, alley, or walkway heretofore or hereafter reserved or laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town, by a plan or plat of record, shall be deemed and held to be dedicated to public use as and for a public street, alley, or walkway, as the case may be, of the town, unless it appears by said record that the street, alley, or walkway so reserved is designated for private use, and whenever any street, sidewalk, alley, or walkway or lane in the town shall have been opened and used as such by the public for the period of five years, the same shall thereby become a street, alley, walkway, or lane for public purposes, unless notice of the contrary intention on the part of the land owner be given in writing to the mayor of the town, who shall report the receipt of such notice to the council that it may be spread on the journal; and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, walkways, and lanes laid out by them; and all streets, alleys, and walkways hereinafter laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town shall be made to conform to existing streets, alleys, and walkways, both in widths and their courses and directions. (2014, cc. 237, 710)

§ 35. Public street, alley, or walkway; maintenance; encroachment.

The town council shall have the authority to open, close, alter, improve, widen, or narrow streets, avenues, alleys, and walkways; to have them kept in good condition and properly lighted; to prevent the cumbering of the streets, sidewalks, alleys, lanes, or bridges of the town in any manner whatever; to prevent the building of any structure, obstruction, or encroachment over, under, or in any street, sidewalk, or alley in said town; and to plant or permit to be planted along said streets shade trees. (2014, cc. 237, 710)

§ 36. Parks.

The town council shall have the power and authority in their discretion to establish and maintain parks, playgrounds, and boulevards and cause the same to be laid out, equipped, and beautified. (2014, cc. 237, 710)

§ 37. Building lines; regulations.

The town council shall have the power and authority in particular districts or along particular streets to prescribe and establish building lines, or to require property owners in certain localities or districts to

leave a certain percentage of the lots free from buildings; to regulate the height of buildings; and to make regulations concerning the building of houses in the town. (2014, cc. 237, 710)

§ 38. Regulation of public streets; speed limits; dangerous activities.

The town council shall have the power and authority to prevent the riding or driving of horses or other animals and automobiles, motorcycles, and other wheeled vehicles at an improper speed; throwing stones or engaging in any employment or sport on the streets, sidewalks, or public alleys, dangerous or annoying to passengers. (2014, cc. 237, 710)

§ 39. Taxes and assessments; abutting property.

The town council shall have the power and authority to impose taxes and assessments upon the abutting land owners for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; but the same when imposed shall not be in excess of the peculiar benefits resulting therefrom to such abutting land owners. All such taxes and assessments upon abutting land owners for the improving of walkways, for improving and paving alleys, and for constructing sewers shall be made in accordance with the provisions of the general laws of this Commonwealth. (2014, cc. 237, 710)

§ 40. Use of public streets for utilities; consent of council.

No street, gas, railway, water, steam or electric heating, electric light or power company, cold storage, compressed air, viaduct, conduit, telephone or bridge company, nor any corporation, association, person, or partnership engaged in these or like enterprises shall be permitted to use the streets, alleys, or public grounds of the town without the previous consent of the corporate authorities of the town. (2014, cc. 237, 710)

§ 41. Use or occupancy of public streets or easements; consent of council.

No person or corporation shall occupy or use any of the streets, avenues, parks, bridges, or any other public places or public property of the town, or any public easement of the town of any description, in a manner not permitted to the general public, without having first obtained the consent thereto of the town council or a franchise therefor; and any person, shall be fined an amount established therefor by ordinance of the council, such fine to be recovered in the name of the town and for its use; and such occupancy shall be deemed a nuisance to be abated. (2014, cc. 237, 710)

§ 42. Ordinances to regulate use of public streets.

The town council shall have the power and authority to make and enforce ordinances to secure the safe and expeditious use of the streets and alleys of the town, to regulate traffic thereon, and for the protection of persons and property thereon or near thereto. (2014, cc. 237, 710)

§ 43. Encroachment.

In every case where a street or alley in said town has been or shall be encroached upon by a fence, building, porch, projection, or otherwise, in addition to being a nuisance subject to abatement, as

herein provided, it shall be the duty of the town council to require the owner, if known, or if unknown, the occupant of the premises encroaching, to remove the same within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed and collect from the owner, or if the owner be unknown, from the occupant, all reasonable charges therefor, with costs, by the same process that they are herein empowered to collect taxes. No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to or confer any rights upon the person claiming thereunder as against the town. (2014, cc. 237, 710)

§ 44. Condemnation.

The town council shall not take or use any private property for streets or other public purposes without making to the owner thereof just compensation for the same, but in cases where the town council cannot by agreement with the owner or owners thereof obtain title to any land needed for streets or any municipal building or other public purposes, it shall be lawful for the council to acquire the same by condemnation proceedings in accordance with the general laws of this Commonwealth. (2014, cc. 237, 710)

Chapter 7. Town Officers.

§ 45. Town officers.

There is hereby created the town officers of town manager, chief of police, clerk of the council, and treasurer. The town manager shall report to the council. The chief of police, clerk of the council, and treasurer shall report to, and serve at the pleasure of, the town manager, who shall set their compensation and duties, consistent with this Charter and the Code of Virginia. (2014, cc. 237, 710)

§ 46. Town Manager; generally.

A town manager shall be appointed by and serve at the pleasure of the council. The town manager shall be responsible to the council for the proper administration of the town government. The amount of and type of compensation for the town manager shall be fixed by the council. The town manager need not be resident of the town or the Commonwealth at the time of appointment but may reside outside of the town while in office only with the prior approval of the council. Council may enter into a contract agreement with the manager. (2014, cc. 237, 710)

§ 47. Town Manager; duties enumerated.

The town manager shall be the chief executive officer of the town. The town manager shall be responsible to the council for the proper management and administration of all town affairs placed in his charge by or under this Charter, and, in addition to such responsibilities as directed by the council, the town manager shall have the following powers and duties to:

(1) Exercise supervision and control over all administrative departments, offices, agencies, and units, including delegation of such authority to managers and officers of the town, except as

otherwise provided by law, ordinance, this Charter, or personnel rules adopted pursuant to the Code of Virginia;

(2) Attend all council meetings, and shall have the right to take part in discussion but may not vote;

(3) Execute all contracts on behalf of the town;

(4) See that all laws, provisions of this Charter, and acts and ordinances of the council subject to enforcement by the town manager or by officials subject to the town manager's direction and supervision are faithfully executed and enforced;

(5) Prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget;

(6) Examine regularly the books and papers of every officer and department of the town and report to the council the condition in which he finds them;

(7) Make such other reports as the council may require concerning the operations of town departments, offices, and agencies subject to the town manager's direction and supervision;

(8) Keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the town manager deems desirable; and

(9) Perform such other duties as are specified in this Charter or may be prescribed by the council. (2014, cc. 237, 710)

§ 48. Town manager; absence or disability.

The council shall designate a properly qualified person to act as town manager in the case of the absence, incapacity, death, or resignation of the town manager, until his return to duty or the appointment of his successor. The mayor of the town may serve as town manager, but in no event shall the mayor serve as town manager for greater than six months. (2014, cc. 237, 710)

§ 49. Council-manager relationship.

Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. Neither the mayor nor any member of council shall in any manner individually dictate employment matters or the appointment or removal of any town administrative official or employee whom the town manager or any of his subordinates are empowered to supervise, direct, or appoint or prevent the town manager from exercising his own judgment in employment matters or the appointment of officials or employees in the town's administrative service. (2014, cc. 237, 710)

§ 50. Chief of police.

The chief of police shall perform the duties, receive the compensation, and be subject to the liabilities prescribed by this act, the ordinances and regulations of the town, and the laws of the Commonwealth and also shall have the powers and discharge his duties within the corporate limits of the town and to the distance of one mile beyond the same. (2014, cc. 237, 710)

§ 51. Clerk of the council.

The clerk of the council shall attend the meetings of the council and keep a record of its proceedings and keep such record properly indexed. He shall have the custody of the corporate seal of the town and affix the same whenever required so to do by the laws of the Commonwealth or the ordinances, bylaws, and regulations of the council. He shall keep all papers that by the laws of the Commonwealth, the provisions of this act, or the ordinances, bylaws, and regulations of the council are required to be filed with or kept by him. He shall further perform such other acts and duties as are required of him by the laws of the Commonwealth and as the council may, from time to time, require. (2014, cc. 237, 710)

§ 52. Treasurer.

The treasurer shall perform, oversee, and direct all the duties in relation to the assessment of property for the purpose of levying the town taxes or levies; shall see to the billing and collection of all fees, bills, taxes, and licenses chargeable and owed within the corporate limits of the town and for any services provided outside of the corporate limits of the town; and shall perform such other duties in relation to the assessments of property, collections of moneys due the town, payment of the debts and obligations of the town, reporting on the financial condition of the town, and other subjects of collection, taxation, and finance as may be ordered by the town council or the town manager.

(1) The treasurer shall receive all money belonging to the town and, unless it be otherwise provided by the town council, shall collect all property and license taxes, levies, and assessments that may be levied by the town council, and such other moneys due the town as the council may direct, and may segregate funds and may establish and manage special funds to be applied and administered in such a manner consistent with the Code of Virginia.

(2) The town treasurer, or other officer at the direction of the council whose duty it is to collect town taxes, shall commence to receive the town levies on or before the first day of November of each year, or as soon thereafter as the person may receive copies of the commissioner of the revenue's books, and continue to receive the same up to the fifth day of December or, if such date is a non-business day, the next business day. The treasurer, or such other officer at the direction of the council, shall provide all timely notices of sums due and owing and for all other notices as required by the Code of Virginia for the proper administration and collection of fees, taxes, and levies by the town. Any person failing to pay any town levies to the treasurer or other such officer by the fifth day of December of the year in which assessed shall incur penalties and interest provided by ordinance adopted pursuant to, and as authorized by, the Code of Virginia and shall further have liens placed

upon such property for town taxes and levies assessed or charged thereon. Consistent with the provisions of the Code of Virginia, the town treasurer is further authorized to charge and collect such fees and costs the town determines by ordinance to recoup its costs associated with the collection of any and all fees, taxes, and levies.

(3) All disbursements of town moneys shall be by check or order of the Town of Victoria signed by the treasurer and countersigned by the clerk of the council, unless the treasurer and clerk of the council be the same person, in which event the said checks and orders shall be countersigned by the mayor. In the absence of the treasurer or the clerk, said checks shall be countersigned by the mayor or vice mayor.

(4) The treasurer shall further keep such books, schedules, and records and in such manner as the council may prescribe or the town manager may require, which books, records, and other papers shall be subject to the inspection of the mayor, the members of the town council, any committee or agent thereof, and the town manager. He shall receive for his services such compensation as the council may from time to time direct. (2014, cc. 237, 710)

Chapter 8. Effect of Charter.

§ 53. Ordinances to remain in force.

All ordinances now in force in the Town of Victoria, not inconsistent with this Charter, shall be and remain in force until altered, amended, or repealed by the town council. (2014, cc. 237, 710)

§ 54. Acts in conflict with Charter.

All acts or parts of acts in conflict with this Charter are hereby repealed, insofar as they affect the provisions of this Charter. (2014, cc. 237, 710)

Vienna, Town of

County of Fairfax

History of incorporation

Incorporation, 1890, c. 373; repealed 1940, c. 420.
Charter, 1940, c. 420; repealed 1956, c. 456.
Charter, 1956, c. 456; repealed 1964, c. 432.

Current charter

Charter, 1964, c. 432.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Vienna, as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate to be known and designated as the town of Vienna, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1964, c. 432)

§ 1.2. Boundaries.

The territory embraced within the town of Vienna is that territory in the county of Fairfax, Virginia, as established in chapter 456 of the Acts of Assembly of 1956 as modified by the final order of the Circuit Court of Fairfax County, Virginia, recorded in the Common Law Order Book No. 39, page 99. (1964, c. 432)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Vienna shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to an incumbent on the town as a municipal corporation.

The powers set forth in §§ 15.2-1100 through 15.2-1131, inclusive, of Chapter 11 of Title 15.2 of the Code of Virginia as now exist, and as hereafter amended, are hereby conferred on and vested in the town of Vienna. (1964, c. 432; 1976, c. 481; 2002, cc. 573, 594)

Chapter 3. Election of Mayor and Councilmen.

§ 3.1. (1964, c. 432; repealed 1970, c. 320)

§ 3.1:1. Election of mayor and councilmen.

The town of Vienna shall be governed by a town council composed of a mayor and six councilmen who shall be qualified electors of the town and who shall be elected on the first Tuesday following the first Monday of November in the following manner:

(a) The town election formerly to be held in May 2022 shall be held on the first Tuesday following the first Monday in November 2023, and the mayor and three councilmen shall be elected for a term of two years, said term to begin on the first day of January 2024 and expire on the last day of December 2025.

(b) In the town elections to be held the first Tuesday following the first Monday in November 2023, there shall be elected three additional councilmen, all of whom shall serve for a term or two years, such term to begin on the first day of January 2024 and expire on the last day of December 2025.

(c) Beginning with the town election held in 2025, the term of office for both the mayor and all councilmen shall be two years and shall begin on the first day of January next following their elections in the November general elections. (1970, c. 320; 1971, c. 168; 2022, cc. 514, 515)

§ 3.2. (1964, c. 432; 1966, c. 113; repealed 1970, c. 320)

§ 3.2:1. Vacancies on council.

Vacancies on the council shall be filled within forty-five days, for the unexpired terms, by a majority vote of the remaining members; provided, however, that where a vacancy for councilman shall occur more than eighteen months prior to expiration of the term, such vacancy shall be filled by a majority vote of the remaining members only until a successor shall have been chosen by the qualified electors of the town in the next regularly scheduled town election and shall have qualified as provided by law. Those candidates elected councilmen by the greatest number of popular votes shall be deemed elected to serve full two year terms of office. That councilman, or where more than one vacancy exists, those councilmen, elected by the next greatest number of popular votes shall be deemed elected to fill the said vacancy or vacancies and not a full two year term. (1970, c. 320)

§ 3.3. Council a continuing body.

The council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1964, c. 432)

§ 3.4. Conduct of municipal elections.

Elections in the town of Vienna shall be conducted pursuant to, and in accord with all applicable provisions of Title 24.2 of the Code of Virginia, except insofar as same are amended by subsections (a) and (b) of this section of the charter.

(a) The mayor shall issue to those elected certificates of election which shall be countersigned by the Town Clerk. Tie votes shall be decided by lot, and contests shall be tried and finally determined by a majority vote of all members of council in office and serving at the time the contested election is held, provided that any member or members of the council who are parties to any such contest shall not participate in the trial of or vote in the determination of the contest to which they are parties.

(b) Candidates for town offices shall not be identified on the ballot by political affiliation. (1964, c. 432; 1966, c. 113; 1968, c. 68; 1973, c. 70; 2002, cc. 573, 594)

Chapter 4. Mayor and Council.

§ 4.1. General grant of powers.

The council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of this State and by this act, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of this State to town councils, but not herein specified. (1964, c. 432)

§ 4.2. Meetings.

The council shall by ordinance fix the time of their stated meetings, and they shall meet at least once a month. Special meeting may be called at any time by the mayor or by four members of the council, provided that all members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called, unless all members of the council be present. (1964, c. 432)

§ 4.3. Quorum; reconsideration of action.

Four members of the council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there be as many members of the council present as were present when such vote was taken. (1964, c. 432; 1966, c. 113; 1968, c. 68)

§ 4.4. The mayor.

The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members but shall not possess the power of veto. He shall be recognized as the head of the town government for all ceremonial purposes, the purpose of military law and the service of civil processes. (1964, c. 432)

§ 4.5. Mayor pro tempore.

In case of the absence or inability of the mayor to act, the mayor pro tempore of the council, to be chosen by a majority of the council present at its organizational meeting following each election, shall possess the same powers, and discharge the same duties during such absence or inability.

In the event of the death or resignation of the mayor, the council shall, within forty-five days thereafter, choose, by majority vote, a mayor to serve for the unexpired term; provided, that when such death or resignation occurs more than eighteen months prior to expiration of the mayor's term of office, the replacement so chosen by the council shall serve only until a successor shall have been elected to fill the remainder of the mayor's unexpired term in the town election held on the first Tuesday in May, next following the occurrence of such vacancy, and shall have qualified as provided by law. The term of office for the mayor so elected to fill the remainder of the unexpired term shall begin on the first of July next following his election. (1964, c. 432; 1968, c. 68; 1972, c. 42)

§ 4.6. Council to fix salaries generally; limitations on salaries of mayor and councilmen.

The council is hereby authorized to fix the salary of the mayor, members of the council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to

exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. (1964, c. 432; 1966, c. 113; 1973, c. 70; 2002, cc. 573, 594)

§ 4.7. Officers.

The council shall appoint a town manager, a town clerk, a town treasurer, town attorneys, and a town sergeant, all of whom shall hold office at and during the pleasure of the council, and shall execute such bonds as may be prescribed by resolution of the council; and shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the council may prescribe; and the council shall have power to fill any vacancy in any of such offices. Upon the failure of any council to appoint such officers, all of such officers then in office shall so continue in office until removed by that or a succeeding council. The same person may be appointed to fill two offices at the discretion of the council, except for town attorney and town sergeants. (1964, c. 432; 1971, c. 168; 1976, c. 481)

§ 4.8. Town clerk.

The clerk shall be the clerk of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the council or the general laws of the State require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1964, c. 432; 2002, cc. 573, 594)

Chapter 5. Town Manager.

§ 5.1. Duties and qualifications.

The town manager shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, and for the six months next following his appointment, he need not be domiciled in the town or the Commonwealth. Thereafter and during his remaining tenure of office he shall be a domiciliary of the town. The town manager shall be the chief administrative officer and head of the administrative branch of the town government. He shall execute the laws and ordinances and administer the government of the town and be responsible therefor to the council. He shall:

(1) Except with respect to § 4.7 above, appoint all directors, or heads of the administrative departments, and all other administrative officers and employees of the town;

(2) When deemed necessary and in accordance with policies approved by the council, suspend, demote or remove all such directors or heads and all other administrative officers and employees of

the town appointed by him except as he may authorize the head of a department, an officer or an agency to exercise such powers respecting subordinates in such department, office or agency;

(3) Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees of the town; and when directed by the council he shall examine the records and books of the office of Treasurer;

(4) Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable;

(5) Submit to the council a complete report as of the end of the fiscal year on the finances and administrative activities of the town for the preceding year;

(6) Keep the council advised of the financial condition and future needs of the town, and make such recommendations on matters of policy and other matters to the council as may seem to him desirable;

(7) Have power, whenever the interests of the town require, to assign employees of any department, bureau, office or agency, to the temporary performance of duties in another department, bureau, office or agency;

(8) Have such other powers and duties consistent with the town charter as the council may prescribe. (1964, c. 432; 2002, cc. 573, 594)

Chapter 6. Fiscal and Administrative.

§ 6.1. Fiscal control.

The council shall have the power to control and manage the fiscal and municipal affairs of the town and all property, real and personal, belonging to said town, and to make such ordinances, orders and resolutions relating to the same as it may deem necessary. After the close of each fiscal year, the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the town by the Auditor of Public Accounts of the Commonwealth, or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall always be available for public inspection in the office of the clerk to the council during regular business hours. The council shall have the further power to purchase, hold, sell and convey all real and personal property, within or without the corporate limits, necessary for its use and purposes.

(a) The council shall have power and authority to acquire, or otherwise obtain control of or establish, maintain, operate, extend and enlarge waterworks, sewage disposal plants, gasworks, electric plants, and other public utilities within or without the limits of the town; to acquire within or without the limits of

the town by purchase, condemnation, but insofar as such power of condemnation is exercised as to lands of a public service corporation, § 25-233 shall be applicable, or otherwise, whatever land may be necessary for acquiring, locating, establishing, maintaining, operating, extending and enlarging said waterworks, sewage disposal plants, electric plants and other utilities, and the rights of way, rails, pipes, poles, conduits and wires connected therewith or any of the fixtures or appurtenances thereof; and promulgate and enforce reasonable rates, rules and regulations for use of same, any or all of which rates, rules and regulations the council may alter at any time without notice.

(b) In the event the fees, rents, or charges, charged for the use and services of the public water system or sewage disposal system, by, or in connection with, any real estate, shall not be paid when due, interest shall at the time begin to accrue thereon at the rate of one percent per month. Such fees, rents, charges and the interest due thereon shall constitute a lien, which shall rank on a parity with liens for unpaid town or county taxes, against the property, which lien may be indexed and filed among the Judgment Records of the Circuit Court of Fairfax County, the cost of such filing to be included in the total amount of such lien. Such fees, rents, charges and the interest due thereon also may be recovered by the town of Vienna by action at law, or suit in equity.

(c) The council shall have the power and authority to require the owners or occupants of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipe line or conduit to make connections therewith, and to use such sewer pipes and conduits and water furnished by the town under such ordinances and regulations as the council may deem necessary to secure the proper service thereof and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties under the provisions of this act. (1964, c. 432; 1966, c. 113; 1968, c. 68; 1970, c. 320)

§ 6.2. May contract loans.

The council, within the limits of the Constitution of this State and in accordance with the provisions of the general laws thereof, may, in the name of, and for the use of the town, contract loans or cause to be issued certificates of debt, notes or bonds. (1964, c. 432)

§ 6.3. May make temporary loans.

The council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the town; such loans to be evidenced by bonds or notes bearing interest at a rate permitted by general law for towns; such bonds or notes shall be payable within one year from the date of issue out of the current revenue of the year in which same are issued. No such temporary loan shall in the aggregate exceed seventy-five percent of the previous year's income.

The council shall also have the power to issue notes to raise capital in anticipation of a bond issue, which notes shall be paid within five years from the date of issuance thereof. In the issuance of bonds

and notes the town shall be subject to the limitations as to amount contained in Section 10 (a) of Article VII of the Constitution of the Commonwealth of Virginia only. (1964, c. 432; 1970, c. 320; 1971, c. 168; 1974, c. 209)

§ 6.4. Sinking fund provision.

There shall be set apart annually from the revenues of the town a sinking fund sufficient in amount to pay the outstanding indebtedness of the town, as it matures, which by its terms, is payable in not less than one year, and the council may, in its discretion annually from time to time, set aside such additional sinking fund as may be deemed proper, and invest all of the sinking fund as hereinafter set forth.

(a) All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not within a reasonable time be required for payment of any bond of the town, or cannot be used to advantage in the purchase and redemption of any bonds of the town, which may be outstanding, the same shall be securely invested in interest bearing municipal, State or United States government bonds, or invested in any securities approved by the general laws of the State for the investment of such funds, or deposited in a bank on a reasonable rate of interest. Such sinking fund may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council. (1964, c. 432)

§ 6.5. Bonds.

All bonds, and other evidences of indebtedness of the town shall be signed by the mayor and countersigned by the town clerk; and to all bonds the clerk of the town shall affix the corporate seal of the town and attest the same. (1964, c. 432)

Chapter 7. Taxes.

§ 7.1. May levy taxes.

The town is empowered to levy and collect taxes, on all subjects of taxation except as restrained by the Constitution or by general law heretofore or hereafter adopted, provided that it shall impose no taxes on the bonds of the said town; and provided further that such levy shall not be increased beyond the rate of two dollars on the one hundred dollar assessed valuation of real and personal property (except as permitted by State law for increases beyond charter limitations) without the affirmative vote of the majority of citizens voting, as determined by a referendum held for this purpose. (1964, c. 432)

§ 7.2. Assessment of real and personal property.

The assessment of real and personal property in the town for the purpose of municipal taxation shall be the same as the assessment for the purpose of county taxation, but where the treasurer for the town knows of property that has been omitted by the Commissioner of Revenue of the county from his books, the treasurer of the town may by the same proceedings as are provided for county commissioners of revenue in similar cases assess such omitted property, real or personal, for town taxation.

(a) Where the treasurer for the town knows of property that has been erroneously assessed in the town of Vienna by the Commissioner of Revenue of the County of Fairfax from his books, the treasurer of the town may by the same proceedings as are provided for county commissioners of revenue in similar cases release such erroneous assessments from the town of Vienna tax rolls. (1964, c. 432)

Chapter 8. (Repealed)

§ 8.1. (1964, c. 432; repealed 1976, c. 481)

§ 8.2. (1964, c. 432; 1973, c. 70; repealed 1976, c. 481)

Chapter 8-A. Acquisition of Property for Roadway or Other Public Purposes.

§ 8-A.1. Bequest, purchase or lease; ownership and use of property.

The town shall have, for the purpose of carrying out any of its powers and duties in the construction or reconstruction of roadways and streets, or for other public purposes, power to acquire by gift, bequest, purchase or lease, and to own and make use of within the town lands, buildings, other structures and personal property, including any interest, right, easement or estate therein and in acquiring such property to exercise, within the town, the right of eminent domain, as hereinafter provided in this chapter. (1966, c. 113; 1971, c. 168; 1973, c. 70)

§ 8-A.2. Eminent domain.

The town is hereby authorized to acquire by condemnation proceedings, lands, buildings, structures and personal property or any interest, right, easement, or estate therein of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, and whenever the town cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of the incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the State or cannot with reasonable diligence be found in the State or is unknown.

Such proceedings shall be instituted in the Circuit Court of Fairfax County. The provisions of § 25-233 of the Code of Virginia shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act. (1966, c. 113)

§ 8-A.3. Alternative procedures in condemnation.

The town may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law or may elect to proceed as hereinafter provided. In the latter event the resolution or ordinance directing the acquisition of any property, as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the

owners thereof for such property to be acquired or damaged, the amount of such sum to be determined by two competent impartial appraisers. Upon the adoption of such resolution or ordinance the town shall file a petition in the clerk's office of the Circuit Court of Fairfax County, which shall be signed by the town manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, or other contemplated structures if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the State or cannot with reasonable diligence be found in the State, or if the residence of the owner or tenant be unknown he may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ 8-71, 8-72 and 8-76 of the Code of Virginia.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose with the clerk of the court in such proceedings and the filing of a certificate of deposit therefor, the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the town and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the town shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court shall make and certify a copy of the petition, exhibits filed therewith, and orders, and record the same in his deed book and index them in the name of the person or persons who had the property before and in the name of the town, for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the town.

If the town and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken

by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making of such inquiries by such special commissioner.

If the town and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the town or the owner, the court shall appoint commissioners provided for in § 25-46.20 of the Code of Virginia, as amended, and all proceedings thereafter shall be had as provided in §§ 25-46.17 to 25-46.34, inclusive, of the Code of Virginia, as amended, insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the town of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the town subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award. (1966, c. 113)

§ 8-A.4. Enhancement in values, when considered.

In all cases hereunder the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the town, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage there shall be no recovery over against the owner for such excess. (1966, c. 113)

§ 8-A.5. Unclaimed funds in condemnation cases.

Whenever any money shall have remained for five years in the custody or under the control of the court enumerated in § 8-A.2, in any condemnation proceeding instituted therein by the town, without any claim having been asserted thereto such court shall, where the amount is one hundred dollars or more, cause a publication to be made once a week for two successive weeks in a newspaper of general circulation published in the town, setting forth the amount of such money, the source from which it was derived and the proceeding in which it is held, and requiring all persons having any claim to said money to appear before said court within such time after the completion of the publication as the court may prescribe, and establish their claim. If the sum be less than one hundred dollars, the court shall direct the same to be paid in to the treasury of the town, and a proper receipt for the payment taken and filed among the records of the proceeding. If no person shall appear and show title in himself the court shall order the money, after deducting therefrom the costs of such publication is such publication is made, and any other proper charges, to be paid into the treasury of the town and a proper receipt for the payment to be taken and filed among the records of the proceeding. The director of finance shall,

in a book provided for the purpose, keep an account of all money thus paid into the town treasury, showing the amount thereof, when, by whom, and under what order it was paid and the name of the court and as far as practicable, a description of the suit or proceeding in which the order was made and, as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the town shall be paid out on the order of the court having jurisdiction of the proceeding, to any person entitled thereto who had not asserted a claim therefor in the proceeding in which it was held, upon satisfactory proof that he is entitled to such money. If such claim be established the net amount thereof, after deducting costs and other charges, shall be paid to the claimant out of the treasury of the town on the warrant of the director of finance. No claim to such money shall be asserted after ten years from the time when such court obtained control thereof, provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted by such person, claim to such money may be asserted within five years after the removal of such disability. (1966, c. 113)

§ 8-A.6. No rights of the town in and to its public lands, streets, avenues, parks, bridges or other public places, or its water works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all members of the town council, and in accordance with all other provisions of Section 9, Article VII of the Constitution of Virginia. (1971, c. 168)

Chapter 8-B. Architectural Control Districts.

§ 8-B.1. Architectural control districts.

In order to protect and promote the general welfare and to prevent deterioration of the appearance of the town which would tend to create hazards to public health, safety and morals and destroy opportunity for the development of business and industry, the town council may designate, within any land areas, except those zoned for single family, detached, residential use, architectural control districts in which no structure shall be erected, reconstructed, altered or restored until approved by a board of architectural review.

Provided, that any lot, parcel or area of land which is used for other than single family, detached residences, or which is the subject of an application for a use permit or building permit involving any such other use, may be designated as an architectural control district without regard to its zoning classification. (1966, c. 113; 1968, c. 68; 1971, c. 168)

§ 8-B.2. Board of Architectural Review.

The council may create a Board of Architectural Review. The Board shall consist of five members appointed by majority vote of the council for terms not to exceed three years. At least one member of the Board shall be an architect registered in Virginia and at least one shall be a member of the Virginia State Bar. All members of the Board shall be residents of the town of Vienna except one architect member who may, or may not be a resident of the town of Vienna. In the event that the one

architect member shall not be a resident of the town of Vienna, his appointment shall be for a period of one year. The council shall prepare and publish appropriate standards, rules, regulations and procedures for the operation of the Board and to carry out the purposes and objectives herein set forth; provided that the council shall not adopt as part of any such standards a specific architectural style; it shall provide for appeals to the town council from any final decision of the Board, which appeal shall stay the Board's decision pending the outcome of the appeal before the council. The council, on appeal, shall apply the same standards as those established for the Board and may affirm, reverse, or modify the decision of the Board, in whole or in part. Parties aggrieved by the decision of the town council shall have the right to appeal to the Circuit Court of Fairfax County for review by filing a petition, at law, setting forth the alleged illegality of the town council's action, provided such petition is filed within thirty days after the final decision is rendered by the town council. The filing of the said petition shall stay the council's decision pending the outcome of the appeal to the court. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the council. (1966, c. 113; 1968, c. 68)

§ 8-B.3. Purpose of Board.

The purpose of the Board shall be to assure that all buildings, signs, landscaping and other external improvements erected in the designated architectural control districts conform to accepted architectural standards for permanent improvements, as contrasted with engineering standards designed to satisfy safety requirements only. Such improvements shall exhibit external characteristics as to material, texture, color, lighting, dimensions, line and mass of demonstrated architectural and aesthetic durability. The Board shall not authorize in such districts improvements of extremely unusual design, improvements where the characteristics are designed to serve as advertisements or commercial displays or improvements which in terms of material, texture, color, dimension, lighting, line or mass exhibit characteristics likely to deteriorate rapidly or be of short term architectural or aesthetic acceptability, be plainly offensive to human sensibilities or otherwise constitute a reasonably foreseeable detriment to the community. (1966, c. 113; 1977, c. 199)

Chapter 9. Miscellaneous.

§ 9.1. Ordinances in force.

All ordinances now in force in the town of Vienna, not inconsistent with this act, shall be and remain in force until altered, amended or repealed by the council. (1964, c. 432)

§ 9.1.1. Final passage of ordinances.

(a) The object of every proposed ordinance shall be expressed in its title and no ordinance except an emergency ordinance shall be passed until after a notice of intention to propose the same for passage shall have been published once a week for two successive weeks prior to its passage in some

newspaper published in the county, and no such ordinance shall become effective until ten days after it shall have been published in full or by its title and an informative summary of such ordinance in a like newspaper. If such publication is by title and informative summary, the publication shall include a statement that a copy of the full text of the ordinance is on file in the office of the town clerk. The provisions of this section governing publication shall not apply, however, to any ordinance enacted pursuant to a State statute where such statute specifically provides for the manner of publication.

(b) On final vote on any ordinance or resolution, the name of each member of council voting and how he voted shall be recorded.

(c) No ordinance or resolution appropriating funds exceeding the sum of five hundred dollars, imposing taxes or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the council. (1964, c. 432; 1971, c. 168)

§ 9.1.2. Any ordinance passed as an emergency shall require a two-thirds vote of all the council, and shall be void and of no effect at the expiration of sixty days from the date of adoption, unless sooner repealed or reenacted as provided in § 9.1.1 hereof. (1964, c. 432)

§ 9.2. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1964, c. 432)

§ 9.3. United States government employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission. (1964, c. 432)

§ 9.4. Authority to license dogs.

Notwithstanding any other provision of law the town council shall have power to impose and collect a dog license tax and such tax shall be the only license tax on dogs required of residents within the town. The dog license tax shall be collected by the Director of Finance. The town council may appoint a dog warden for the town and such deputy wardens as may be required. Such warden and deputy wardens shall have authority to enforce all dog laws within the town. The town may provide facilities for the capture and confinement and disposition of unlicensed dogs or dogs owned, kept or harbored in violation of the dog laws. The town council may enact local ordinances corresponding in nature and scope and not in conflict with the provisions of Chapter 9.2 of Title 29 of the Code of Virginia, and may repeal, modify or amend such ordinances provided that no penalty imposed by such ordinances shall be greater than the penalty imposed for a similar offense under Chapter 9.2 of Title 29 of the Code of Virginia. The Director of Finance of the town shall not be required to remit any portion of the funds collected from the licensing of dogs to the State Treasurer. (1966, c. 113; 1978, c. 577)

§ 9.5. Authority to permit use of sidewalks for bicycle riding.

Notwithstanding any other provision of law, the town council may authorize children under fifteen years of age to ride bicycles upon the sidewalks in areas of the town prescribed by council and to regulate the riding of bicycles thereon in such manner as the council may deem to be in the public interest. (1973, c. 70)

§ 9.6. Authority to establish historic districts.

Notwithstanding any other provision of law, the town council may establish one or more historic districts for the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of these general areas or individual structures and premises which have been officially designated by the town council as having historic or architectural significance. The establishment of historic districts shall be by amendment of the zoning ordinance and consistent with the purposes, criteria and procedures set forth in § 15.1-503.2 of the Code of Virginia. (1974, c. 209)

Editor's note: Complete amendments listing for the Town of Vienna:

Current charter

Charter, 1964, c. 432.

Amendments to current charter

1966, c. 113 (§§ 3.2, 3.4, 4.3, 4.6, 6.1, 8-A.1 through 8-A.5 [added], 8-B.1 through 8-B.3 [added], 9.4 [added])

1968, c. 68 (§§ 3.4, 4.3, 4.5, 6.1, 8-B.1, 8-B.2)

1970, c. 320 (§§ 3.1 [repealed], 3.1:1 [added], 3.2 [repealed], 3.2:1 [added], 6.1, 6.3)

1971, c. 168 (§§ 3.1:1, 4.7, 6.3, 8-A.1, 8-A.6 [added], 8-B.1, 9.1.1)

1972, c. 42 (§ 4.5)

1973, c. 70 (§§ 3.4, 4.6, 8.2, 8-A.1, 9.5 [added])

1974, c. 209 (§§ 6.3, 9.6 [added])

1976, c. 481 (§§ 2.1, 4.7, 8.1 [repealed], 8.2 [repealed])

1977, c. 199 (§ 8-B.3)

1978, c. 577 (§ 9.4)

2002, cc. 573, 594 (§§ 2.1, 3.4, 4.6, 4.8, 5.1)

2022, cc. 514, 515 (§ 3.1:1)

Vinton, Town of

County of Roanoke

History of incorporation

Formerly known as Gish's.
Name changed to Vinton by an 1884 Act of Assembly.
Charter, 1884, c. 468; repealed, 1904, c. 136.
Charter, 1904, c. 136; repealed, 1928, c. 277.
Charter, 1928, c. 277; repealed, 1936, c. 423.
Charter, 1936, c. 423, repealed, 1981, c. 618.

Current charter
Charter, 1981, c. 618.

Amendments to current charter
1982, c. 86 (§ 3.1)
1985, c. 14 (§ 3.8 [added])
1990, c. 30 (§ 2.4 [added])
1992, c. 272 (§§ 3.5, 4.5)
1998, c. 249 (§§ 3.1, 3.2, 3.5)
2003, c. 199 (§ 3.1.1 [added])
2010, c. 807 (§ 3.2)

Chapter 1. Incorporation, Form of Government and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Vinton, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Vinton, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1981, c. 618)

§ 1.2. Form of government.

The municipal government provided by this charter shall be known as the "town manager plan." Pursuant to its provisions, and subject only to the limitations imposed by the Constitution of Virginia and by this charter, all powers of the town shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint the town manager, who shall execute the laws and administer the government of the town. (1981, c. 618)

§ 1.3. Boundaries.

The boundaries of the town shall be as established by the General Assembly, in Chapter 423 of the Acts of Assembly of 1936, and by order of the Circuit Court of Roanoke County, Virginia, entered in the Common Law Order Book 23 page 167. (1981, c. 618)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Vinton shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all of the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1981, c. 618)

§ 2.2. Adoption of certain sections of the Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1981, c. 618)

§ 2.3. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of Vinton. (1981, c. 618)

§ 2.4. Proration of personal property tax.

A. The town of Vinton may provide by ordinance for the levy and collection of personal property tax on motor vehicles, trailers, and boats which have acquired a situs within such town after the tax assessment day for the balance of the tax year. Such tax shall be prorated on a monthly basis. The ordinance may exclude boats from the property subject to proration of the personal property tax. For purposes of proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted.

The ordinance shall also provide for relief from such tax and a refund of the appropriate amount of the tax already paid, which shall be prorated on a monthly basis, where any motor vehicle, trailer, or boat loses its situs within such town after the tax assessment day or after the day on which it acquires a situs. When any person sells or otherwise transfers title to a motor vehicle, trailer, or boat with a situs in the town after the tax day or situs day, the tax shall be relieved, prorated on a monthly basis, and the appropriate amount of tax already paid shall be refunded or credited, at the option of the taxpayer, against the tax due on any motor vehicle, trailer, or boat owned by the taxpayer during the same tax year by the treasurer of such town. Such refund shall be made within thirty days of the date such tax is relieved. When any person, after the tax assessment day, acquires a motor vehicle, trailer, or boat with a situs in the town, the tax shall be assessed on the motor vehicle, trailer, or boat for the portion of the tax year during which the new owner owns the motor vehicle, trailer, or boat and it has a situs within the town.

B. The ordinance shall provide for the filing of returns and payment of the tax. The ordinance shall also exempt property from the levy of such personal property tax for any tax year or portion thereof

during which the property was legally assessed by another jurisdiction in the Commonwealth and the tax paid. The ordinance may provide that, notwithstanding any other date for billing and payment of personal property tax, the town may bill all personal property taxes assessed for a portion of the tax year less than the full year on or after December 15 of each year. The ordinance may further provide that such taxes shall be due not less than thirty days after the date of the tax bill. If the tax is not paid when due, the penalty and the interest otherwise provided for by law shall be imposed based on the established due date. (1990, c. 30)

Chapter 3. Council.

§ 3.1. Election, qualification and term of office for mayor and councilmen.

The town of Vinton shall be governed by a town council composed of a mayor and four councilmen, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of mayor or councilman. The mayor and the councilmen in office at the time of the adoption of this charter shall continue in office until their successors are duly elected and qualified. An election for two councilmen shall be held on the first Tuesday in May, 1982, and on the first Tuesday in May of every second year thereafter. A mayor shall be elected on the first Tuesday in May, 1984, and every four years thereafter unless a vacancy in office occurs, in which case the provisions of § 3.5 of this charter shall control. The mayor and councilmen shall enter upon their duties on the first day of July next succeeding their election, and shall each serve for a term of four years or until their successors have qualified. (1981, c. 618; 1982, c. 86; 1998, c. 249)

§ 3.1.1. Holding other office.

Except as otherwise authorized by law, the mayor or a councilman shall not be eligible during his term of office, or for one year thereafter, for any compensated town employment. If appointed by the council to a board or commission, he may be compensated as a member. (2003, c. 199)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled within forty-five days of when the vacancy occurs by a majority vote of the remaining members of the council. The person appointed by council shall hold office until the qualified voters fill the vacancy by special election pursuant to Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2 of the Code of Virginia (1950), and the person so elected has qualified. (1981, c. 618; 1998, c. 249; 2010, c. 807)

§ 3.3. Council a continuing body.

The council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1981, c. 618)

§ 3.4. Mayor and vice-mayor.

The mayor shall preside over the meetings of the council, have the same right to speak therein as other members and shall have a vote but no veto. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process, and shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. At its first meeting, the council shall choose by a majority vote of all the members thereof one of their number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of the mayor. In the absence or disability of both mayor and vice-mayor the council, by majority vote of those present, shall choose one of their number as acting mayor. (1981, c. 618)

§ 3.5. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled within thirty days of when the vacancy occurs, for the unexpired portion of the term, by a majority vote of council. If, however, the unexpired portion of the term is more than two years, the person appointed by council shall serve only until the next regular councilmanic election. At such election, the vacancy shall be filled by the electorate for a four-year term beginning on July 1 of the year of the election. Succeeding mayoral elections shall be every four years after the election at which the vacancy was filled. (1981, c. 618; 1992, c. 272; 1998, c. 249)

§ 3.6. Meetings of council.

The council shall fix the time of its stated meetings and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be open to the public. Three members of the council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor, by any three members of the council, or by the town manager; provided that, the members of the council are given reasonable notice of such meetings and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present this provision may be waived by a majority vote of the council. No ordinance, resolution, motion, or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. (1981, c. 618)

§ 3.7. Powers of council.

In addition to exercising the powers of the town specified in Chapter 2 of this charter, the council shall have the power to make such rules as are necessary for the orderly conduct of its business and for the administration of the town government not inconsistent with the laws of Virginia. (1981, c. 618)

§ 3.8. Salaries and expenses.

The council by ordinance may establish the salary of the mayor and members of council as provided for in §§ 15.1-827 and 15.1-827.1 of the Code of Virginia, and may also authorize monthly expense allotments or expense accounts for the mayor and members of council. However, all claims for

expenses shall be for reasonable expenses to the extent permitted by law incurred in the conduct of official town business and shall be itemized and documented by stamped paid receipts to the extent feasible. (1985, c. 14)

Chapter 4. Appointive Officers.

§ 4.1. Appointments.

At the first meeting in July following each councilmanic election, or as soon thereafter as practicable, the council shall appoint the following officers: (1981, c. 618)

§ 4.2. Town manager.

A town manager who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. (1981, c. 618)

§ 4.3. Town treasurer.

A town treasurer, whose duties shall be as prescribed by the council. (1981, c. 618)

§ 4.4. Town clerk.

A town clerk, who also may be the town manager, and/or the town treasurer, whose duties shall be as prescribed by council. (1981, c. 618)

§ 4.5. Town attorney.

A town attorney, who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth. He shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. His duties shall be as prescribed by the council. (1981, c. 618; 1992, c. 272)

§ 4.6. Police and fire department officers.

The council, in its discretion, may provide a chief of police and a fire chief whose duties shall be as prescribed by council. In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1981, c. 618)

§ 4.7. Deputies and assistants.

The council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1981, c. 618)

§ 4.8. Duties.

Each officer, deputy, and assistant, as the case may be, shall have such duties not inconsistent with the Constitution, general laws of the Commonwealth or this charter, and shall be paid such compensation as the council may determine. (1981, c. 618)

§ 4.9. Term of office.

Appointees hereunder shall serve at all times at the pleasure of the council and may be dismissed at any time by the council. (1981, c. 618)

§ 4.10. Bonds.

Officers, deputies, and assistants shall execute such bonds as may be required by resolution of the council. (1981, c. 618)

§ 4.11. Vacancies of office.

The council may fill any vacancy in any appointive office. (1981, c. 618)

§ 4.12. Appointment of one person to more than one office.

The council may appoint the same person to more than one appointive office. (1981, c. 618)

§ 4.13. Boards and commissions.

The council, in its discretion, may appoint such boards and commissions as it deems necessary. (1981, c. 618)

Chapter 5. Courts.

§ 5.1. Jurisdiction of courts within the town.

The Roanoke County General District Court and the Juvenile and Domestic Relations Court, and the Circuit Court of Roanoke County, or their successors, shall have the same jurisdiction both criminal and civil within the town as provided by law. (1981, c. 618)

Chapter 6. Financial Provisions.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1981, c. 618)

Chapter 7. Miscellaneous.

§ 7.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1981, c. 618)

§ 7.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in, or to all land, buildings, and structures owned by or leased or rented to the town and located outside the town. (1981, c. 618)

§ 7.3. Ordinances continued in force.

All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council. (1981, c. 618)

§ 7.4. Severability of provisions.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1981, c. 618)

§ 7.5. Disclosure of interest.

The council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1981, c. 618)

§ 7.6. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1981, c. 618)

§ 7.7. Water and sewer service charges.

In operating public water and sewer services, the town may charge a different rate for any such services furnished to customers without the corporate limits from the rates charged for similar services to customers within the corporate limits. The town may provide by ordinance that all such unpaid charges and interest thereon shall constitute a lien on the real estate served by such water line or sewer. (1981, c. 618)

Virgilina, Town of

County of Halifax

History of incorporation

Incorporated, 1900, c. 271; repealed 1974, c. 255.

Current charter

Charter, 1974, c. 255.

Amendments to current charter

2012, c. 457 (§ 3.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Virgilina as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Virgilina and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be con-

tracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1974, c. 255)

§ 1.2. Boundaries.

The territory embraced within the town of Virgilina is that territory in the County of Halifax, Virginia, as set forth by plat recorded in the clerk's office of the Circuit Court of Halifax County, Virginia, in Plat Book 2, Page 7, which is incorporated herein by reference. (1974, c. 255)

Chapter 2. Powers.

§ 2.1. The town of Virgilina shall have all powers that may be conferred upon or delegated to towns under the constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-873 through 15.1-907, as severally amended, of the Code of Virginia. (1974, c. 255)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification, and term of office.

(a) The town of Virgilina shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue until the term for which they were elected expires or until they are replaced by virtue of the passage of this amendment.

An election for mayor and councilmen shall be held on the first Tuesday in November 2012, and those elected shall take office at the expiration of the present incumbents' terms and hold same until their successors are duly elected and qualified. Thereafter, there shall be an election on the first Tuesday after the first Monday in November of each even numbered year, and those elected shall take office on the first day of the succeeding January for a term of two years.

(c) The mayor shall preside over meetings of the town council and shall be the chief official of the town for ceremonial purposes. He shall have the same powers and duties as other members of the council with a vote but no veto power. (1974, c. 255; 2012, c. 457)

§ 3.2. Vacancies.

Vacancies on the council and in the office of mayor shall be filled for the unexpired term by a majority vote of the members of the council. (1974, c. 255)

§ 3.3. Qualification of members.

Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. (1974, c. 255)

§ 3.4. Powers of council.

The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of Virginia and shall have the power in their discretion to appoint a clerk, treasurer, town attorney, and town sergeant who shall have such duties and shall serve for such terms and at such compensation as the council may determine, except that the town sergeant's term of office shall be as provided by law. (1974, c. 255)

Chapter 4. Miscellaneous.

§ 4.1. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia are hereby conferred upon the town of Virgilina. (1974, c. 255)

§ 4.2. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1974, c. 255)

§ 4.3. Ordinances continuing.

All ordinances now in force in the town of Virgilina, not inconsistent with this chapter, shall remain in force until altered, amended or repealed by the council. (1974, c. 255)

§ 4.4. Legislative procedure.

Except in dealing with parliamentary procedure the council shall act only by ordinance or resolution which, with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1974, c. 255)

Virginia Beach, City of

History of incorporation

Incorporated as a town by a 1906 Act of Assembly.
Consolidation of City of Virginia Beach (Second Class) and County of Princess Anne into City of First Class, January 1, 1963.
Charter, 1906, c. 76; Repealed 1952, c. 33.
Charter, 1952, c. 33; Repealed 1962, c. 147.

Current charter

Charter, 1962, c. 147.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

Chapter 1. Incorporation and Boundaries.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Virginia Beach, as they are or hereafter may be established by law, shall continue to be a body politic and corporate under the name of the City of Virginia Beach and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure. The inhabitants of the territory comprised within the limits of Princess Anne County as it exists at the effective date of this charter shall also be a part of such body politic and corporate. (1962, c. 147)

§ 1.02. Boundaries.

The boundaries of the City of Virginia Beach shall coincide with the outside boundaries of Princess Anne County so as to include all of the territory comprising Princess Anne County and the City of Virginia Beach as existing immediately preceding the effective date of this charter. (1962, c. 147)

Chapter 2. Powers.

§ 2.01. General grant of powers.

The powers set forth in §§ 15.2-1100 through 15.2-1131 of the Code of Virginia as in force on January 1, 1977, and as hereafter amended, are hereby conferred on and vested in the City of Virginia Beach. In addition thereto the City of Virginia Beach shall have and may exercise all other powers which are now or may hereafter be conferred upon or delegated to cities of the first class under the Constitution or laws of the Commonwealth, as fully and completely as though such powers were specifically enumerated in this charter and no enumerations of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1962, c. 147; 1977, c. 14; 2003, c. 869)

§ 2.02. Additional powers.

Without limiting the generality of the foregoing, but in addition thereto, the City of Virginia Beach shall have the following additional powers:

(a) To spend not exceeding five percent of its annual revenue from all sources in advertisement of and giving publicity to its resources and advantages.

(b) To levy a higher tax in such areas of the City of Virginia Beach as desire additional or more complete services of government than are desired in the city as a whole, provided that such higher tax rate shall not be levied for school, police or general government services but only for those services which prior to the effective date of this charter were not offered in all the territory within the boundaries of the city and provided further that the proceeds from such higher tax rate shall be so segregated as to enable the same to be expended in the areas in which raised.

(c) To levy a special tax on real property in any district, sanitary district or other special taxing district or combination thereof, for a period of not exceeding 20 years, which may be different from and in addition to the general tax rate throughout the city, for the purpose of repaying indebtedness

existing on the effective date of this charter and chargeable to such district, sanitary district or special taxing district or combination thereof.

(d) To exercise all powers possessed by the City of Virginia Beach and Princess Anne County immediately preceding the effective date of this charter, consistent with general law and not inconsistent with this charter; provided, however, that except as otherwise specifically provided in this charter, all laws heretofore applicable to Virginia Beach or Princess Anne County, respectively, shall continue to apply to the areas theretofore comprising such political subdivisions, now incorporated under this charter as a single such subdivision, until otherwise provided by law.

(e) Imposition of special fees. To establish and collect such fees as may be determined by the council to be reasonable for the rendering of special services.

(f) Special service district. A special service district of the oceanfront resort area of the City of Virginia Beach shall be created by the governing body of the City of Virginia Beach upon petition of more than 50 percent of the property owners of the proposed district. The petition shall define the boundaries of the proposed district, which shall be limited in area to the oceanfront resort district, but need not be limited to properties abutting the boardwalk, the oceanfront or Atlantic Avenue. Upon the filing of such petition, the governing body shall fix a date for a public hearing on the question of the proposed service district, which hearing shall embrace a consideration of whether the property within the proposed district will be benefited by the establishment thereof. Notice of such hearing shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the City of Virginia Beach, and the hearing shall not be held sooner than 10 days after completion of such publication.

After creating the special service district, the city council shall have the following powers and duties with respect to the service district:

1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable to provide additional governmental services and facilities, including but not limited to relocation and placement underground of utility lines and poles, landscaping, boardwalk and beach improvements, recreational facilities, parking facilities, promotion of the business district, and sidewalks and pedestrian malls for the use and benefit of the public in such service district.

2. To acquire by gift, condemnation, purchase, lease, or otherwise and to maintain and operate any such facilities and equipment as may be necessary and desirable to provide such additional governmental services in such district, and to acquire by gift, condemnation, purchase, lease, or otherwise, rights, title, interest, or easements therefor in or to real estate in such service district.

3. To contract with any person, firm, corporation, or political subdivision to provide such additional governmental services or facilities in such district and to construct, establish, maintain, and

operate any such facilities and equipment, as may be necessary and desirable in connection therewith.

4. To authorize the city manager to employ and fix the compensation of any technical, clerical, or other personnel which may be necessary or desirable from time to time to provide such additional governmental services in such district or for the construction, operation, or maintenance of any such facilities and equipment as may be necessary or desirable in connection therewith.

5. To levy and collect an annual tax, which shall not be more than 15 percent higher than the general real estate tax levy, upon any property in such service district subject to local taxation to pay, either in whole or in part, the expenses and charges for providing such additional governmental services or facilities in such district and for constructing, maintaining, and operating such facilities and equipment as may be necessary and desirable in connection therewith, provided that the proceeds from such annual tax shall be so segregated as to enable the same to be expended in the district from which collected.

(g) To compel the abatement and removal of all nuisances within the city; to require all lands, lots and other premises within the city to be kept clean; to regulate the keeping of animals, poultry, and other fowl therein; to regulate the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to compel the removal of grass and weeds from private and public property, and snow from sidewalks; to require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of the grounds subject to be covered by stagnant water; the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures; to compel the removal of inoperative or unlicensed motor vehicles or parts thereof from private or public property; and to make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, and the city may maintain a suit to restrain by injunction the violation of any ordinance. The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now and may hereafter be possessed or enjoyed by other cities under the Constitution and general laws of this Commonwealth. If after such reasonable notice as the council may prescribe by ordinance, the owner or owners, occupant or occupants of the property or premises affected by the provisions of this subsection shall fail to abate or obviate the condition or nuisance,

the city may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property or premises affected in any manner provided by law for the collection of taxes. (1962, c. 147; 1968, c. 192; 1986, c. 313; 1987, c. 228; 2003, c. 869)

Chapter 3. City Council.

§ 3.01. Division of city into districts.

A. The city shall be divided into seven residence districts of approximately equal population which shall be numbered one through seven. The council shall consist of eleven members, including the mayor, one member to be elected by the city at large from the residents of each of the seven districts and three members and the mayor to be elected by and from the city at large.

B. The boundaries and names of such districts shall be established by ordinance on or before March 1, 1996, and thereafter the boundaries shall be adjusted periodically as may be necessary to ensure that the populations of the districts remain approximately equal.

C. The city council shall, no later than January 1, 1996, petition the circuit court to order an advisory referendum to be held on the question of whether the council member elected from each district shall be elected by the qualified voters of that district rather than at large. The wording of the question shall be determined by majority vote of the city council and shall be included in the petition. Upon the filing of the petition, the circuit court shall order that an advisory referendum be held on the question in the city at the municipal elections to be held in May 1996. (1962, c. 147; 1966, c. 39; 1987, c. 227; 1995, c. 697)

§ 3.01:1. Implementation of districts.

A. At the May 1996 general election, three members shall be elected by the city at large from the residents of the Blackwater, Princess Anne, and Virginia Beach boroughs as such boroughs existed on January 1, 1995. The terms of the members so elected shall expire on July 1, 1998. The terms of the mayor and council member elected by and from the city at large in May of 1996 shall expire on July 1, 2000.

B. At the general election in May of 1998, the members elected at large from districts numbered one through three shall be elected for terms of two years and the members elected at large from districts numbered four through seven shall be elected for terms of four years. The terms of the two council members elected by and from the city at large in May of 1998 shall expire on July 1, 2002. Thereafter, all members shall be elected for terms of four years. (1995, c. 697)

§ 3.02. (1962, c. 147; 1966, c. 39; repealed 1970, c. 206)

§ 3.02:1. Election of council members.

Pursuant to an ordinance adopted by city council on June 27, 2006, city council elections shall take place during the general election in November 2008, and during the November general election in

even years thereafter, for council members whose terms expire at the end of December of that year. Council members, including the mayor, whose terms expire as of June 30, 2008, or June 30, 2010, shall continue in office until their successors have been elected at the November election and take office on January 1. The term of office for each council member shall commence on January 1 next following the date of election and shall continue until his successor has been duly elected and qualified. Each candidate shall state, at the time of filing, whether he is running at-large, from the district of his residence or for mayor. Candidates for council shall be nominated only by petition in the manner prescribed by general law. (1970, c. 206; 1971, c. 86; 1987, c. 227; 1995, c. 697; 2007, c. 725)

§ 3.02:2. Election of mayor.

The mayor shall be elected at the general election in November 2008, and each fourth year thereafter, to serve for a term of four years. Candidates for mayor shall run for one of the at-large seats. A candidate running for mayor shall not run for any other seat.

In the event any councilman, including the mayor, shall decide during his term of office to be a candidate for mayor, he shall tender his resignation as a councilman not less than ten days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the councilman's intention to run for mayor, shall require no formal acceptance by the remaining councilmen and shall be final and irrevocable when tendered.

The unexpired portion of the term of any council member who has resigned to run for mayor shall be filled at the same general election. (1987, c. 227; 2007, c. 725)

§ 3.02:3. Council member resignation to run for new seat.

A. In the event that any council member from one of the residence districts shall decide during his term of office to be a candidate for an at-large seat, the council member shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the council member's intention to run for the at-large seat, shall require no formal acceptance by the remaining council members, and shall be final and irrevocable when tendered. The unexpired portion of the term of any council member who has resigned to run for an at-large seat shall be filled at the same general election, or by special election if the at-large seat is to be filled by special election.

B. In the event that any council member from one of the at-large seats shall decide during his term of office to be a candidate for a residence district seat, the council member shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the council member's intention to run for the residence district seat, shall require no formal acceptance by the remaining council members, and shall be final and irrevocable when tendered. The unexpired portion of the term of any council member who has resigned to run for a residence district seat shall be filled at the same

general election, or by special election if the residence district seat is to be filled by special election. (2020, cc. 127, 762)

§ 3.03. Filling vacancies.

Vacancies in the office of councilmen, from whatever cause arising, except where such vacancy occurs due to a resignation to run for the office of mayor, shall be filled within 60 days for the unexpired portion of the term by a majority vote of the remaining members of the council, provided that so long as any councilmen are elected by and from districts the vacancy shall be filled by a qualified voter residing in the same district.

If a vacancy shall occur in the office of mayor, the council shall choose by majority vote of the remaining members thereof one of its members to be mayor until his successor is elected and qualified in accordance with general law. (1962, c. 147; 1987, c. 227; 2003, c. 869)

§ 3.04. Appointment of member of council to office of profit.

No member of the council shall be appointed to any office of profit under the city government during the term for which elected and for one year thereafter. (1962, c. 147; 1970, c. 206; 1975, c. 61; 1981, c. 350; 1995, c. 607; 2003, c. 869)

§ 3.05. Powers.

All powers vested in the city shall be exercised by the council except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies, except as specifically provided herein to the contrary.

(c) To create, alter or abolish and to assign and reassign to departments, all bureaus, divisions, offices and agencies, except as specifically provided herein to the contrary.

(d) To provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city.

(e) To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city.

(f) To provide for the submission of any proposed ordinance to the qualified voters of the city at an advisory referendum to be initiated by a resolution to the circuit court of the city and held not less than 30 nor more than 60 days thereafter in the manner provided by law for general elections. (1962, c. 147; 1964, c. 109)

§ 3.06. Procedural powers.

The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequent than once each month. They shall also provide for the calling of special meetings by the mayor, city manager or any three members of the council and shall prescribe the methods of giving notice thereof. A majority of the council shall constitute a quorum for the transaction of business. No ordinance, resolution, motion or vote, other than motions to adjourn, to fix the time and place of adjournment and other motions of a purely procedural nature, shall be adopted by the council except at a meeting open to the public. (1962, c. 147; 1973, c. 52)

§ 3.07. Mayor and vice-mayor.

At the first meeting of the term following a general election of councilmen, the council shall choose by majority vote of all the members thereof one of its members to be vice-mayor. The mayor shall preside over the meetings of the council, shall act as head of the city government for ceremonial purposes and shall have such other rights and duties as the council may prescribe, in addition to all the rights and privileges of councilmen of the city. The vice-mayor shall perform the duties of mayor in the absence or disability of the mayor. (1962, c. 147; 1966, c. 39; 1970, c. 206; 1973, c. 52; 1987, c. 227)

§ 3.08. City clerk.

The council shall appoint a city clerk who shall serve at the pleasure of the council. He shall be clerk of the council and custodian of the corporate seal of the city and he shall have such further duties as the council may prescribe. (1962, c. 147)

§ 3.09. Advisory referendums.

Upon the filing with the Clerk of the Circuit Court of the City of Virginia Beach of a petition signed by a number of qualified voters in Virginia Beach equaling 25 per centum of the number of voters voting in Virginia Beach at the last general election, as certified by the City Registrar; then the circuit court of the city, by order of record, shall call for an advisory referendum taking the sense of the voters on the question proposed in the petition at the next succeeding general election. The referendum shall be conducted in accordance with the provisions of § 24.2-684 of the Code of Virginia, 1950, as amended.

Following certification of the election results by the Electoral Board to the Chief Judge, the court shall enter an order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to the governing body. (1974, c. 39; 1981, c. 88; 2003, c. 869)

§ 3.10. Powers of investigation.

A. The council, or any committee of members of the council, when so authorized by council, shall have the power to make such investigations relating to the municipal affairs of the city as it may deem necessary, and shall have the power to investigate any or all departments, boards, commissions, offices and agencies of the city government, including the school board, and any officer or employee of the city, concerning the performance of their duties and functions and the use of property of the city.

B. The council, or any committee of members of the council, when so authorized, may order the attendance of any person as a witness and the production by any person of all relevant books, papers and records of any kind. Witnesses shall be sworn by the person presiding at such investigation, and witnesses shall be liable to prosecution or suit for damages for perjury for any false testimony given at such investigation. Council shall have the power to apply to the judge of the general district court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or refusing to produce books, papers or records as ordered by the council, and the judge of said court shall, upon good cause shown, cause said subpoenas to be issued. Any person failing to comply with any such subpoena shall be subject to punishment for contempt by the court issuing the subpoena.

C. Any board or commission whose members are appointed by the council, when authorized by ordinance to do so, shall have the investigatory powers, or as much of them as are delegated by ordinance or resolution, to make investigations in connection with the performance of their duties and functions, as may be deemed necessary. (1979, c. 222)

Chapter 4. City Manager.

§ 4.01. Appointment and qualifications.

The council shall appoint a city manager who shall be the executive and administrative head of the city government. He shall be chosen solely on the basis of his executive and administrative qualifications and shall serve at the pleasure of the council. (1962, c. 147)

§ 4.02. Powers and duties.

The city manager shall have the power and it shall be his duty:

(a) To appoint all officers and employees of the city and to remove such officers and employees, except as he may delegate such power to appoint and remove to his subordinates and except as otherwise provided in this charter.

(b) To perform such other duties and to exercise such other powers as may be imposed or conferred upon him by the council. (1962, c. 147)

§ 4.03. Council not to interfere in appointments or removals.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by his subordinates. (1962, c. 147)

Chapter 5. Budget.

§ 5.01. Fiscal year.

The fiscal year of the city shall be established by ordinance unless such fiscal year is established by general law, in which event the fiscal year established by general law shall be the fiscal year of the

city. The fiscal year of the city shall also constitute the budget and accounting year. (1962, c. 147; 1964, c. 109)

§ 5.02. Submission of budget.

The city manager shall submit to the council a budget and a budget message at least 90 days prior to the beginning of each budget year. (1962, c. 147)

§ 5.03. Preparation of budget.

It shall be the duty of the head of each department, the judges of the courts not of record, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, to file at such time as the city manager may prescribe estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. The city manager shall hold such hearings as he may deem advisable and shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board he may recommend a revision only in its total estimated expenditure. The budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques. (1962, c. 147)

§ 5.04. Balanced budget.

In no event shall the expenditures recommended by the city manger in the budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year the receipts from which estimated on the basis of the average experience with the same or similar taxes during the three tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures the city manager may recommend revisions in the tax and license ordinances of the city in order to bring the budget into balance. (1962, c. 147)

§ 5.05. Budget message.

The budget message shall contain the recommendations of the city manager concerning the fiscal policy of the city, a description of the important features of the budget and an explanation of all significant changes in the budget as to estimated receipts and recommended expenditures as compared with the current and last preceding fiscal years. (1962, c. 147)

§ 5.06. Appropriation and additional tax ordinances.

At the same time that he submits the budget the city manager shall introduce and recommend to the council an appropriation ordinance which shall be based on the budget. He shall also introduce at the

same time any ordinances levying a new tax or altering the rate on any existing tax necessary to balance the budget as provided in § 5.04. (1962, c. 147)

§ 5.07. Public hearing.

The council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard. The council shall cause to be published a notice of the time and place of the hearing not less than seven days prior to the date of the hearing. (1962, c. 147)

§ 5.08. Adoption of budget.

After the public hearing the council may make such changes in the budget as it may determine, except that no item of expenditure for debt service shall be reduced or omitted. The budget shall be adopted by the vote of at least a majority of all members of the council not later than 30 days prior to the end of the current fiscal year. Should the council take no action prior to such day, the budget shall be deemed to have been finally adopted as submitted. In no event shall the council adopt a budget in which the estimated total of expenditures exceeds receipts, unless at the same time it adopts measures to provide additional revenue estimated to be sufficient to make up the difference. (1962, c. 147)

§ 5.09. Additional appropriations.

Appropriations in addition to those contained in the general appropriation ordinance may be made by the council only if there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations. (1962, c. 147)

Chapter 6. Borrowing.

§ 6.01. Borrowing power.

The council may, in the name of and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter. (1962, c. 147)

§ 6.02. Purposes for which bonds or notes may be issued.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution or general laws. Notes may be issued, when authorized by the council, at any time during the current fiscal year in anticipation of the collection of revenue of such year. (1962, c. 147; 1964, c. 109)

§ 6.03. (1962, c. 147; repealed 1974, c. 596)

§ 6.04. (1962, c. 147; repealed 1974, c. 596)

§ 6.05. (1962, c. 147; 1964, c. 109; 1966, c. 39; 1968, c. 192; 1972, c. 810; repealed 1974, c. 596)

§ 6.05:1. Authority for issuance of bonds.

A. No bonds of the city shall be issued until their issuance shall have been authorized by an ordinance adopted by the affirmative vote of two-thirds of all members of the council and approved by the affirmative vote of a majority of the qualified voters of the city voting on the question at an election called and held for the purpose and in the manner provided by law for submitting any question or proposition to the voters.

B. No election shall be called pursuant to subsection A of this section unless the calling of such an election is approved by the affirmative vote of two-thirds of all members of the council.

C. Bonds and other obligations shall not be subject to the requirements of subsection A of this section if they are (i) of a type excluded from the computation of indebtedness of cities and towns under Section 10 (a) of Article VII of the Constitution and are authorized and issued so as to satisfy the conditions for exclusion set forth therein, or (ii) refunding bonds; provided, further, that the council may, without submitting the question of their issuance to the qualified voters, issue bonds or other obligations in any calendar year for any proper purpose in such amounts as shall not increase the total indebtedness of the city, as determined in the manner set forth in Section 10 (a) of Article VII, by more than ten million dollars above the amount of such indebtedness at the beginning of such calendar year. For the purposes of this subsection the terms "bonds," "other obligations" and "indebtedness" shall not include contractual obligations of the city other than bonds and notes. For purposes of determining the amount of bonds or other obligations that may be issued in any calendar year without an election, there shall not be included (i) bonds or other obligations that were approved at an election and (ii) refunding bonds, in each case issued in such year. Authorized bonds or other obligations which could have been issued without an election on December thirty-one in the year they were authorized may be issued in a subsequent year without affecting the annual limitation for such subsequent year.

D. The total indebtedness of the city as determined in accordance with the provisions of Article VII, Section 10 of the Constitution shall not at any time exceed ten per centum of the assessed valuation of the real estate in the city subject to taxation, as shown by the last preceding assessment for taxes, nor shall the limitations imposed by the preceding subsection on the issuance of bonds or other obligations in any calendar year without a referendum be increased, until after such questions shall have been submitted to the voters of the city in a referendum held pursuant to § 3.09 of this charter. (1974, c. 596; 1977, c. 14; 1981, c. 89; 1984, c. 210; 1995, c. 607)

§ 6.05:2. Supplemental authority for issuance of bonds.

Notwithstanding any other provision of law, special or general, the city may after a public hearing issue up to eight million dollars of general obligation bonds in any calendar year for road, highway or bridge purposes, provided that not less than twenty percent of the amount of bonds authorized without an election under § 6.05:1 of this charter for the same calendar year shall have been designated for road, highway and bridge purposes. For purposes of computing such eight million dollar limitation

there shall not be included (a) bonds issued in such year that were authorized under this section in a prior year and (b) refunding bonds. The provisions of this section shall expire December 31, 1996. (1986, c. 313)

§ 6.06. Payment of bonds and notes.

The power and obligation of the city to pay any and all bonds and notes issued pursuant to this charter, except revenue bonds made payable solely from revenue producing properties, shall be unlimited and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and the interest thereon, without limitation as to rate or amount. The full faith and credit of the city are hereby pledged for the payment of the principal of and interest on all bonds and notes of the City of Virginia Beach and of Princess Anne County and any sanitary districts therein issued and outstanding on the effective date of this charter, and of the city hereafter issued pursuant to this chapter, except revenue bonds made payable solely from revenue producing properties, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance. (1962, c. 147)

Chapter 7. Administrative Departments.

§ 7.01. Creation of departments.

The following administrative departments are hereby created:

(a) [Repealed.]

(a1) Department of Finance

(b) [Repealed.]

(b1) Department of Law

(c) [Repealed.]

(c1) Department of Social Services

(d) [Repealed.]

(d1) Department of Agriculture

(e)[Repealed.]

(e1) Department of Education

(f) [Repealed.]

(f1) Department of Public Health

(g) through (p) [Repealed.]

The Council may create new departments or subdivisions thereof, combine or abolish existing departments and distribute the functions thereof or establish temporary departments for special works; provided, however, that the Council shall not have the power to abolish, transfer or combine the functions of the departments of finance, law and education. (1962, c. 147; 1972, c. 810; 1975, c. 61; 1977, c. 14)

§ 7.02. Department heads.

There shall be a director at the head of each department, and the same person may be the director of several departments. The director of each department, except the departments of law and education, shall be appointed by the city manager and may be removed by him at any time; provided, however, that the council may provide that the city manager shall be director of one or more departments. The director of each department shall be chosen on the basis of his general executive and administrative ability and experience and of his education, training and experience in the class of work which he is to administer. (1962, c. 147)

§ 7.03. Responsible to city manager.

The directors of each department, except the departments of law and education, shall be immediately responsible to the city manager for the administration of their respective departments, and their advice may be required by him on all matters affecting their departments. They shall make reports and recommendations concerning their departments to the city manager under such rules and regulations as he may prescribe. (1962, c. 147)

Chapter 8. Financial Administration.

§ 8.01. Department of finance.

The department of finance shall consist of a director of finance, a comptroller or accounting officer, the city treasurer and the commissioner of revenue and their respective offices, insofar as inclusion of these offices is not inconsistent with the Constitution and general laws of the Commonwealth of Virginia, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1962, c. 147)

§ 8.02. Director of finance.

The head of the department of finance shall be the director of finance who may also be the city manager. He shall be a person skilled in municipal accounting and financial control. He shall have charge of the financial affairs of the city, including such powers and duties as may be assigned by the council not inconsistent with the Constitution and general laws of the Commonwealth of Virginia. (1962, c. 147)

§ 8.03. City treasurer.

The city treasurer shall be the custodian of all public monies of the city and shall have such powers and duties as are provided by general law. He shall perform such other duties as may be assigned by

the director of finance or the council not inconsistent with the laws of the Commonwealth. (1962, c. 147)

§ 8.04. Commissioner of revenue.

The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be assigned by the director of finance or the council. (1962, c. 147)

§ 8.05. Division of purchasing.

There shall be a division of purchasing which shall be in charge of purchasing all supplies of the city. The head of the division of purchasing shall be the purchasing agent who shall have such duties as may be assigned by the council. (1962, c. 147)

§ 8.06. Annual audit.

The council shall cause to be made an independent audit of the city's finances at the end of each fiscal year by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. One copy of the report of such audit shall be always available for public inspection in the office of the city clerk during regular business hours. (1962, c. 147)

§ 8.07. Annual assessment of real estate.

The council may, in lieu of annual, biennial or triennial assessment, reassessment and equalization of the methods prescribed by general law, provide by ordinance for the assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and as of the first day of July of each year in which such assessment, reassessment and equalization of assessments is made, shall have the same authority as the assessors appointed under the provisions of general law and shall be charged with duties similar to those thereby imposed upon such assessors. The judges of the circuit court shall annually appoint a board of equalization of real estate assessments to be composed of four members who shall be freeholders of the city. Such board of equalization shall have and may exercise the powers to revise, correct and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceeding before the board. This section shall not apply to assessment of any real estate assessable by the State Corporation Commission. (1964, c. 109; 1977, c. 14; 2022, cc. 320, 639)

Chapter 9. Department of Law.

§ 9.01. Department of law.

The department of law shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by the council. (1962, c. 147)

§ 9.02. City attorney.

The head of the department of law shall be the city attorney. He shall be an attorney at law licensed to practice law in the Commonwealth of Virginia. He shall be appointed by the council and shall serve at its pleasure. (1962, c. 147)

§ 9.03. Powers and duties.

The city attorney shall be the chief legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. He shall have such powers and duties as may be assigned by the council. (1962, c. 147)

§ 9.04. Restrictions on actions for damages against city.

No action shall be maintained against the city for injury or damage to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, employee or agent thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney within six months after such cause of action shall have accrued, except that when the claimant, during such six months period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the six months period, then the time for giving notice shall be until the claimant sufficiently recovers from said injury so as to be able to give such notice. (1962, c. 147; 1977, c. 14)

Chapter 10. Department of Public Safety. (Repealed)

§§ 10.01 through 10.04. (1962, c. 147; 1972, c. 810; repealed 1977, c. 14)

Chapter 11. Department of Community Services. (Repealed)

§ 11.01. (1962, c. 147; 1972, c. 810; repealed 1977, c. 14)

§ 11.02. (1962, c. 147; 1972, c. 810; 1975. c. 61; repealed 1977, c. 14)

§ 11.03. (1962, c. 147; 1972, c. 810; repealed 1977, c. 14)

Chapter 12. Department of Public Utilities. (Repealed)

§ 12.01. (1962, c. 147; repealed 1972, c. 810)

§ 12.02. (1962, c. 147; repealed 1972, c. 810)

§ 12.03. (1962, c. 147; repealed 1972, c. 810)

Chapter 12.1. Department of Public Utilities. (Repealed)

§ 12.04. (1975. c. 61; repealed 1977. c. 14)

§ 12.05. (1975. c. 61; repealed 1977, c. 14)

§ 12.06. (1975. c. 61; repealed 1977, c. 14)

Chapter 13. Department of Public Health.

§ 13.01. Department of public health.

The department of public health shall consist of the director of public health and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1962, c. 147)

§ 13.02. Functions.

The department of public health shall be responsible for the exercise of all health functions imposed on municipalities by general law and such other powers and duties as may be assigned by the council. (1962, c. 147)

§ 13.03. Director of public health.

The head of the department of public health shall be the director of public health. He shall be a physician licensed to practice medicine in the Commonwealth of Virginia. He shall have general management and control of the several bureaus, divisions and other units of the department. He shall have all the powers and duties with respect to the preservation of the public health which are conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth of Virginia. (1962, c. 147)

Chapter 14. Department of Social Service.

§ 14.01. Composition.

The department of social service shall consist of the director of social service, a welfare board constituted as provided by general law and such officers and employees organized in such divisions, bureaus and other units as may be provided by the council or by the orders of the director consistent therewith. (1962, c. 147; 1972, c. 810)

§ 14.02. Functions.

The department of social service shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to public assistance and relief of the poor and such other powers and duties as may be assigned by the council. (1962, c. 147; 1972, c. 810)

§ 14.03. Director as head of department.

The head of the department of social service shall be the director of social service. He shall have general management and control of the several divisions, bureaus and other units of the department. (1962, c. 147; 1972, c. 810)

Chapter 15. Department of Agriculture.

§ 15.01. Department of agriculture.

The department of agriculture shall consist of a director of agriculture and such other officers and employees organized in such bureaus, divisions and other units as may be prescribed by the council or by the orders of the director consistent therewith. (1962, c. 147; 1977, c. 14; 1992, c. 416)

§ 15.02. Functions.

The department of agriculture shall exercise all powers which are conferred upon unit chairmen employed in the extension division, Virginia Polytechnic Institute and State University. (1962, c. 147; 1977, c. 14; 1992, c. 416)

§ 15.03. Director of agriculture.

The head of the department of agriculture shall be the director of agriculture. He shall have general management and control of the several bureaus, divisions and other units of the department. (1962, c. 147; 1977, c. 14; 1992, c. 416)

Chapter 16. Department of Education.

§ 16.01. Department of education.

The department of education shall consist of the city school board, the division superintendent of schools and the officers and employees thereof. Except as otherwise provided in this charter, the city school board and the division superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law. (1962, c. 147)

§ 16.02. (1962, c. 147; 1966, c. 39; 1993, cc. 594, 612; repealed 2003, c. 869)

§ 16.03. (1962, c. 147; repealed 1993, cc. 594, 612)

§ 16.04. Election of the school board.

A. All board members shall be elected in the same manner and according to the same schedule that council members are elected for terms of four years. The term of office for each elected board member shall commence on the first day of January next following the date of election and shall continue until a successor has been duly elected and qualified. Pursuant to an ordinance adopted by city council on June 27, 2006, board members whose terms expire as of June 30, 2008, or June 30, 2010, shall continue in office until their successors have been elected at the November election and take office on January 1. Each candidate shall state at the time of filing whether he is running at large or from the district of his residence.

B. Each of the 11 elected board members shall be elected by the voters of the city at large. (1993, cc. 594, 612; 1996, cc. 44, 564; 2003, c. 869; 2007, c. 725)

§ 16.05. Filling vacancies on school board.

When a vacancy occurs in the office of an elected school board member, the vacancy shall be filled in the same manner in which general law provides for the filling of vacancies of city council members pursuant to §§ 24.2-226 and 24.2-228 with the interim appointment to be made by a majority vote of the remaining members of the board. If the vacancy is that of a school board member elected from a district, the vacancy shall be filled by a qualified voter residing in the same district. (1993, cc. 594, 612; 1996, c. 312; 2003, c. 869)

§ 16.06. Qualifications of candidates for election to the board.

In order to qualify as a candidate for election and to have his or her name placed on the ballot, a candidate for the school board shall meet the qualifications to hold public office in accordance with general law and shall be nominated by petition pursuant to § 24.2-506 of the Code of Virginia. (1993, cc. 594, 612; 2003, c. 869)

§ 16.07. Selection, responsibilities, and duties of the chairman and vice-chairman.

The selection, responsibilities, and duties of the chairman and vice-chairman shall be as provided by general law. (1993, cc. 594, 612)

§ 16.08. Charter prevails in the event of a conflict with general statutes.

In the event of a conflict with statutes of general application, the provisions of this charter shall prevail. (1993, cc. 594, 612)

§ 16.09. Severability of provisions.

The provisions of this chapter are hereby declared to be severable. If any part, section, provision, sentence, clause, or phrase be adjudged to be invalid, the remainder of the chapter shall remain in effect and its validity shall not be impaired. (1993, cc. 594, 612)

Chapter 17. Department of Parks and Recreation. (Repealed)

§ 17.01. (1962, c. 147; repealed 1977, c. 14)

§ 17.02. (1962, c. 147; repealed 1977, c. 14)

§ 17.03. (1962, c. 147; repealed 1977, c. 14)

Chapter 18. Department of Personnel. (Repealed)

§ 18.01. (1962, c. 147; repealed 1977, c. 14)

§ 18.02. (1962, c. 147; repealed 1977, c. 14)

§ 18.03. (1962, c. 147; repealed 1977, c. 14)

Chapter 18.1. Department of General Services. (Repealed)

§ 18.04. (1972, c. 810; repealed 1977, c. 14)

§ 18.05. (1972, c. 810; repealed 1977, c. 14)

§ 18.06. (1972, c. 810; repealed 1977, c. 14)

Chapter 18.2. Department of Economic Development. (Repealed)

§ 18.07. (1972, c. 810; repealed 1977, c. 14)

§ 18.08. (1972, c. 810; repealed 1977, c. 14)

§ 18.09. (1972, c. 810; repealed 1977, c. 14)

Chapter 18.3. Department of Public Libraries. (Repealed)

§ 18.010. (1972, c. 810; repealed 1977, c. 14)

§ 18.011. (1972, c. 810; repealed 1977, c. 14)

§ 18.012. (1972, c. 810; repealed 1977, c. 14)

Chapter 18.4. Department of Planning. (Repealed)

§ 18.013. (1972, c. 810; repealed 1977, c. 14)

§ 18.014. (1972, c. 810; repealed 1977, c. 14)

§ 18.015. (1972, c. 810; repealed 1977, c. 14)

Chapter 19. City Planning.

§ 19.01. Planning commission.

There shall be a city planning commission which shall consist of not less than five nor more than fifteen members, and shall be organized as provided by general law. All members of the commission shall be qualified voters of the city and shall be appointed by the council for terms of four years. (1962, c. 147)

§ 19.02. Functions of planning commission.

The planning commission shall be responsible for making recommendations to the council on all phases of city planning, including a master plan, zoning and subdivision control. It shall have the powers and duties provided by general law and such other powers and duties as may be assigned by the council. (1962, c. 147)

§ 19.03. Board of zoning appeals.

There shall be a board of zoning appeals which shall consist of five members appointed for three-year terms by the circuit court of the city or the judges thereof in vacation. (1962, c. 147)

§ 19.04. Powers of the board of zoning appeals.

The board of zoning appeals shall have all powers granted to boards of zoning appeals by general law. (1962, c. 147)

§19.05. Appeals from actions of the board of zoning appeals.

Appeals from any action of the board of zoning appeals may be taken to the circuit court of the city in the manner prescribed by general law. (1962, c. 147)

Chapter 20. Administration of Justice.

§ 20.01. Circuit court.

The city shall continue to be in and a part of the Second Judicial Circuit. The Circuit Court of Princess Anne County shall be known as the Circuit Court of the City of Virginia Beach and shall have the same jurisdiction in the city of Virginia Beach as is conferred by general law upon circuit courts of cities of the first class. (1962, c. 147; 1978, c. 101)

§ 20.02. Transition of circuit court.

All actions of every kind, criminal as well as civil, pending in the circuit court of the county on the effective date of this charter shall automatically be transferred to, and shall proceed to final judgment in the circuit court of the city. The circuit court of the city shall have full authority to issue writs, enforce judgments and decrees and exercise every manner of judicial function in relation to former actions in the circuit court of the county as though no change had been made in the status of the latter. (1962, c. 147)

§ 20.03. Courts not of record; municipal courts generally.

The municipal courts for the City of Virginia Beach shall be designated as Civil Court, Police Court and Traffic Court, with such civil and criminal jurisdiction, and other judicial powers as are conferred by general law on municipal courts of cities of the first class. With the approval of the city council, civil and criminal jurisdiction, other than traffic, may be exercised by a single court. (1962, c. 147; 1972, c. 810)

§ 20.04. Courts not of record; judges of the municipal courts.

There shall be a judge for each municipal court and such substitute judges as may be deemed necessary by the council. The judges of such courts shall be appointed for terms of four years by the Circuit Court of the city or the judges thereof in vacation. The same person may be appointed and serve as judge of two or more municipal courts. Appointments to vacancies shall be made by the Circuit Court or the judges thereof in vacation and shall be for the unexpired term. (1962, c. 147; 1972, c. 810)

§ 20.05. Juvenile and domestic relations court.

There shall be a juvenile and domestic relations court for the city. Such court shall possess the same jurisdiction and powers as are conferred by law upon juvenile and domestic relations courts of cities of the first class. (1962, c. 147)

§ 20.06. Judges of the juvenile and domestic relations court.

There shall be a judge of the juvenile and domestic relations court and such associate and substitute judges as may be deemed necessary by the council. The judges of such court shall be appointed for terms of four years by the circuit court of the city or the judges thereof in vacation. Appointments to vacancies shall be made by the circuit court or the judges thereof in vacation and shall be for the unexpired term. (1962, c. 147)

§ 20.07. Judges of courts not or record.

Any judge, or substitute judge of any municipal court may also be the judge, or associate judge or substitute judge of the juvenile and domestic relations court. (1962, c. 147; 1972, c. 810)

§ 20.08. Transition of courts not of record.

All actions of every kind, criminal as well as civil, pending in the county court of Princess Anne County or the police court of the City of Virginia Beach on the effective date of this charter shall automatically be transferred to, and shall proceed to final judgment in the municipal court or the juvenile and domestic relations court of the city, as the judges thereof may determine. (1962, c. 147)

§ 20.09. Clerk of courts not of record.

The council may, at its discretion, provide for a single clerk for all courts not of record or a separate clerk for each court not of record. The clerk or clerks shall be appointed by the court or courts he serves. (1962, c. 147; 1972, c. 810)

§ 20.10. Transfer of records.

Upon the effective date of this charter all records and papers of the county court of Princess Anne County and the police court of the City of Virginia Beach shall be transferred to the appropriate courts of the city. (1962, c. 147)

§ 20.11 (1962, c. 147; repealed, 1995, c. 607)

§ 20.12. (1962, c. 147; repealed, 1995, c. 607)

§ 20.13. Notaries public.

Notaries public for Princess Anne County shall have full power and authority in the city until their commissions expire. (1962, c. 147)

§ 20.14. High constable.

The council shall appoint a high constable who shall serve at the pleasure of the council. He shall execute all processes, warrants, summons, and notices in the general district court and shall have such other duties as the council may prescribe. The fees collected by the high constable shall be

established by duly adopted ordinance, and all such fees shall be deposited into the city treasury for use in the general operation of the city. The sheriff may act as the high constable. (1996, c. 360)

Chapter 21. Miscellaneous and Transition Provisions.

§ 21.01. Assets and liabilities.

Upon the effective date of this charter, all property, real and personal, of the City of Virginia Beach and Princess Anne County, including sanitary districts therein, shall be vested in and owned by the city, and any and all debts due the city and the county, including any sanitary districts therein, shall become due to the city. The city shall assume the payment of all the then outstanding indebtedness, bonded or otherwise, including interest thereon, and all of the then existing contracts and any other obligations of the city and the county, including any sanitary districts therein, in the same manner and to the same extent as if they were originally issued, made, entered into or arose directly by or with the city. (1962, c. 147)

§ 21.02. Election of constitutional officers.

The offices of clerk of the circuit court, attorney for the Commonwealth, commissioner of revenue, city treasurer and city sergeant shall be elective and filled in accordance with the provisions of the Constitution of the Commonwealth and in accordance with the provisions of general law. (1962, c. 147)

§ 21.03. Powers and duties of constitutional officers.

The clerk of the circuit court of the city, attorney for the Commonwealth, commissioner of the revenue, city treasurer, and city sergeant shall have such powers and perform such duties as are provided by the Constitution of the Commonwealth and, except as otherwise provided in this charter, as are provided by the provisions of general law for cities of the first class. (1962, c. 147)

§ 21.04. Present ordinances and rules and regulations continued in effect.

All ordinances, rules, regulations and orders legally made by the City of Virginia Beach and Princess Anne County in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith, or with the consolidation agreement between the City of Virginia Beach and Princess Anne County, shall remain in force and effect within the same area to which they were applicable at the effective date of this charter, until amended or repealed in accordance with the provisions of this charter or general law. (1962, c. 147)

§ 21.05. Preliminary meetings of council.

At any time after the General Assembly shall have enacted this charter the councilmen for the consolidated city are authorized and directed to meet at such times and places as they may determine for the purpose of considering the appointment of a city manager, the preparation of ordinances, appointments which are required of them and such other matters as may be necessary to effectuate the transition resulting from the consolidation of the city and the county. (1962, c. 147)

§ 21.06. Representation in the General Assembly.

The granting of this charter shall in no way operate to affect or change the representation in the General Assembly of Virginia to which the people of the city were entitled at the time the charter was granted. (1962, c. 147)

§ 21.07. Saving clause.

In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, but all parts of this charter not expressly held to be invalid shall remain in full force and effect. (1962, c. 147)

Editor's note: Complete amendments listing for the City of Virginia Beach:

Current charter

Charter, 1962, c. 147.

Amendments to current charter

1964, c. 109 (§§ 3.05, 5.01, 6.02, 6.05, 8.07 [added])

1966, c. 39 (§§ 3.01, 3.02, 3.07, 6.05, 16.02)

1968, c. 192 (§§ 2.02, 6.05)

1970, c. 206 (§§ 3.02 [repealed], 3.02:1 [added], 3.04, 3.07)

1971, c. 86 (§ 3.02:1)

1972, c. 810 (§§ 6.05, 7.01, 10.01, 10.02, 10.03, 10.04. 11.01, 11.02, 11.03, 12.01 through 12.03 [repealed], 14.01, 14.02, 14.03, 18.04 through 18.015 [added], 20.03, 20.04, 20.07, 20.09)

1973, c. 52 (§§ 3.06, 3.07)

1974, c. 39 (§ 3.09 [added])

1974, c. 596 (§§ 6.03 through 6.05 [repealed], 6.05:1 [added])

1975, c. 61 (§§ 3.04, 7.01, 11.02, 12.04 through 12.06 [added])

1977, c. 14 (§§ 2.01, 6.05:1, 7.01, 8.07, 9.04, 10.01 through 10.04 [repealed], 11.01 through 11.03 [repealed], 12.04 through 12.06 [repealed], 15.01, 15.02, 15.03, 17.01 through 17.03 [repealed], 18.01 through 18.015 [repealed])

1978, c. 101 (§ 20.01)

1979, c. 222 (§ 3.10 [added])

1981, c. 88 (§ 3.09)

1981, c. 89 (§ 6.05:1)

1981, c. 350 (§ 3.04)

1984, c. 210 (§ 6.05:1)

1986, c. 313 (§§ 2.02, 6.05:2 [added])

1987, c. 227 (§§ 3.01, 3.02:1, 3.02:2 [added], 3.03, 3.07)

1987, c. 228 (§ 2.02)

1992, c. 416 (§§ 15.01, 15.02, 15.03)

1993, cc. 594, 612 (§§ 16.02, 16.03 [repealed], 16.04 through 16.09 [added])

1995, c. 607 (§§ 3.04, 6.05:1, 20.11 [repealed], 20.12 [repealed])

1995, c. 697 (§§ 3.01, 3.01:1 [added], 3.02:1)

1996, cc. 44, 564 (§ 16.04)

1996, c. 312 (§ 16.05)

1996, c. 360 (§ 20.14 [added])

2003, c. 869 (§§ 2.01, 2.02, 3.03, 3.04, 3.09, 16.02 [repealed], 16.04, 16.05, 16.06)

2007, c. 725 (§§ 3.02:1, 3.02:2, 16.04)

2020, cc. 127, 762 (§ 3.02:3 [added])

2022, cc. 320, 639 (§ 8.07)

Wachapreague, Town of

County of Accomack

History of incorporation

Incorporation and charter, 1902, c. 681; repealed 1946, c. 102.

Current charter

Charter, 1946, c. 102.

Chapter I.

§ 1. The town corporate.

The inhabitants of the territory comprised within the present limits of the Town of Wachapreague, as such limitations are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the Town of Wachapreague, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of

particular powers by this charter shall be held to be exclusive and shall have, exercise and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and the said Town of Wachapreague as such, shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1946, c. 102)

§ 2. The town boundary.

The corporate limits of the Town of Wachapreague, Virginia, as heretofore established, are hereby re-established, and shall be taken and deemed as the Town of Wachapreague as follows:

Beginning at the mouth of a glade dividing the lands of James K. Harmon from the lands of what is known as the Goffigan farm, and where said glade empties into Wachapreague creek; thence extending westerly along said glade and a ditch to the line between the lands of Bettie Custis and Edward B. Finney southwesterly along said line; thence in a generally southwesterly direction along a road or street dividing the lands of Ran Hickman from the lands lately owned by Thomas F. Floyd; thence across the main street to a line between the lands of George W. Mears and sundry lots situated on what was known as the Powell land; thence in a generally southerly direction along that line to its terminus at Wachapreague creek; thence northerly and easterly along the low water line of said creek to the point of beginning. The above is a description as of April 2, 1902. (1946, c. 102)

Chapter II.

§ 1. Powers of the Town of Wachapreague.

(1) To raise annually, by the levy of taxes and assessments in the said town, on all such property, real and personal, as is now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council thereof shall deem necessary for the purpose of the said town, in such manner as the said council shall deem expedient in accordance with the Constitution of this State and of the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(2) To impose special or local assessments for local improvements and to force payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments.

(3) To impose a tax not exceeding one dollar per annum upon all persons residing in said town above the age of twenty-one years, not exempt from the payment of State capitation tax.

(4) (a) The town may, in the name of and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the

credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(b) Pending the issuance and sale of any bonds, notes or other obligations by this act authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations or from the town taxes and revenues, as the case may be.

(c) The credit of the town shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation.

(d) Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; provided, however, if there shall be omitted from this act any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of said town, the provisions of general law with reference to similar bonds shall supply said omission.

(e) Any bonds issued by the town under this act shall be signed by the mayor and attested by the clerk under the seal of the town, and shall be made payable in the office of the town treasurer or such other place in or out of the State as the council may provide in the ordinance authorizing the issuance of the particular bonds. Such may be advertised by the mayor and sold by the town treasurer, as may be provided in such ordinance, under supervision of the mayor and clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the town treasurer.

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

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

(7) To establish markets in the town and regulate the same, and to enforce such regulations in regards to the keeping and sales of fresh meat, vegetables, eggs and other green groceries and the trade of hucksters and junk dealers as may be deemed advisable; and to make and enforce such regulations as shall be necessary to prevent huckstering, forestalling or regrating.

(8) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without the corporate limits of the said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town and to charge and collect water rents thereof; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the water shed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

(9) To establish, construct, maintain and operate public landings, public wharves, harbors and docks either within the town, or without the town not exceeding the distance of two miles from the corporate limits thereof; to acquire by condemnation or otherwise all lands, riparian and other rights and ease-ments necessary for the purposes aforesaid; to lay and collect reasonable duties or wharfage fees on vessels coming to or using said landings, wharves, harbors or docks; to dredge or deepen the harbor or river or any branch or portion thereof; to prescribe and enforce reasonable rules and regulations for the protection and use of its said properties, whether within or without the town, and to impose and enforce adequate penalties for the violation of such rules and regulations.

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

(11) To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license, and inspect weights, meters, measures and scales.

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

(13) May require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by

making application to the treasurer of the said town, or such other person as may be designated by the council of the said town, to issue said license, and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided that the said license fee shall not exceed the amount charged by the State on the said machine.

(14) To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town; and to acquire by condemnation or otherwise, all lands, riparian and other rights, and easements necessary for such improvements, or any of them; either within or without the town, and to construct, maintain or aid therein, roads and bridges to any property owned by said town and situate beyond the corporate limits thereof, and to acquire land necessary for the aforesaid by condemnation or otherwise.

(15) To acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain and clean public highways, streets, sidewalks, boulevards, parkways, and alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds, and public grounds; to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways; to regulate the operation and speed of cars and vehicles upon said streets and highways within the town; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(16) To construct in such parks, playgrounds, and public grounds, as it may maintain, or upon any town property, stadiums. swimming pools, gymnasia, and recreation or amusement buildings, structures, or inclosures of every character, refreshment stands, restaurants, et cetera; to charge for admissions, and use of the same, and to rent out or lease the privileges of construction or using such stadiums, swimming pools, recreation or amusement buildings, structures, or inclosures of every character, refreshment stands, or restaurants, et cetera.

(17) To establish, impose, and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants; and in event such rates and charges shall be assessed against the proper tenant and in event such rates and charges shall be assessed against a tenant then the council may by ordinance, require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant.

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

(19) Subject to the provisions of the Constitution and general laws of Virginia and this charter to grant franchises for public utilities; provided, however, the town shall at any time have the power to contract for, own, operate, manage, sell, encumber or otherwise dispose of, either within or without the town, any and all public utilities for the town and to sell the services thereof, any existing franchise to the contrary notwithstanding.

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

(21) To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town, to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate, or prevent slaughter houses or other noisome or offensive business within the said town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise: to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation. and maintenance of billboards, signs, advertising, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetic, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow.

(22) To extinguish and prevent fires, and to establish, regulate and control a fire department or division, to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and conveniences may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may have become dangerous to

life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged, or repaired and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial concrete, brick, iron or other fireproof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

(23) To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene oil or other like materials; to regulate the exhibition of fireworks, the discharge of firearms, and the making of bonfires in the streets and yards.

(24) To authorize and regulate the erection of party walls and fences, and to prescribe how the cost thereof shall be borne by coterminous owners.

(25) To provide for regular and safe construction of houses in the town for the future, and to provide a building code for the town, to provide set back lines on the streets beyond which no building may be constructed, to require the standard of all dwelling houses be maintained in residential section in keeping with the majority of residences therein, and to require the standard of all business houses be maintained in business sections in keeping with the majority of the business houses therein.

(26) To provide by ordinance for a system of meat and milk inspection, and regulate the sale of meat and milk, and appoint meat and milk inspectors, agents or officers to carry the same into effect within or without the corporate limits of said town; to license, regulate, control and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

(27) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in said town of any articles or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article, or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; and if necessary to the suppression of diseases, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for use of the people of the town; to provide for the organization of a department or bureau of health, to have the powers of a board of health for said town, with the authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish such quarantine regulations

against infectious and contagious diseases as the council may see fit, subject to the laws of the State and of the United States; and to provide for a bureau of vital statistics and require physicians, midwives or parents to make reports thereto.

(28) To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

(29) To provide and maintain, either within or without the town, charitable, recreative, curative, corrective, detentive or penal institutions.

(30) To prevent fowls and animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

(31) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

(32) Insofar as not prohibited by general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through said town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare.

(33) To grant aid to military companies and to contribute to the support of a band maintained within the said town; to associations for the advancement of agriculture or the mechanic arts, to scientific, literary, educational or benevolent organizations or institutions and to public libraries, provided such action is not prohibited by the Constitution of the State, and that all such societies, organizations or institutions be located in or near the town; and, provided, further, that no appropriation for any such purpose shall be made, nor shall aid be otherwise granted through exemption from charge for use of water or light facilities or otherwise, either with or without charge, beyond the city limits, unless two-thirds of all members elected to the council vote therefor.

(34) To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(35) If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive, unsightly or unwholesome substance or material to remain or accumulate thereon, the town may cause such grounds to be filled, raised, or drained, or cause such substance to be covered or to be removed therefrom, and may

collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the town authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to said owners or their agents. In case of non-resident owners who have no agent in said town, such notice shall be given by publication at least once a week for not less than four consecutive weeks in any newspaper having general circulation in the town.

(36) To establish, organize and administer public libraries, and public schools, subject to the general laws establishing a standard of education for the State; and provide for a census.

(37) To provide in or near the town, lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein; to cooperate with any nonprofit corporation in the improvement and care of burial places and the approaches thereto; and to provide for perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot, for which the said donation, gift, or bequest shall have been made.

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

(39) To exercise full police powers and establish a department or division of police.

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

(41) To make and enforce ordinances, insofar as not prohibited by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and the use of alcohol, brandy, rum, whiskey, gin, wine, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

(42) To prohibit and punish for mischievous, wanton, or malicious damage to school and public property; as well as private property.

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

(44) Where, by provisions of this act, the town has authority to pass ordinances on any subject, they may prescribe any penalty not exceeding twelve months in jail or a fine not exceeding $500, either or both, for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered and costs shall be imprisoned in jail or prison farm of the town for a term not exceeding ninety days, which penalties may be prosecuted and recovered with costs in the name of the Town of Wachapreague, or shall compel them to work on the streets or other public improvements of the said town. The town shall also have the right to establish prisoner labor force in which they may require persons convicted of violations of town ordinances, to work on the streets and other public grounds of the town, and the further right to deal with the State for the use and employment of persons convicted of violations of State laws.

(45) To offer and pay rewards for the apprehension and conviction of criminals.

(46) To give names to or alter the names of streets.

(47) To enjoin and restrain the violation of any town ordinances although a penalty is provided upon conviction of such violation.

(48) Insofar as not prohibited by general law, to pass and enforce all by-laws, rules, regulations and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court, or officers thereof, or which may be necessarily incident to a municipal corporation.

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

(50) To prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding $500 or twelve months' imprisonment in jail, or both.

(51) To make and adopt a comprehensive plan for the town, and to that end all plats and re-plats hereafter made subdividing any land within the town or within one mile thereof, into streets, alleys, roads, and lots or tracts shall be submitted to and approved by the council before such plats or re-plats are filed for record or recorded in the office of the clerk of Accomack County, Virginia.

(52) To own, operate and maintain electric light and gas works, either within or without the corporate limits of the town and to supply electricity and gas whether the same be generated or purchased by

said town, to its customers and consumers both without and within the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient.

(53) To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

(54) To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation.

(55) In every case where a street in said town has been, or shall be, encroached upon by any fence, building or otherwise, the town may require the owner to remove the same, and if such removal be not made within the time prescribed by the town, they may impose such penalty as they may deem proper for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs by the same process that they are hereinafter empowered to collect taxes.

Except, in any case where there is a bona fide dispute as to the true boundary line or the location of the true street line (and if passage over such street is not seriously impeded) the same shall first be established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the town or the property owner for that purpose before the said town shall take any steps to remove the said obstruction or encroachment, or to impose any penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the said town.

(56) Dedication of any street, alley or lane in said town may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said town, by a plan or plat of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The town shall have the right to elect, by resolution entered on its minutes whether it will, or will not accept the dedication of any street or alley.

(57) (a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement, verified by the oath of the claimant, his agent or attorney, or the personal representative of any decedent whose death is the result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with an attorney, appointed by the council for this purpose, within sixty days after such cause of action shall have accrued, and no officers, agents or employees of the town shall have authority to waive such conditions precedent or any of them.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in any action brought to recover damages for such negligence, and where there is judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it be ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until such person or persons or other corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, where not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that said judgment is paid by the town, assign the said judgment to the town without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit in equity to enforce the said judgment, or an action at law, or scire facias to revive or enforce said judgment.

(e) No order shall be made, and no injunction shall be awarded, by any court or judge, to stay the proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(58) Except when prohibited by general law, the town may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may exceed the State license, if any be required, and may provide penalties for any violation thereof.

(59) Any payment of delinquent taxes made by the tenant, unless under an expressed contract contained in his lease, shall be a credit against the person to whom he owes the rent.

(60) A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, together with all penalties and interest due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law of the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit

of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law.

(61) All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession.

(62) Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative bodies, or directing administrative action and emergency measures shall take effect at the time indicated in such ordinances. Except as otherwise prescribed in this charter, all ordinances and resolutions passed by the council shall take effect at the time indicated in such ordinances, but in event no effective date shall be set forth in any such ordinance, resolution or by-law passed by the council, the same shall become effective thirty days from the date of its passage.

(63) (a) There shall be set apart annually from the revenues of the town a sinking fund sufficient in amount, to be invested as hereinafter set forth, to pay the outstanding indebtedness of the town as it matures and which by its terms is not payable in one year, and the council may in its discretion annually from time to time, set aside such additional sinking funds as may be deemed proper.

(b) When taxes on real and personal property are collected for the year, the town treasurer shall take therefrom the necessary amount and any additional sum if any, so set apart, and deposit the same in a separate account to the credit of the sinking fund in such bank or banks as the council may designate; and the said council may, if it shall so elect, cause its sinking fund to be loaned on improved real estate situated in the Town of Wachapreague, secured by first mortgage liens thereon, provided such funds shall not be loaned to a greater amount than fifty per centum of the market value of the property, and fire insurance shall be carried on the property during the loan in an amount at least equal to the face amount of the loan, which money shall be loaned at the rate of six per centum per annum, payable semiannually and for no longer than five years at any one time.

(c) All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not within a reasonable time be required for payment of any bond of the town, or cannot be used to advantage in the purchase and redemption of any bonds of the town which may be outstanding, the same shall be securely invested in interest bearing municipal, State or government bonds or loaned upon otherwise unencumbered real estate, within the Town of Wachapreague upon the basis hereinbefore provided, or invested in any securities allowed by the general laws of the State for the investment of

such funds, or deposited in a bank on a reasonable rate of interest. Such sinking fund may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council.

(d) The town council shall act as the sinking fund commission and shall provide for the investment, deposit and application of the funds in conformity to the provisions of this charter; and it may require of any bank or banks receiving on deposit its revenues or any of its sinking fund security satisfactory to the council.

(64) Upon the death, resignation, removal or expiration of the term of any officer of the town, the council shall order an audit and investigation to be made of the accounts of such officer and report to be made to the council as soon as practicable. After the close of each fiscal year an annual audit shall be made of the accounts of all town officers; said audit shall be made by a qualified accountant, selected by the council, who shall have no personal interest, direct or indirect, in the financial affairs of the town or any of its officers or employees. The council may at any time provide for an examination or audit of the accounts of any officer or department of the town government.

(65) The council may appoint a trial justice for the said town who shall serve for two years from the date of his appointment and until his successor is appointed by the council and qualifies. The mayor, or any other qualified voter of the Town of Wachapreague whom the council deems qualified, may be appointed by it as such trial justice. If the mayor is appointed as trial justice, he shall discharge such duties as the trial justice of the town under this charter and not as the mayor of the town, in addition to the execution of the duties of mayor imposed upon him by this charter; and his powers, duties, authority and jurisdiction as such trial justice shall be as hereinafter provided for the trial justice. Should the mayor be appointed trial justice, he shall receive the salary of mayor provided by the council for the discharge of his duties as mayor as well as such salary of trial justice as may be provided by the council, if any.

Said trial justice is hereby vested with all the power, authority and jurisdiction and charged with all the duties within and for the Town of Wachapreague, and in criminal matters for one mile beyond the corporate limits thereof, which are, or may hereafter be, conferred upon trial justices by the laws of the State of Virginia, so far as the same may be applicable and not in conflict with the provisions of this charter; and any amendments of the trial justice laws of this State shall be considered as amendments also of this section of this charter if the same are applicable hereto.

Fees and costs shall be assessed by the trial justice and shall be collected as provided by the laws of the State of Virginia relating to trial justices as the same shall now be or as hereafter amended. All fees and costs collected by the said trial justice and all fines collected for violations of all laws and ordinances of the town shall be paid into the town treasury for the use and benefit of the town.

Removals may be taken, and appeals from the decisions of the trial justice may be taken, to the Circuit Court of Accomack County in the same manner, upon the same terms and shall be tried in the

same way as removals, or as appeals from the decision of trial justices, as the case may be, are provided to be taken and tried by the laws of the State of Virginia, relating to trial justice as the same shall now be or as hereafter amended.

The council may also appoint such clerk or clerks as may in their discretion be necessary, provide for just compensation therefor and provide necessary records.

The council of said town shall provide a salary to compensate such trial justice in such amount and payable at such times as the council shall deem proper, and the council may provide also for a vacation period, either with or without pay, and for such duration, as in the judgment of the council may be proper.

Like provisions may be made for a substitute justice, and when such substitute acts, he shall receive the compensation which would have been paid him had the principal acted, and which compensation shall be deducted from the salary or allowance made to the principal.

Nothing contained herein shall prevent the Town of Wachapreague from combining with the County of Accomack for the use of one trial justice and one substitute trial justice for such combined town and county, in such manner as may be provided by the laws of the State of Virginia relating to trial justices; and if the Town of Wachapreague and County of Accomack shall at any time combine for the use of one trial justice and one substitute trial justice for the said town and the said county, the laws of the State of Virginia relating to trial justices, so far as applicable, shall control and not this section of this charter; provided, however, that the combination of the said town with the said county for the use of one trial justice and one substitute trial justice shall not prevent the council of the town at any time thereafter it shall desire so to do from withdrawing the Town of Wachapreague from such combination by a vote of the council and appointing a trial justice and a substitute trial justice for the Town of Wachapreague under the provisions of this charter, notwithstanding anything in the trial justice laws of Virginia to the contrary; and likewise nothing herein contained shall prevent the town, after withdrawing from such combination, to adopt again the combination with the county.

The powers and jurisdiction provided for in this subsection sixty-five (65) of this act as to matters other than those pertaining or relating to violations of ordinances of the town may be exercised only to the extent permitted by general law.

(66) The town shall have the power to extend or contract the corporate limits of the town as provided by the Constitution and general laws of Virginia in force at the time.

(67) The Town of Wachapreague shall have authority to impose taxes or assessments upon abutting landowners for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers, and the same when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting

landowners; and the procedure for making such assessments and the method of collecting such taxes and assessments, shall be in accordance with general law.

(68) The council hereinafter created shall have full power and authority, except as herein otherwise specifically provided, to exercise herein all the powers conferred upon the town, and pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the State and of this charter, and shall have full and complete control of all fiscal and municipal affairs of said town and all of its real and personal properties, and may from time to time amend, re-amend and/or repeal any or all of the said ordinances, for the proper regulation, management, and government of the said town and may impose fines and penalties for the violation or non-observance thereof.

(69) The enumeration of specific powers, privileges, and authority in this charter shall not be deemed exclusive, but in addition to the powers and privileges herein mentioned, implied or appropriated, the said town shall have and may exercise, all other powers, which are or may hereafter be, possessed, or enjoyed, by any towns under the Constitution and laws of the Commonwealth of Virginia, or not denied by the same, as fully and completely as if herein set out at length. (1946, c. 102)

Chapter III.

§ 1. The council may adopt a town plan, showing the streets, highways, and parks heretofore laid out, adopted, and established, and such town plan shall be final with respect to the location, length, and width of such streets and highways, and the location and dimensions of such parks. Such town plan is hereby declared to be established for the promotion of the health, safety, and general welfare. Upon the adoption of the town plan, or any amendment thereto, a certificate to that effect, together with a plat, shall be filed immediately with the clerk of every county affected by such town plan and amendment. (1946, c. 102)

§ 2. The council is hereby authorized to appoint a town, fix the number and terms of members, remove any member for cause, fill any vacancies, which may occur, and provide for the powers and duties of such commission, not in conflict with the provisions of this act. (1946, c. 102)

§ 3. The council may at any time, after a public hearing, amend the town plan, by widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the town plan, the council shall refer the proposed amendment to the town planning commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of thirty days has elapsed after the date of reference to the commission. Any amendment of the town plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of any street and highway, and the location and dimensions of any park. Any widening,

relocating, closing or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the town plan, and shall be subject in all respects to the provisions of this chapter. (1946, c. 102)

§ 4. No plat showing a new street or highway within the town, shall be filed or recorded in the office of the clerk of the town or of any county until such plat has been approved by the council. Before giving any approval, the council shall refer every such plat to the town planning commission for a report, and shall not act on any plat so referred until a report has been received from the commission unless a period of forty-five days has elapsed after the date of reference to the commission. Before reporting to the council on any plat, the commission shall hold a public hearing thereof. If any plat is disapproved by the commission, it shall report the reasons for such disapproval to the council. The council shall not approve any plat unless the streets and highways provided in such plats are of sufficient width, of proper grades, and suitably located to meet the probable traffic needs; to afford adequate light, air, and access of fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets and highways. The council may, in appropriate cases, require that a plat, before being approved, shall provide adequate open spaces for parks, playgrounds, or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use. After a plat has been approved by the council, the streets, highways, parks, and other open spaces shall be a part of the town plan. The council, after a public hearing, may adopt general regulations in regard to the filing of plats. (1946, c. 102)

§ 5. (a) Before approving such plat, and thereby accepting the dedication of the streets, alleys, parks and public places thereon, the council shall require that the streets and alleys thereon shall be properly laid out and located with reference to the topography of the land so platted and the adjoining lands, both as to connections and widths, which widths of such streets and alleys shall be plainly marked in figures or written on such plat, and which streets and alleys shall be laid out in harmony with the general plan of the town.

(b) And, before approving such plat, and thereby accepting the dedication of the streets and alleys thereon, the council shall require the owner thereof to execute and deliver to the Town of Wachapreague a release and waiver of any claim or claims for damages which such owner, his heirs, successors or assigns may have or acquire against the Town of Wachapreague by reason of establishing proper grade lines on and along such streets and alleys and by reason of doing necessary grading or filling for the purpose of placing such streets and alleys upon the proper grade and releasing the Town of Wachapreague from building any retaining wall or walls along the streets and alleys and property lines; and the council may require such release and waiver to be written and executed on said plat and recorded therewith or by an instrument of writing to be executed and recorded in the clerk's office of the Circuit Court of Accomack County.

And the council may, in its discretion, require the owner of such platted lands to submit profiles of such streets and alleys, showing the contour thereof, together with proper grade lines laid thereon, and if and when the council is satisfied that the proper lines are laid on such profiles, the profiles shall be approved by the council and recorded by the owner or at his expense in the record of the profiles of the streets and alleys of the town, and the council may, in its discretion, require such release and waiver to be made with reference thereto.

(c) Before approving any such plat of any subdivision of lots or lands the town council may, at its discretion, require the owner of such lot or lands to grade the streets and alleys therein, according to grade lines approved and established by the council. (1946, c. 102)

§ 6. For the purpose of preserving the integrity of the plan, no permit shall hereafter be issued for the construction of any building within the street lines of any mapped street or highway, as laid down in the town plan, within the town. Provided, however, if the land within any mapped street or highway is not yielding a fair return to the owner, the board of appeals, provided for herein, by a majority vote of all of its members, may issue a permit for a building within the street line of such street or highway, upon such conditions as will increase as little as possible the cost of opening such street or highway, and will protect as far as possible the rights of the public and the integrity of the town plan. The board of appeals, hereinafter authorized, before taking any action under the provisions of this section, shall hold a public hearing, of which adequate notice shall be given to all persons deemed to be affected. Any decision by the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board. (1946, c. 102)

§ 7. If such town plan is adopted, no public sewer, water pipe, or other public utility shall be laid and no grading or paving shall be done by the town in any street or highway in the town, unless such street or highway has been placed upon the town plan by the council. No permit shall be issued for any building in the town unless such building is located adjacent to a street or highway, which has been placed upon the town plan by the council. Provided, however, where the literal enforcement of the provisions of this section would result in practical difficulty or unnecessary hardship, or where the nature or use of the building does not require its location to be adjacent to a street or highway, the board of appeals, by a majority vote of all its members, may issue a permit for a building, upon such condition as the board may deem necessary to preserve the integrity of the town plan and to insure the proper location of future streets and highways in the town and the surrounding area. Any decisions of the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board. (1946, c. 102)

Chapter IV.

§ 1. For the purpose stated in Chapter 197 of the Acts of Assembly, approved March 18, 1926, the town council is hereby empowered to pass zoning ordinances in conformity with the said act, as amended, subject, however to the following modifications thereto:

(a) The council shall not adopt any zoning ordinance or map until it shall have appointed a town planning commission, as provided for in this act and shall have received from said commission its recommendations as to a zoning ordinance and map, and shall have held a public hearing thereon.

(b) Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from time to time by the council, either upon its own motion or upon petition, under such conditions as the council may prescribe, after a public hearing and adequate notice to all owners and parties affected. If a protest or protests be filed with the council, signed by the owners of twenty per centum or more of the area of the land included in the proposed change, or by the owners of twenty per centum or more of the area of the land immediately adjacent to the land included in the proposed change, within a distance of 100 feet therefrom, or by the owners of twenty per centum or more of the area of the land directly opposite across any street or streets from the land included in the proposed change, within a distance of 100 feet from the street lines directly opposite, then no such change shall be made except by the majority vote of all of the members of the council. No change shall be made by the council in any zoning ordinance or map until such change has been referred to the town planning commission for a report thereon, and no action shall be taken by the council until a report has been received from the commission, unless a period of thirty days has elapsed after the date of reference to the commission.

(c) Within thirty days after the adoption of any zoning ordinance and map, the council shall appoint a board of appeals, consisting of five members, none of whom shall hold any other positions with the town.

The council may remove any member of the board for cause, after a public hearing. If a vacancy occurs otherwise than by the expiration of the term of the different members, it shall be filled by the council for the unexpired term.

Unless the council designates some member of the board as a chairman, the board shall select a chairman from among its own members, and may create and fill such other offices as it may choose. The board may employ such persons as the council may approve, and may expend such sums as are appropriated by the council for its work. (1946, c. 102)

Chapter V.

§ 1. Administration and government.

(a) The present mayor and council of the Town of Wachapreague shall continue in office until the expiration of the terms of which they were respectively elected.

(b) The administration and government of the Town of Wachapreague shall be vested in one body to be called the council of the Town of Wachapreague which shall consist of seven (7) members, six (6) of whom shall be known as councilmen and one to be known as mayor, all of whom shall be residents and qualified voters of the said town. The council may create, appoint, or elect such departments, bodies, boards, and other officers, or assessors or attorneys, as are hereinafter provided for, or as are permitted, or required by law to be appointed by the council, or as may be deemed necessary or proper, and may fix their compensation and define their duties. (1946, c. 102)

§ 2. Mayor and vice-mayor.

(a) The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his office. He shall be recognized as the official head of the town for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In time of public danger or emergency, he may take command of the police, maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall be entitled to vote and his vote in case of a tie only shall have the same weight and effect as the vote of a councilman.

The mayor shall have no power to suspend, remove or discharge any officer, agent or employee of the town nor shall he have any power or authority to appoint or employ any officer, agent or employee of the town nor to fix the term of office or employment, or the compensation, or to increase or decrease the power and authority of any officer, agent, or employee of the town, unless such power shall have been given him by the council, but the mayor shall have such powers with respect to the chief of police, the police, the policemen and employees of the police force when and if the mayor is given the control and supervision of the chief of police.

(b) Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative be presented to the mayor. If he approve, he shall sign it, but if not, he may return it, with his objections in writing, to the town clerk who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of members of the council upon such reconsideration shall be determined by "yeas" and "nays," and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days.

(c) The council shall at its first meeting after the effective date of this act choose one of its members as vice-mayor who shall serve until August 31, 1946; and at its first meeting in September, 1946, and biennially thereafter following the regular municipal election, the council shall choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability. In the event of the death, removal or resignation of the mayor, the council shall choose one of the councilmen or some other qualified voter of the Town of Wachapreague who shall serve as mayor until the next succeeding municipal election, at which time a successor shall be elected by the qualified voters of the Town of Wachapreague to fill the office of mayor for the remainder of the unexpired term.

Should a member of the council be chosen to serve as mayor until the next municipal election such councilman shall be deemed to have surrendered his office as councilman forthwith upon his qualification as mayor and his office of councilman shall thereupon be vacant. The vacancy thereby created in the council shall be filled by the council.

The member of the council who shall be chosen vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town. (1946, c. 102)

§ 3. The council.

(a) At the regular municipal election to be held in the town on the second Tuesday in June in the year 1946, and every two years thereafter, there shall be elected, in the manner prescribed by law, six councilmen and a mayor for terms of two years beginning on the first day of September next succeeding their election, each of whom shall serve until his successor shall have been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of the members of said body or any of them. Vacancies in the council by any officer therein shall be filled within thirty days after such vacancy occurs for the unexpired term by a majority vote of the remaining members, except where otherwise inconsistent with the provisions of this charter.

(b) The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the clerk of the council upon the request of the mayor, or any three members of the council and all meetings shall be open to the public, except when the public welfare shall require executive sessions.

If any member of the said council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired term shall be filled according to the provisions of this act. (1946, c. 102)

§ 4. Town clerk.

The town clerk shall be appointed by the council, and shall attend the meetings of the council and shall keep permanent records of its proceedings; he shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he shall keep all papers, codes, documents, and records pertaining to the town, the custody of which is not otherwise provided for in this charter; he shall give notice to all parties, presenting petitions, or communications to the council of the final action of the council on such communications or petitions; he shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contracts or agreements; he shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he shall perform such other acts and duties as the council may, from time to time, allow or require. (1946, c. 102)

§ 5. Town treasurer.

(a) The town treasurer shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in a penalty of such amount as may be fixed by the council from time to time, payable to the Town of Wachapreague, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses and levies and charges for services furnished by the public utilities of a town. The council shall have authority to place in the hands of a town collector to be appointed by it, the collection of any taxes, licenses and other levies at any time if in the discretion of the council it shall be proper so to do.

(b) The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as the ordinances of the town may prescribe; to keep such moneys safely and account therefor; and to pay all drafts or orders made on him in conformity with the ordinances of the town.

(c) The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks may be required to give security in such sum or sums as the council shall fix. He shall keep books showing accurately the state of his accounts and the money of the town shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly or indirectly the town's money, checks or warrants in his custody and keeping for his own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

(d) The books and accounts of the town treasurer and all papers relating to the accounts and transactions of the town, shall be at all times subject to the inspection of the mayor, the town council, and such other persons as the council may appoint, to examine the same, and all such books and

accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment, or delivered up as the council may at any time require.

(e) The town treasurer shall, when required by the council, render an account to the council showing the state of the treasury and the balance of money on hand. He shall also, if required so to do by the council, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts and statements as the town council may direct.

(f) The town treasurer shall annually submit to the town council at such times as directed by the council, a full and detailed account of all receipts and disbursements made during the fiscal year just closed.

(g) All taxes, levies or other sums of money of whatever nature received by the town treasurer belonging to the Town of Wachapreague shall be credited by the treasurer on his books to the Town of Wachapreague and shall be paid out by him only on a warrant of the clerk of the council, countersigned by the mayor.

(h) The treasurer shall keep a separate account of each fund and appropriation and the debts and credits belonging thereto; provided, however, that the council shall have the right to require all town funds to be deposited to the credit of the town and may prescribe by resolution or ordinance such other method of disbursement as it shall from time to time deem proper.

(i) All moneys received on all special assessments shall be held by the treasurer as a special fund, to be applied to the payment of the matter for which the assessment was made and said moneys shall be used for no other purpose.

(j) The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the State.

(k) The town treasurer shall receive for his services such compensation, if any, as the council may deem proper. (1946, c. 102)

§ 6. Town sergeant.

There shall be appointed by the council a town sergeant who shall qualify and give bond in such amount as the council may require. He shall be vested with powers of a conservator of the peace, and shall have the same powers and discharge the same duties as a constable within the corporate limits of the town and to a distance of one mile beyond the same, and shall perform such other duties as may be from time to time prescribed by the council. (1946, c. 102)

§ 7. Town officers; general.

(a) The town council may combine offices when not expressly prohibited, except that the assessing and collecting officers shall not be the same person.

(b) The town council shall grant and pay to all town officers and employees such salaries or compensation, if any, as the said council may from time to time deem just and proper, or which shall be fixed by this act, except as such salaries or compensation may be fixed by general law.

(c) If any person, having been an officer of such town, shall not within ten days after he shall have vacated, or removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town, or appertaining to such office in his possession or under his control, he shall be guilty of a misdemeanor, punishable by a fine of not more than $250, or by imprisonment for not more than six months, either or both, and all books, records, and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the town, council, or any superior officer of the said town, shall be deemed the property of the said town and appertaining to said office, and the chief officer thereof shall be responsible therefor.

(d) All officers hereafter elected under this act, shall be elected at the times and for the terms, as hereinbefore provided. and shall enter upon the discharge of their duties, in accordance with the provisions of the general laws of this State concerning town officers.

(e) The Town of Wachapreague and the officers thereof, elected or appointed in accordance with the provisions of this act, shall be clothed with all the powers, and be subject to all the provisions of law not in express conflict with the provisions of this act.

(f) The mayor, the town councilmen, the town sergeant and the members of the police force of the town shall have jurisdiction, power and authority in criminal and police matters for one mile from the corporate limits of the said town.

(g) All officers elected or appointed under the provisions of this charter, shall, unless otherwise provided under general law, or by this charter, or by ordinance of the council, execute such bond with such approved security as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the town clerk before entering upon the discharge of their duties; and in event of default on the part of any bonded municipal officer, the town shall have the same remedies against him and his sureties as are provided for the State in enforcing the penalty of any official bond given to it.

(h) All officers selected or appointed under the provisions of this charter shall take the oath of office required by general laws before entering upon the discharge of his duties, and if these requirements have not been complied with within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. (1946, c. 102)

Chapter VI. General Provisions.

§ 1. The mayor, town clerk and town treasurer shall have power to administer oaths, and to take and sign affidavits in the discharge of their respective official duties. (1946, c. 102)

§ 2. The council, mayor, and any officer, board or commission authorized by the council, shall have power to make investigations as to town affairs and for that purpose to subpoena witnesses, administer oaths and compel the production of books and papers.

Any person refusing or failing to attend or to testify or to produce such books and papers may, by summons issued by such officer or board or the town council, be summoned before the mayor of said town by the board, official, or council making such investigation and upon his failure to give satisfactory explanation of such failure or refusal, may be fined by the mayor not exceeding $100 or imprisoned not exceeding thirty days; and such person shall have the right to appeal to the Circuit Court of Accomack County. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1946, c. 102)

§ 3. The plan of government provided by this charter may be changed to any other plan provided for the government of incorporated towns in the manner provided by general law therefor; and if and when the Town of Wachapreague shall become a city of the second class in the manner provided by general law, the plan of government provided by this charter shall continue so far as applicable, but such plan of government may be changed to any other plan provided for the government of cities of the second class at any time in the manner provided by general law. (1946, c. 102)

§ 4. All contracts and obligations heretofore or hereafter made by the council of the Town of Wachapreague, while in office, not inconsistent with this charter, or the Constitution, or the general laws of this State shall be, and are hereby declared to be valid and legal. (1946, c. 102)

§ 5. All ordinances now in force in the Town of Wachapreague, not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council of the said town. (1946, c. 102)

§ 6. Vacancies in all elective or appointive offices may be filled by a majority vote of the council. No appointive officer shall be elected for a term longer than two years at one time. But this provision shall not prevent the council from electing such officer for as many unexpired or full terms as the council may desire. A vacancy in the elective offices of the town may be filled by the council until the next municipal election only, regardless of the term of such elective officer, at which time the person or persons, as the case may be, receiving the highest number of votes at the regular municipal election shall fill the full unexpired terms of such elective officer. In the event there are no or not sufficient candidates at any regular municipal election to till the offices of council or mayor, the council is hereby empowered to fill such vacancies. (1946, c. 102)

§ 7. If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of the said act, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1946, c. 102)

§ 8. This act may for all purposes be referred to or cited as the Wachapreague Charter of 1946. (1946, c. 102)

Wakefield, Town of

County of Sussex

Current charter

Incorporation and charter, 1902, c. 465.

Amendments to current charter

1920, c. 38 (§ 12)
1922, c. 292 (§ 12)
1930, c. 100 (§ 14)
1932, c. 62 (§ 18-a [added])
1954, c. 358 (§ 14)
1964, c. 300 (§ 3)
1972, c. 253 (§§ 5, 9, 10, 11, 13)
1973, c. 49 (§ 5)

§ 1. Be it enacted by the general assembly of Virginia, That so much land, together with the improvements thereon, as is included in the following described boundary lines--to-wit:

> Beginning at the southeast corner of fence of H. B. Hart's estate, on the Norfolk and Western railway, running thence by air line to northwest corner of T. F. Nicholson's fence, near white public school-house; thence by air line to northeast corner of T. F. Nicholson's fence north of mile post fifty-one, on the Norfolk and Western railway; thence by air line to a point fifty yards east of Alexandria Hardy's residence; thence by air line to the forks of county road at Palmyra; thence by air line to south corner of Tabernacle property; thence by air line to starting point, shall constitute the town of Wakefield, in the county of Sussex, and it may sue and be sued by and in that name; and the inhabitants thereof shall have and exercise the powers and privileges herein contained, and such others as may be given them under the general law. (1902, c. 465)

§ 2. The administration and government of the said town shall be vested in one principal officer, to be styled the mayor; one board, to be styled the council of the town of Wakefield, and in such other boards and officers as are hereinafter mentioned, or may be provided by the council. (1902, c. 465)

§ 3. The municipal officers of said town shall consist of one mayor, six councilmen, a treasurer, and a sergeant. The six councilmen in office on the effective date hereof are hereby declared to be duly elected. At the first election for municipal officers and thereafter six councilmen shall be elected in addition to the other officers of the town. The election heretofore of six councilmen, their actions, and all actions of the council are ratified, validated and confirmed as fully as if this act had heretofore provided for the election of six councilmen. (1902, c. 465; 1964, c. 300)

§ 4. P. D. Bain, W. A. Stephenson, F. W. Gay, T. T. Allen, and J. E. Richardson are hereby appointed councilmen of said town, and John L. White mayor, and they shall have and exercise all the powers herein granted to said officers, and shall remain in office until their successors are elected and qualified according to law. (1902, c. 465)

§ 5. The elections for mayor and councilmen shall be held on the first Tuesday in May, 1974, and every second year thereafter. In such elections only those qualified to vote for members of the General Assembly, and who have been residents of said town for three months prior to such election, shall have the right to vote. The mayor and councilmen elected under this act shall enter upon the discharge of their respective duties the first day of July succeeding their election, and hold office for two years, and until their successors are elected and qualified. (1902, c. 465; 1972, c. 253; 1973, c. 49)

§ 6. The mayor and other municipal officers of said town, before entering upon the duties of their respective offices, shall be sworn according to the laws of the State by anyone authorized to administer oaths. If any person elected or appointed to any office in said town shall neglect to take such oath in thirty days after receiving notice of his election or appointment, or shall for the like space of time neglect to give such security as may be required, he shall be considered as having declined said office, and the same shall be declared vacant, and such vacancy shall be filled by the council by election or appointment, as the case may be. (1902, c. 465)

§ 7. The council, shall fix the salary and fees of the mayor, treasurer, sergeant, and such other officers appointed or elected under this act, which shall not be diminished during their term of office. (1902, c. 465)

§ 8. The council shall, at its first meeting after election, or as soon thereafter as practicable, elect one of its members as president of the council who shall preside at all meetings of the council. It shall appoint a treasurer, sergeant, and such other officers and boards as it may deem proper and necessary, define their powers, prescribe their duties, and fix their compensation, and take from any officer so appointed a bond, with security, to be approved by it, in such penalty as it may deem proper, payable to the said town in its corporate name, conditioned for the faithful performance and discharge of such duties. It may suspend or remove all officers so appointed for good cause at its pleasure. In case of a vacancy occurring in municipal offices where it is not herein provided for, the council shall elect a

qualified person to fill such vacancy during the unexpired term. A member of the council may hold the office of treasurer of said town. (1902, c. 465)

§ 9. The council may appoint a board of health for the town, and invest it with authority for the prompt and efficient performance of its duties. (1902, c. 465; 1972, c. 253)

§ 10. The council shall, by ordinance, fix the time of its meeting. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings and convenient transaction of its business; to compel the attendance of its members; to punish its members for disorderly behavior, and by a vote of two-thirds of the whole council expel a member. The meetings of the council shall be open to the public, except when public welfare, in its opinion, requires secrecy. (1902, c. 465; 1972, c. 253)

§ 11. A majority of the council shall constitute a quorum for the transaction of the business, but no ordinance or resolution shall be adopted having for its object the levying of taxes or appropriation of moneys except by a two-thirds vote of the council. (1902, c. 465; 1972, c. 253)

§ 12. The council shall have power to levy a specific tax not exceeding one dollar upon all citizens, both male and female, who are over the age of twenty-one years, and to levy a tax not exceeding eighty cents on the hundred dollars worth of property for all purposes; provided, however, that said council may impose a further tax not exceeding one dollar on the hundred dollars when authorized by a two-thirds vote of all the legally qualified voters of said town, provided, however, that such tax shall be subject to the limitations prescribed by the general law on intangibles. (1902, c. 465; 1920, c. 38; 1922, c. 292)

§ 13. The council may appoint a board, consisting of one or three citizens of the town, to be known as assessors, whose duty it shall be to assess the value of the lots and lands and improvements thereon in the town for the purpose of taxation, but the assessment for State taxation may be the basis of said assessment for said town, except farm and wood lands. (1902, c. 465; 1972, c. 253)

§ 14. The mayor, trial justice and substitute trial justice shall have all the powers, duties and jurisdiction conferred upon the mayors of towns and trial justices and substitute trial justices by Chapter 6 of Title 16 of the Code of Virginia, when conferred and imposed upon them in the manner provided by said chapter, subject to such limitations as are imposed upon the exercise of such powers and jurisdiction. He shall appoint assistant sergeants whenever the peace and good order of the town, in his opinion, may require it, and see that all ordinances of the town are fully enforced. In case a vacancy shall occur in the office of mayor, from any cause, the president of the council shall perform all the duties of the office until such vacancy is filled by an election of the council for the unexpired term

The mayor with approval of the council, entered of record on the book containing the minutes of the council meetings may appoint a trial justice and a substitute trial justice provided for in Article 2 of Chapter 2 of Title 16 of the Code of Virginia, and when so appointed the trial justice and substitute

trial justice shall have all the powers and jurisdiction and shall perform all the duties conferred and imposed upon trial justices and substitute trial justices by said chapter and the provisions of said chapter shall in all respects apply to such officers and the exercise of their powers, duties and jurisdiction.

The mayor may with the approval of the council entered of record on the book containing the minutes of the council meetings appoint a substitute trial justice for said town. In the event of the inability of the trial justice to perform the duties of his office by reason of sickness, absence, vacation, interest, proceedings, or parties before his court or otherwise, such substitute trial justice shall perform the duties of the office during such inability.

Before entering upon the discharge of any duty, the persons so appointed trial justice and substitute trial justice of said town respectively shall qualify by taking and subscribing the oaths prescribed by law for a justice of the peace or trial justice, before some officer authorized and empowered to administer oaths, and a record thereof shall be entered upon the minute book of said council.

The compensation of such trial justice shall be determined by the council.

The fees in connection with any case tried by the mayor, trial justice or substitute trial justice of said town shall be the same as the fees provided by law for justices of the peace and trial justices and such fees and all fines imposed by the mayor, trial justice, or substitute trial justice of said town shall be collected by him and paid into the treasury of the town unless the council thereof directs by proper ordinance some other disposition thereof or unless otherwise required by the Constitution or general law. (1902, c. 465; 1930, c. 100; 1954, c. 358)

§ 15. The sergeant of the said town shall have the power to collect the fines imposed for violation of any of the ordinances of the said town, and the said sergeant shall have the power to exercise within the corporate limits of said town and within one mile thereof all the duties that a constable can legally exercise in regard to the collection of claims and executions and levying processes he and his sureties shall be liable as constables are liable for any failure in the performance of the duties of or dereliction in his said office. (1902, c. 465)

§ 16. The mayor or president of the council shall not be required to issue warrants for the arrest of persons charged with the violation of any town ordinance. He may admit anyone charged with the violation of an ordinance to bail before trial. (1902, c. 465)

§ 17. When an officer to whom an execution for a fine and costs shall be directed cannot find goods and chattels belonging to the defendant sufficient to satisfy such execution, he shall make return thereof at once to the mayor, who shall thereupon issue a capias pro fine against the said defendant for the amount of such fine and costs, and deliver it to such officer for execution. The mayor shall have the same fee allowed clerks of courts of record for similar service. (1902, c. 465)

§ 18. The council shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town, of all the property--real and personal--belonging to the said town, and make such ordinances and by-laws relative to the same as it may deem proper; and it shall likewise have power to make such ordinances, orders, by-laws, and regulations as it may deem necessary to carry out the following powers (and any other power that may be granted it by the general laws of this State), which are hereby conferred upon it:

First. To establish a market in and for said town, and appoint proper officers therefor.

Second. To erect and provide in or near said town suitable buildings for work houses, houses for correction and reformation, and houses for the reception and maintenance of the poor and destitute, for the officers of the town, and for the confinement of the prisoners, and to purchase and to hold lands necessary upon which to erect such buildings.

Third. To close or extend, widen or narrow, lay out, graduate, curb, and pave, and otherwise improve the streets, alleys, and sidewalks in said town and have them kept in good order and properly lightened; and over any street or alley in said town which may be conveyed to said town, it shall have the like power and authority as over other streets and alleys; it may prevent or remove any structures, encroachment, or obstruction under or in any sidewalk, street, or alley, and may permit shade trees to be planted along such streets and alleys in said town.

Fourth. To regulate and prescribe the location and building of all houses and sheds, and order the removal of any building condemned as dangerous in any way by the committee on public property, saving to any person aggrieved the right of appeal to the council: provided, such appeal be taken within fifteen days from the report of said committee.

Fifth. To determine and designate the route and grade of any railroad or railway to be laid in said town, and to restrain and regulate the rate of speed of locomotive engines and cars upon the railroads or railways within said town.

Sixth. To require and compel the abatement of all nuisances within said town, at the expense of persons causing same, or owners of ground whereon the same shall be; to prevent and regulate slaughter houses, soap and candle factories, hog pens, privies, stables, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment; to regulate or prevent the storing of gunpowder, kerosene oil, and other combustibles, and to prohibit the sale and use of fireworks in said town.

Seventh. To prevent hogs, dogs, and other animals running at large in said town, and to subject the same to such regulations and taxation as it may deem proper.

Eighth. To prevent the riding and driving of horses or other animals at an improper or dangerous speed, throwing stones, or engaging in any employment or sport in the streets and alleys

dangerous or annoying to the citizens, and to prohibit and punish the abuse and cruel treatment of horses and other animals in said town.

Ninth. To restrain and punish drunkards, vagrants, and street-beggars; to prevent vice and immorality; to preserve the peace and good order of the town, prevent and quell riots, disturbances, and disorderly conduct in assemblages; to suppress houses of ill-fame and gambling houses; prevent indecent and lewd conduct on the streets, and to expel from the town persons guilty of any offense above mentioned, when, in its judgment, the good order and peace of the town require it, or may require such persons to give bond, with approved security, in a penalty not exceeding the sum of one thousand dollars, for their good behavior during the term of twelve months, and upon failure to give such bond may be committed to prison for a term not exceeding twelve months.

Tenth. To prevent, forbid, and punish illegal selling of spirituous or malt liquors, wines, or any mixture thereof, by a fine not exceeding one hundred dollars and imprisonment not exceeding ninety days for each offense, reserving the right to the party convicted of appeal to the county court of Sussex county in all cases wherein the fine exceeds the sum of fifty dollars and imprisonment exceeds thirty days. In the enforcement of any ordinance of the town, the jurisdiction of the mayor shall extend one mile beyond the limits of the town. No spirituous or malt liquors shall be sold in said town except by a three-fourths vote of the property holders.

Eleventh. To punish for contempt of court, releasing or attempting to release a prisoner, or interfering in any manner with an officer in the exercise of his official duty.

Twelfth. To prevent the coming into town of persons having no visible means of support, and of persons dangerous to the peace and good order of the town.

Thirteenth. There shall be a lien on all goods and chattels and real estate for taxes assessed thereon from the beginning of the year for which they were assessed, and for any assessment for curbing and paving sidewalks and bridging gutters, and a like lien on all property, both real and personal, of each male citizen over the age of twenty-one years for his street tax, from the beginning of each year for which it is levied. The council may require real estate returned delinquent for the nonpayment of taxes, street tax, and assessment for curbing and paving sidewalks and bridging gutters to lie sold for such taxes and assessment, with interest at the rate of ten per centum per annum from the time when such taxes or assessments become due and payable, and such per centum for charges as it may prescribe, such sale to be made in accordance with the State law. (1902, c. 465)

§ 18-a. The council of the town is hereby authorized and empowered to provide places for the interment of the dead in or near the said town, and to acquire, for that purpose, any existing cemetery in or near the said town, and thereafter to regulate, manage and control the same and the interment of the dead therein. (1932, c. 62)

§ 19. For the execution of its powers and duties the council of said town is empowered, and may raise by taxes annually, as provided in § 11, and by imposing annually a license tax upon any or all business on which the State imposes a license tax, or which is provided by law, and by imposing a tax on dogs, drays, wagons, carts, snack vendors, hacks, and other wheel vehicles, and shooting galleries such sums of money as it may deem necessary to defray the expenses of the town, and in such manner as it may deem expedient. (1902, c. 465)

§ 20. Where, by the provisions of this act, the council has authority to pass ordinances upon any subjects, it may prescribe any penalty not exceeding one hundred dollars fine or imprisonment not exceeding ninety days, or both, and may provide that upon failure to pay fine and costs, or either, the offender may be imprisoned in jail of said town or in jail of Sussex county, in the discretion of the mayor of said town, and the offender may be worked upon the streets and alleys of said town until such fine and costs are paid, reserving to the persons convicted the right to appeal to the county court of Sussex county in every case where the fine exceeds the sum of ten dollars or the imprisonment exceeds thirty days. But the mayor of said town shall not adopt the jail of said town, under the provisions of this act, until the same shall have been inspected and approved by the board of health of said town. (1902, c. 465)

§ 21. From and after the passage of this act the mayor and council of said town hereinbefore named shall have all the powers and authority herein granted to the officers hereinafter to be elected in pursuance of this charter. (1902, c. 465)

§ 22. This act shall be in full force and effect from and after its passage. (1902, c. 465)

Warrenton, Town of

County of Fauquier

History of incorporation

Established, 1809-1810, per index.
Incorporation and charter, 1816, c. 84.
Charter, 1822, c. 83, amends act entitled "an act incorporating the town of Warrenton."
Charter, 1852, c. 407; repealed 1903, c. 189.
Charter, 1871, c. 45, amends charter of 1852; repealed 1903, c. 189.
Charter, 1903, c. 189; repealed 1964, c. 47.

Current charter

Charter, 1964, c. 47.

Amendments to current charter

1968, c. 75 (§§ 2-4, 2-7 [added])
1971, c. 78 (§§ 3-2, 3-3, 5-1)
1977, c. 133 (§ 5-1)

1987, c. 69 (§ 3-2)

Article I. Creation.

§ 1-1. Incorporation.

The inhabitants of the territory comprised within the limits of the Town of Warrenton, as the same are now or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the Town of Warrenton and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (1964, c. 47)

§ 1-2. Boundaries.

The boundaries of the Town shall be the boundaries of the Town of Warrenton, its predecessor as established by Chapter 189, Acts of Assembly, Extra Session 1902-03-04, as confirmed by § 1, of Chapter 18 of the Acts of the General Assembly of 1912, approved January 31, 1912, as modified and enlarged by the decree of the Circuit Court of Fauquier County, entered on December 11, 1959, in the annexation proceedings styled Town of Warrenton, v. County of Fauquier, Virginia, which decree is recorded in the Clerk's Office of the Circuit Court of Fauquier County, Virginia in Common Law Order Book "X" at pages 376-377-378. (1964, c. 47)

Article II. Corporate Powers.

§ 2-1. General powers.

The Town of Warrenton shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and laws of the Commonwealth, and all other powers pertinent to the conduct of municipal government, the exercise of which is not prohibited by the Constitution and laws of the Commonwealth, and which in the opinion of the Council are necessary to promote the general welfare of the inhabitants of the Town. It is intended that the Town shall possess all powers which, under the Constitution, it would be competent for this Charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but in addition to this general grant.

The powers which are now or may hereafter be conferred upon or delegated to the Town under the Constitution and laws of the Commonwealth and this Charter shall be construed liberally when such powers are exercised by the Town and in case of doubt as to the existence of a power such doubt shall be resolved in favor of the Town. (1964, c. 47)

§ 2-2. Financial powers.

The Town of Warrenton shall have the power to raise annually by taxes and assessments in said Town such sums of money as the Council thereof shall deem necessary for the purposes of the Town, and in such manner as the Council may deem expedient in accordance with the Constitution and

general laws of the Commonwealth and of the United States, and to expend, the money of said town for all lawful purposes. (1964, c. 47)

§ 2-3. Special assessments.

The Town of Warrenton shall have the power to impose special or local assessments for local improvements and to enforce the payment thereof, subject to the limitations prescribed by the Constitution and laws of the Commonwealth as may be in force at the time of the imposition of such special or local assessments. (1964, c. 47)

§ 2-4. Borrowing power.

The Town of Warrenton may incur indebtedness by issuing its negotiable bonds and notes for the purposes and in the manner provided in the Constitution and general laws of the Commonwealth. (1964, c. 47; 1968, c. 75)

§ 2-5. Eminent domain.

The Town of Warrenton is hereby empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as Council deems expedient. (1964, c. 47)

§ 2-6. Ordinances.

The Town of Warrenton shall have the power to enact and enforce ordinances to carry into effect all powers granted by this Charter. (1964, c. 47)

§ 2-7. Adoption of certain provisions of Title 15.1, Code of Virginia.

The powers set forth in §§ 15.1-835 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1968, are hereby conferred on and vested in the Town of Warrenton. (1968, c. 75)

Article III. The Council.

§ 3-1. Composition.

The Town of Warrenton shall be governed by a Town Council which shall be composed of seven members who shall be qualified voters of the Town. (1964, c. 47)

§ 3-2. Election and terms of members.

The members of the Council in office at the effective date of this Charter amendment will hereby continue in office until June 30, 1987. On the first Tuesday in May 1987, there shall be elected seven councilmen, five of whom shall be elected from wards for terms of one year and two at-large for terms of three years. On the first Tuesday in May 1988, the five ward councilmen will run for terms of four years. On the first Tuesday in May 1990, the two at-large councilmen will run for terms of four years. Thereafter all councilmen shall be elected for terms of four years. The term of office for members

elected to council shall commence on July 1 following their election. (1964, c. 47; 1971, c. 78; 1987, c. 69)

§ 3-3. Term.

All councilmen shall take office on the first day of July next following their election. (1964, c. 47; 1971, c. 78)

§ 3-4. Compensation.

The Council may by ordinance authorize the payment of an annual salary to councilmen, subject to such limitations as may be imposed by the general laws of the Commonwealth. (1964, c. 47)

§ 3-5. Vacancies.

Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the Council, if such vacancy shall occur two years or less before the date of expiration of such term. If the vacancy shall occur more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of Council only until the next councilmanic election, at which election the qualified voters shall elect a person to serve as councilman for the remaining two years of the term. (1964, c. 47)

§ 3-6. Powers.

All powers of the Town of Warrenton as a body politic and corporate shall be vested in the Town Council. (1964, c. 47)

§ 3-7. Town attorney.

The Council may appoint a Town Attorney whose term of appointment, duties, and compensation shall be prescribed by the Council. (1964, c. 47)

§ 3-8. Recorder.

The Council may appoint a Recorder whose term of appointment, duties, and compensation shall be prescribed by the Council. (1964, c. 47)

Article IV. Procedures.

§ 4-1. Regular meetings.

The Council shall meet in regular session at least once each month. (1964, c. 47)

§ 4-2. Special meetings.

The Council shall provide for the calling of special meetings by the Mayor, the Town Manager, or any four members of the Council, and shall prescribe the method of giving notice thereof, provided such notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meetings except by the unanimous consent of all the members of Council; provided, however, that a special meeting may be held at any time without notice if all members of the Council attend said meeting or waive notice thereof. (1964, c. 47)

§ 4-3. Quorum.

A majority of the members of the Council shall constitute a quorum for the transaction of business. (1964, c. 47)

§ 4-4. Open meetings.

No ordinance, resolution, motion or vote shall be adopted by the Council except at a meeting open to the public and unless it shall have received the affirmative votes of the majority of the members present. (1964, c. 47)

§ 4-5. Voting.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken. (1964, c. 47)

§ 4-6. Conflict of interest.

No member of the Council shall participate in the vote on any ordinance, resolution, motion, or other proceeding in which he, or any person, firm, or corporation for which he is attorney, officer, director, employee, or agent has a financial interest other than as a minority stockholder of a corporation or as a citizen of the Town. (1964, c. 47)

Article V. The Mayor.

§ 5-1. Election and term.

The Mayor in office at the effective date of this Charter amendment will hereby continue in office until July 1, 1978. On the first Tuesday in May, 1978, and every four years thereafter, there shall be elected from the Town at large a Mayor, who shall be a qualified voter of the town and who shall serve for a term of four years. The Mayor shall take office on the first day of July next following his election. (1964, c. 47; 1971, c. 78; 1977, c. 133)

§ 5-2. Duties.

The Mayor shall preside over the meetings of the Council and shall have the same right to speak therein as Councilmen, however he shall not have the right to vote except in the case of a tie, in which event he shall be entitled to cast one vote. He shall be recognized as the head of the Town for all ceremonial purposes, the purposes of military law and the service of civil process. (1964, c. 47)

§ 5-3. Compensation.

The Council may by ordinance authorize the payment of an annual salary to the Mayor, subject to such limitations as may be imposed by the general laws of the Commonwealth. (1964, c. 47)

Article VI. The Manager.

§ 6-1. Appointment.

There shall be a Town Manager who shall be the chief executive officer of the Town and shall be responsible to the Council for the proper administration of the Town government. He shall be chosen by the Council without regard to his political beliefs and solely on the basis of his executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office during the pleasure of the Council. (1964, c. 47)

§ 6-2. Employees.

The Town Manager shall appoint for an indefinite term the heads of all departments and all other officers and employees of the Town. The Manager shall have the power to remove any officer or employee appointed by him. (1964, c. 47)

§ 6-3. Duties and powers.

The Town Manager shall also have the following duties and powers:

(a) To see that all laws and ordinances are enforced.

(b) To exercise supervision and control over all administrative departments and divisions.

(c) To attend all regular meetings of the Council, with the right to take part in the discussion, but having no vote.

(d) To recommend to the Council for adoption such measures as he may deem necessary or desirable.

(e) To execute all contracts on behalf of the Town.

(f) To prepare and submit to the Council the annual budget.

(g) To keep the Council advised as to the present and future needs of the Town and as to all operations of its government.

(h) To perform all such other duties as may be prescribed by the Charter, or be required of him by the Council. (1964, c. 47)

Article VII. Financial Administration.

§ 7-1. Fiscal year.

The fiscal year for the Town of Warrenton shall begin on July 1, and end June 30 of the following year. (1964, c. 47)

§ 7-2. Budget.

Not later than the first day of May annually, the Town Manager shall prepare and submit to the Council a Budget presenting a financial plan for conducting the affairs of the Town for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as the Council by ordinance or resolution may require. Hearings on the budget shall be held and notice

thereof given and the budget adopted in accordance with the general laws of the Commonwealth, provided that the tax levy for each fiscal year shall be made, and the budget for each fiscal year shall be adopted prior to the first day of the fiscal year for which made or adopted. (1964, c. 47)

Article VIII. Post Audit.

§ 8-1. Annual audit.

After the close of each fiscal year the Council shall cause to be made in an independent audit of the accounts, books, records and financial transactions of the Town by the Auditor of Public Accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the Council. The report of such audit shall be filed within such time as the Council shall specify and one copy thereof shall be always available for public inspection in the office of the Town Manager during regular business hours. (1964, c. 47)

Article IX. Municipal Court.

§ 9-1. Establishment.

The Council may establish within the Town of Warrenton, a municipal court, which shall have such jurisdiction and other judicial powers as are conferred on such courts by general law. (1964, c. 47)

§ 9-2. Judge.

If such court be so established, there shall be a judge, and such associate or substitute judges as may be deemed necessary by the Council. Such judges shall be appointed by the Council for such terms as the Council may determine, and vacancies in the office of judge of the municipal court, or associate or substitute judge shall be filled by the Council for the unexpired term. (1964, c. 47)

Article X. Continuation and Repeal Provisions.

§ 10-1. Repeal of former charter.

All former Charters and amendments thereto for the Town of Warrenton, Virginia, are hereby repealed. (1964, c. 47)

§ 10-2. Succession to rights and duties.

The Town of Warrenton shall succeed to all the rights, duties, obligations, and contracts of the former Town of Warrenton. (1964, c. 47)

§ 10-3. Ordinances shall remain in force.

All ordinances of the former Town of Warrenton not inconsistent with this Charter shall remain in full force and effect until amended or repealed by the Town Council. (1964, c. 47)

§ 10-4. Continuity of terms of officers.

The officers of the Town of Warrenton who were in office immediately prior to the adoption of this Charter shall remain in office until the expiration of their several terms and until their successors have been duly elected and qualified. (1964, c. 47)

§ 10-5. Saving clause.

In the event that any portion, section, or provision of this Charter shall be declared illegal, invalid, or unconstitutional by final judgment of any court of competent jurisdiction such judgment shall not invalidate any other portion, section, or provision hereof, but all parts of this Charter not expressly held to be invalid shall remain in full force and effect: (1964, c. 47)

Warsaw, Town of

County of Richmond

History of incorporation

Established as a town by an 1846 Act of Assembly.

Current charter

Charter, 1948, c. 446.

Amendments to current charter

1972, c. 99 (Art. III, § 1)

1977, c. 43 (Art. II, § 1; Art. III, § 1; Art. III, § 1 (18) [repealed])

1982, c. 148 (Art. III, § 1 (1) [repealed]; Art. III, § 1; Art. IX, § 1 [repealed]; Art. IXA, § 1 [added])

2009, c. 831 (Art. III, § 1)

Article I. The Town Corporate.

§ 1. (1) The inhabitants of the territory comprised within the limits of the town of Warsaw, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Warsaw, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1948, c. 446)

Article II. Corporate Limits.

§ 1. (1) Description. The corporate limits of the town of Warsaw, Virginia, shall be the boundaries established in the final Order of Annexation entered December 31, 1975, by the Circuit Court of Richmond County, Virginia, in the annexation proceedings styled Town of Warsaw, Virginia v. County of Richmond, Virginia, recorded in the Clerk's Office of the Circuit Court of Richmond County in Common Law Order Book 8, at page 425. In addition to the above, the corporate limits shall include such other territories as are added to the town from time to time as provided by law. (1948, c. 446; 1977, c. 43)

Article III. Administration and Government.

§ 1. (1) (Repealed 1982, c. 148)

(2) The eight-member town council shall be elected biennially for staggered four-year terms commencing with the May 4, 2010, general election. Following that election, the four candidates receiving the highest number of votes will serve four-year terms and the four candidates receiving the next four highest number of votes will serve two-year terms. Those elected shall enter upon the duties as councilmen on the first day of July next succeeding their election, and shall continue in office until their successors are duly qualified.

On or before the date that the councilmen enter upon their duties of their offices, they shall elect from their members a mayor and a vice mayor. Every councilman so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor and the vice mayor shall take the oath prescribed by law for state officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

(3) All elections held in the town shall be conducted in accordance with general law; the electorate shall be that prescribed by general law.

(4) The council may fine its members for disorderly conduct, and, with the concurrence of two-thirds of those elected expel a member for cause. Any vacancy occurring, by expulsion or otherwise, during the term for which a person was elected shall be filled by the council by the appointment of any one eligible to such office.

(5) A majority of the members of the council shall constitute a quorum for the transaction of business.

(6) Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner and amount as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and amount and at such times as the council may direct.

(7) The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have the right to vote in the council. He shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. He shall authenticate by his signature any documents and instruments as the council, this charter, or the laws of the Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town.

(8) Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of the members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days.

(9) The vice mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council. The member of the council who shall be chosen vice mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

(10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except as otherwise authorized by law.

(11) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of $100 be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

(13) There shall be appointed by the council at its first meeting in July, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(14) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once during the term for which he is elected by a competent accountant selected by the council, such examination and audit to be reported to the council.

(15) The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(16) There shall be appointed by the council, at its first regular meeting in July after its election, a clerk of the council, who shall hold office at the pleasure of the council. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

(17) There shall be appointed by the council at its first regular meeting in July or as soon as practicable thereafter, a chief of police; and he shall hold office at the pleasure of the council. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council. As authorized by § 15.1-796, the office of town sergeant shall not be established.

(18) (Repealed, 1977, c. 43)

(19) The council may appoint or select such other officers as may be necessary, including a manager for the town, and fix their salaries and define their duties.

(20) All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in the event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage. (1948, c. 446; 1972, c. 99; 1977, c. 43; 1982, c. 148; 2009, c. 831)

Article IV. Taxation and Finances.

§ 1. (1) The town council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

(2) To prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by State law, and to publish the same.

(3) To raise annually by levy and collection of taxes and assessments in the said town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the said town in such manner as the said council shall deem expedient in accordance with this charter, the Constitution and laws of this State and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(4) To impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this State, as may be in force at the time of the imposition of such special or local assessments.

(5) To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution and laws of this State concerning bonds issued by towns, upon credit of the town, or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(6) To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

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

(8) To levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the State or not, and may, if permitted by general law, exceed the State license, if any be required, and may provide penalties for any violation thereof.

(9) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection.

(10) To impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in the town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

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

(12) For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

(13) A lien shall exist on all real estate within the corporate limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth. The council shall have the benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general law of the State, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1948, c. 446)

Article V. Property.

§ 1. The town council shall have the following powers:

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

(2) To acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State, lands, or any interest or estate in lands, rock quarries, gravel pits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

(3) To acquire and operate parks, playgrounds, and public grounds within or without the corporate limits of the town, and to place on the same either within or without the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character, and charge admission thereto, and to rent out or lease the privileges of the same.

(4) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(5) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(6) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of various departments of the town and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them, and, either within or without the town to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise.

(7) To provide in or near the town land to be used as burial places for the dead, to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, to cooperate with any nonprofit corporation or association in the improvements and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept and invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot for which the said donation, gift, or bequest has been made. And all acts of the said town in accepting from any cemetery company, society or corporation such land to be used as a burial place for the dead, whether the land has been heretofore used or not, as well as all contracts and agreements made with any person or persons for perpetual care and maintenance, are hereby declared valid. (1948, c. 446)

Article VI. Utilities.

§ 1. The town council shall have the following powers:

(1) To own, operate and maintain electric light and gas works, either within or without the corporate limits of the town and to supply electricity and gas, whether the same be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said

town, at such price and upon such terms as it may prescribe, and to that end it may contract for and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient.

(2) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights and riparian rights as the council of the town may deem necessary for the purpose of providing an adequate water supply to the town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the town, and to require abutting property owners within such corporate limits to connect therewith, for the distribution of water to its customers and consumers, both within and without the corporate limits of the town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights-of-way, riparian and other rights and easements necessary for said purposes, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(4) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(5) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(6) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or

furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charge directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(7) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services thereof any existing franchises to the contrary notwithstanding.

(8) To regulate, permit or prohibit poles and wires for electric, telephone, and telegraph purposes erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the owner or lessee of an electric light, telephone, or telegraph pole, or poles, or wires, now in use or hereafter erected, to change the location of or move the same. (1948, c. 446)

Article VII. Streets.

§ 1. The town council shall have the following powers:

(1) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, streets, sidewalks, boulevards, parkways, alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, to regulate the operation and speed of cars and vehicles within the streets and highways within the town; and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive.

(2) To give names to or alter the names of the streets. (1948, c. 446)

Article VIII. Building Regulations.

§ 1. The town council shall have the following powers:

(1) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may become dangerous to life or property, or which may be erected contrary to law.

(2) To provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide setback lines on the streets beyond which no buildings may be constructed if permitted by general law; to require the standard of all dwelling houses to be maintained in residential sections in keeping with the majority of residences therein, and if permitted by general law to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) To make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, or within one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Richmond County, Virginia.

(4) To issue, or refuse (in case of noncompliance with the building requirements of the town) to issue, permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation failing to secure such permit prior to the beginning of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1948, c. 446)

Article IX. Additional Powers. (Repealed)

§ 1. (1948, c. 446; repealed 1982, c. 148)

Article IXA. Additional Powers.

§ 1. In addition to powers conferred by the Constitution, general laws and elsewhere in this charter, the town shall have the following powers:

1. To establish, regulate, and finance a fire department;

2. To establish, regulate, and finance a police department; and

3. To have and exercise the powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia of 1950. (1982, c. 148)

Article X. Actions against Town.

§ 1. (1) No actions shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement of the claimant, his agent, or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any

attorney appointed by the council for the purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days such statement may be filed within one hundred and twenty days. And no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1948, c. 446)

Article XI. Miscellaneous.

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

(2) This act may be referred to or cited as the Warsaw Charter of 1948. (1948, c. 446)

Washington, Town of

County of Rappahannock

History of incorporation
Charter, 1893-94, c. 226; repealed 1985, c. 172.

Current charter
Charter, 1985, c. 172.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.
The inhabitants of the territory comprised within the present limits of the Town of Washington, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Washington, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1985, c. 172)

§ 1.2. Boundaries.
The boundaries of the town until altered, shall be as recorded in the Clerk's Office of the Circuit Court of Rappahannock County, Virginia, in Plat Book 4, at Page 68. (1985, c. 172)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1985, c. 172)

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.1-837 through 15.1-907, including subsequent amendments thereof. (1985, c. 172)

Chapter 3. Treasurer, Mayor and Council.

§ 3.1. Election, qualification and term of office for the treasurer, mayor and other members of council.

The town shall be governed by a seven-member town council composed of five council members, the treasurer, and the mayor, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The five council members, the treasurer and the mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. An election for five council members, the treasurer and the mayor shall be held on the first Tuesday in May, 1986. Elections shall be held on the first Tuesday in May every four years thereafter. The five council members, the treasurer and the mayor shall serve for terms of four years. The term of each person elected under this section shall begin on July 1 next following his election. (1985, c. 172)

§ 3.2. Vacancies.

Vacancies on the council, including the treasurer and the mayor, shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of council. (1985, c. 172)

§ 3.3. Council, a continuing body.

The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1985, c. 172)

§ 3.4. Mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with the charter. He shall preside over the meetings of the town council and shall have the right to speak therein as a member of the council.

He shall have a vote as a member of council but shall have no veto power. He shall be the head of the town government for all its ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1985, c. 172)

§ 3.5. Vice mayor.

The town council, by a majority of all of its members, shall elect a vice mayor from its membership at its first meeting to serve for a term of four years in the absence of or during the disability of the mayor; and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. (1985, c. 172)

§ 3.6. Town treasurer.

The town treasurer's duties shall be to receive all money belonging to the town, to keep correct accounts of all receipts from all sources and of all expenditures, to be responsible for the collection of all license fees, taxes, levies and charges due to the town, to disburse the funds of the town as the council may direct, and other such duties as prescribed by the council. The treasurer may be compensated for his duties as such, in addition to his compensation as a member of council, as shall be determined by the mayor and the remaining members of council. He shall be a member of council with the same rights and privileges as other members of council. (1985, c. 172)

§ 3.7. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduct of its business except where inconsistent with the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor or any four members of the council, provided that the members of the council are given reasonable notice of such meetings. No business shall be transacted at the special meeting except for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived. (1985, c. 172)

§ 3.8. Compensation.

Compensation for the treasurer, mayor and other members of council shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the treasurer, mayor and the other members of council shall not be effective until July 1 following the next local election after the council approves such increase. This section does not apply to any compensation paid to the treasurer for the performance of his duties as treasurer. (1985, c. 172)

Chapter 4. Appointive Officers.

§ 4.1. Appointments, duties, compensation, etc.

A. The town council may appoint a town superintendent, a town attorney, a police chief and other police personnel and prescribe their qualifications, place of residency, duties and compensation.

B. Other Officers. The council may appoint any other officers that the council deems necessary and proper and prescribe their qualifications, place of residency, duties and compensation. (1985, c. 172)

§ 4.2. Term of office.

Appointees under this chapter shall serve at the pleasure of the council. The council may fill any vacancy in any appointive office. (1985, c. 172)

Chapter 5. Financial Provisions.

§ 5.1. Fiscal year.

The fiscal year of the town shall begin on July 1 of the year following. (1985, c. 172)

Chapter 6. Miscellaneous.

§ 6.1. Ordinances continued in force.

All ordinances now in force in the town, not inconsistent with this chapter, shall be and remain in force until altered, amended, or repealed by the council. (1985, c. 172)

§ 6.2. Severability of provisions.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1985, c. 172)

Waverly, Town of

County of Sussex

History of incorporation

Incorporation and charter, 1879, c. 151; repealed 1892, c. 419.
Charter, 1892, c. 419; repealed 1926, c. 486.

Current charter

Charter, 1926, c. 486.

Amendments to current charter

1966, c. 15 (§ 76)

1971, c. 83 (§ 7)

1977, c. 248 (§ 95)

1973, c. 142 (§ 95)
1977, c. 390 (§§ 4, 10 [repealed], 11 [repealed], 12, 21 through 24 [repealed], 31, 34 [repealed], 41, 43 [repealed], 51, 52 1/2, 84, 85 through 92 [repealed], 96 [repealed], 98 [repealed])

Be it enacted by the general assembly of Virginia, That all contracts and obligations of the Town of Waverly, Sussex County, heretofore and hereafter made by the present council and government by them while in office, and former councils in the corporate name of the council of the Town of Waverly not inconsistent with this charter and the general laws and Constitution of the State shall be, and are hereby declared to be, valid and legal.

§ 1. That the inhabitants of the territory in the County of Sussex contained within the boundaries prescribed and defined in the section immediately following, be, and they are hereby declared to be, a body, politic and corporate, in fact and in name, under the name and style of the Town of Waverly; and as such shall have and exercise all of the powers conferred by and be subject to all the laws of the State of Virginia now in force or that may be hereafter enacted for the government of towns, so far as the same are not inconsistent with the provisions of this act. (1926, c. 486)

Chapter 1. Corporate Boundaries.

§ 2. The territory contained within the limit of the said town shall be as follows, to-wit:

> Beginning at Lobb's shop crossing, running thence by airline to Burt's crossing on the Norfolk and Western Railroad; thence along the county road leading to Blackwater to a point intersected by the county road leading to Waverly; thence by airline to culvert on Norfolk and Western Railroad where said road crosses the spring branch; thence by airline back to Lobb's shop crossing before mentioned, shall continue to constitute the Town of Waverly, in the County of Sussex and may sue and be sued by and in that name; and the inhabitants thereof shall have and exercise the powers and privileges herein contained and such others as may be given them under the general law of the State of Virginia. (1926, c. 486)

§ 3. The said town shall be comprised of one ward which shall include all of the area within the corporate limits hereinabove specified, or may hereafter be enlarged, diminished or altered. (1926, c. 486)

§ 4. All persons residing within the boundaries hereinbefore specified as the Town of Waverly shall be residents of the said Town of Waverly; and all persons eligible to register and vote under the laws of the Commonwealth may vote in the Town of Waverly. (1926, c. 486; 1977, c. 390)

Chapter 2. Government.

§ 5. The government of the Town of Waverly shall be vested in a mayor and council. (1926, c. 486)

§ 6. The municipal officers of the said town shall consist of a mayor, five councilmen, a treasurer, and a sergeant. (1926, c. 486)

§ 7. The mayor and councilmen shall be elected by the qualified voters of the Town of Waverly, on the first Tuesday in May, nineteen hundred seventy-two, for a term of two years and every two years thereafter, and their term of office shall begin on the first day of July next ensuing, and they shall hold office until their successors shall have qualified. (1926, c. 486; 1971, c. 83)

§ 8. No persons shall be eligible to hold an elective office unless he or she is a duly qualified voter of the said town. (1926, c. 486)

§ 9. The elective offices of the said town shall be filled by the qualified voters voting thereof at large. (1926, c. 486)

§ 10. (1926, c. 486; repealed 1977, c. 390)

§ 11. (1926, c. 486; repealed 1977, c. 390)

§ 12. The council may also appoint such other officers, agents, and employees as may be necessary to conduct the business of the town, fix their compensation and prescribe their duties, and may appoint such committees of the council, and create such boards and departments of town government and administration with such duties and powers and subject to such regulations as it may see fit, consistent with the provisions of this act. The terms of all officers, agents, and employees appointed or employed by the council, unless sooner removed from office as provided for herein, shall expire with the council, except the terms of members of the Town Planning Commission shall not automatically expire with the council. (1926, c. 486; 1977, c. 390)

§ 13. The council may also appoint a sergeant whose duties shall be as hereinafter prescribed, and may also appoint a town attorney, whose term of office shall be for two years, or at the pleasure of the said council, and may also appoint a town recorder whose duties shall be as hereinafter prescribed, and shall also appoint a treasurer whose duties shall be as hereinafter prescribed, who shall serve at the pleasure of the council. (1926, c. 486)

§ 14. All officers, agents, attorneys, sergeants and employees appointed by the council of the town may be removed at its pleasure, and the duties and compensation of such officers, agents, attorneys, sergeants and employees shall be fixed by the council and the said council may require of any of them so appointed bonds with sureties in proper penalty, payable to the town in its corporate name, with provisions for the faithful performance of said duties, and the town in its name and for its benefit shall have the same remedies in the event of default on any bond so given as the State has in like cases. (1926, c. 486)

Chapter 3. Oath Of Mayor, Councilmen, Etc.

§ 15. The mayor, and the town sergeant shall take the oath prescribed by law for all State officers, and the councilmen and all other officers shall take an oath faithfully to execute the duties of their respective offices to the best of their judgment. (1926, c. 486)

§ 16. The court or person administering the oaths required by the preceding section shall make duplicate certificates of the oaths taken by the mayor, and the town sergeant and the person taking the same shall deliver the certificates to the clerk of the council who shall file all of the certificates among the records of the said town, and shall deliver the copy of the oath of the mayor and town sergeant to the clerk of the circuit court of Sussex County, to be by him filed and preserved. (1926, c. 486)

§ 17. If any person elected or appointed to any office in the said town shall neglect to take such oath on or before thirty days prior to the date on which he is to enter upon the discharge of the duties of his office, and fail to file such bond with surety as may be required of him by the council of the said town on or before entering upon the discharge of his duties, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled as prescribed in this charter or by the general laws of this State. (1926, c. 486)

Chapter 4. Records, Books, Et Cetera.

§ 18. If any person having been an officer, agent, or employee of the said town shall not within ten days after he shall have vacated, or been removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the council may allow, deliver over to his successor in office, or the clerk of the council, all property, books and papers belonging to the town, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the town the sum not exceeding five hundred dollars, to be sued for and recovered by the said town, with costs; and all books, records and documents used in any office by virtue of any provision of this act, or any ordinance or order of the town council, or any superior officer of said town, shall be deemed the property of said town, appertaining to said office, and the chief officer thereof shall be held responsible therefor. And all records of the said town shall be kept in the town safe, or such other place as the town council may by its order direct. (1926, c. 486)

Chapter 5. Mayor.

§ 19. The mayor shall be elected by the qualified voters of the town for a term of two years. (1926, c. 486)

§ 20. His salary shall be fixed by the town council and shall not diminish during his term of office. (1926, c. 486)

§ 21. (1926, c. 486; repealed 1977, c. 390)

§ 22. (1926, c. 486; repealed 1977, c. 390)

§ 23. (1926, c. 486; repealed 1977, c. 390)

§ 24. (1926, c. 486; repealed 1977, c. 390)

§ 25. The mayor shall see that the bylaws and ordinances of the town are fully executed and enforced, and shall preside over the meetings of the town council, voting only in case of a tie. (1926, c. 486)

§ 26. Every ordinance or resolution having the effect of an ordinance shall before it becomes operative be presented to the mayor. If he approves he shall sign it, if not, he may return it to the clerk of the council with his objection, or objections, and the council shall enter the same at length on its journal and proceed to reconsider it. If after such reconsideration, four-fifths of all the members elected to the council shall agree to pass the ordinance or resolution it shall become operative, notwithstanding the objection of the mayor. If any ordinance or resolution shall not be returned within five days (Sunday excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within five days, and in that event, the day on which such term of office expires. The mayor shall have the power to veto any particular item or items of any appropriation ordinance or resolution, in like manner, but such veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinance or resolutions not approved by the mayor. (1926, c. 486)

§ 27. The mayor shall see that the duties of the various town officers, agents, employees, members of the police force, and fire department, whether elected, or appointed, are faithfully performed. He shall have power to investigate their accounts, have access to all their books and documents in their office, and may examine them or their subordinates on oath, but the evidence given by persons so examined shall not be used against them in any criminal proceeding. (1926, c. 486)

§ 28. The mayor shall have power to suspend any municipal officer, agent or employee, other than the councilmen and treasurer, whether elected by the people or appointed by the council, or any appointing power designated by the council, for misconduct in office, inefficiency or neglect of duty, to be specified in the order of suspension. (1926, c. 486)

§ 29. On any suspension of any officer in the preceding section, the mayor shall report the same to the town council at their next stated meeting for their consideration, but in no case shall any such suspension be binding until ratified by the council by a four-fifths vote of all the members elected thereto, after reasonable notice to the person complained of, and an opportunity be afforded him to be heard in his defense. (1926, c. 486)

§ 30. The mayor shall communicate to the town council annually at the beginning of each fiscal year, or oftener if he be required by the council, a general statement of the condition of the town in relation to its government, finances and improvement, with such recommendation as he may deem proper,

and may from time to time communicate with the council such suggestion and recommendation as he shall deem proper. (1926, c. 486)

§ 31. In case of the absence, illness, or inability of the mayor, the president pro tempore, who shall be chosen by the majority of the council at its first meeting in July for a term of two years or in his absence or inability, some other member of the council chosen by the majority of the council present at a regular meeting, shall possess the same power and discharge the municipal duties of the mayor during such absence, illness or inability; and when so discharging the municipal duties of the mayor during his absence, illness or inability, the said president pro tempore, or in the case of his inability, the other member of the council so chosen for the purpose, shall receive a reasonable compensation to be fixed and allowed by the town council. (1926, c. 486; 1977, c. 390)

§ 32. In case a vacancy shall occur in the office of mayor, the vacancy shall be filled by appointment by the town council of anyone eligible to such office. (1926, c. 486)

§ 33. The mayor shall have power to call a meeting of the council whenever he deems it necessary, and in case of the absence, inability, or refusal of the mayor, the council may be convened by the order of any two members thereof. (1926, c. 486)

§ 34. (1926, c. 486; repealed 1977, c. 390)

Chapter 6. Council.

§ 35. The town council, in addition to the mayor, shall be composed of five members, and they shall be elected by popular vote of the qualified electors of the town. (1926, c. 486)

§ 36. The town council shall by ordinance fix the time of their stated meetings, and they shall meet at least once a month, and no business shall be transacted at a special meeting thereof, except that for which it shall be called, unless all members of the council be present. (1926, c. 486)

§ 37. Three members of the council, shall constitute a quorum for the transaction of business. No votes shall be reconsidered or rescinded at a special meeting unless at such meeting there be as many members of the council present as were present when such vote was taken. (1926, c. 486)

§ 38. The meetings of the council shall be presided over by the mayor, or in his absence or inability to act, the president pro tempore, or in his absence, or inability, some other member of the council chosen by a majority of that body. (1926, c. 486)

§ 39. The meetings of the town council shall be open to the public except when a recorded vote of four-fifths of those members present shall declare that the public welfare requires secrecy. (1926, c. 486)

§ 40. The town council shall have authority to adopt rules for the regulation of their proceedings, and appointments of such officers, agents, committees, and employees as they may deem proper; to compel the attendance of absent members; to punish its members for disorderly behavior. (1926, c. 486)

§ 41. A journal or minute book shall be kept of the proceedings of the town council, and, at the request of any member present, the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned; or if he be not then present, by the person presiding when they were read provided that the reading of the minutes may be dispensed with by unanimous consent of council. (1926, c. 486; 1977, c. 390)

§ 42. The clerk of the council shall keep the said journal and shall record the proceedings of the council at large thereon, and keep the same properly indexed; and the clerk of the council shall be known as the town recorder. (1926, c. 486)

§ 43. (1926, c. 486; repealed 1977, c. 390)

§ 44. The regular attendance of all members elected to the council is desirable, and in the event a member so elected to the said council is absent, without good cause, from any regular or stated meetings, five times in succession, his seat shall automatically become vacant, and shall be filled as hereinafter provided. (1926, c. 486)

§ 45. All vacancies occurring from any cause whatsoever in the office of mayor, councilman, or any other office, whether filled by appointments or by election, shall be filled for the unexpired term by the council. (1926, c. 486)

§ 46. The council shall have power to suspend and remove all officers and employees, appointed, for misfeasance, malfeasance, inefficiency, or neglect of duty, to be specified in the order of suspension of removal, but no such removal shall be made without reasonable notice given to the person so suspended, or removed, and an opportunity afforded for a defense thereto; and no removal of any town officer, agent or employee shall be final until the same shall be ratified by a four-fifths vote of the town council; and the town council may in like manner act upon and remove any officer, agent or employee who has been suspended by the mayor. (1926, c. 486)

§ 47. The town council shall have all powers and authority that is now or may hereafter be granted to councils of towns by the general laws of this State and by this act; and the recital of special powers and authorities shall not be taken to exclude the exercise of any power and authority granted by the general laws of this State to town councils, but not herein specified. (1926, c. 486)

§ 48. And the said council shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the State itself may exercise under the circumstances, except such as may be specifically denied towns by the acts of the general assembly. (1926, c. 486)

§ 49. And it shall have the further power to control and manage the fiscal and municipal affairs of the town and all property, real and personal, belonging to the said town, and may make such ordinances, orders and resolutions relating to the same as it may deem proper and necessary. And it shall have the further power:

1. To purchase, hold, sell and convey all real and personal property within or without the corporate limits necessary for its uses and purposes.

2. To acquire by purchase, condemnation or otherwise, or to construct or lease and operate its own plant, factory and equipment for supplying its inhabitants, streets, grounds and buildings with water, light, power, fuel, and sewerage, and to that end it may acquire by purchase or lease any plant existing in or near the town and may acquire lands and franchise outside of the limits of the said town, and may by purchase, condemnation or otherwise, acquire easements and rights-of-way.

3. To purchase, condemn, or otherwise acquire one or more locations for a site for fire engine houses, stables, town building, parks, playgrounds, cemeteries, and for all municipal uses and purposes, within or without the town.

4. To close, extend, widen, or narrow, straighten, lay-out, graduate, curb and pave, and otherwise improve the streets, sidewalks, roads and public alleys in the town, and to have them kept in good order and properly lighted, and require the payment, by the property owner, benefited by such work or improvements of such property, of the costs as shall not exceed five per centum of the assessed value of said property, or fifty per centum of the costs of such improvement, and to make such item a lien upon their real estate, and collectible in the same manner as is herein provided, and also as provided by the general law for the State for the collection of taxes generally, and over any street or alley in the town which has been or may be ceded to the said town or conveyed to the town by proper deed, they shall have like power and authority as over other streets and alleys. They may build bridges over and culverts under the streets or alleys, and may prevent and remove any structure, obstruction or encroachment over or under or in any street, sidewalk or alley in the said town, and may permit shade trees to be planted along said streets, also cut down and remove or may require to be taken down and removed any shade trees upon any of the streets and alleys of the said town; but no company, firm, corporation or individual shall occupy with its or his works or appurtenances thereof the streets, sidewalks and alleys of the town, without the consent of the council duly entered of record, and whenever in the construction of any sewer, conduit or public improvements, it is necessary that the same shall run through or under private property, the council shall have authority to contract and agree with the owners thereof for the use and purchase of the right-of-way or other easement, in, through, or under the same, or have the same condemned according to law.

5. To require the owners of real estate abutting upon paved or granolithic sidewalks to remove the snow therefrom, to prevent skating or riding of bicycles thereon, and of all other improper uses thereof, and to punish such violation by fine.

6. To prevent the cumbering of streets, sidewalks, alleys, roads, lanes, avenues, or bridges in the town in any manner whatsoever, and to have full and complete control thereof.

7. To determine, restrain and regulate the use and speed of bicycles, motorcycles, traction engines, locomotives, engines, cars, automobiles, and all other vehicles upon the said streets, roads and alleys of the said town; or regulate the speed of locomotives or trains, and require flagmen at dangerous railroad crossings within the town.

8. To secure the inhabitants of the said town from contagious, infectious, or other dangerous diseases, to establish, erect and regulate hospitals within or without the said town, and to prescribe all proper quarantine regulation; to provide for and enforce the removal of patients to the said hospital; to appoint and regulate a board of health for said town, prescribe its duties and invest said board with police authority and with full power for the prompt and efficient performance of its duties.

9. To require and compel the abatement of all nuisances and the removal thereof within the town at the expense of the person or persons causing the same, or the owner or owners of the ground whereupon the same may be.

10. To require and compel the owners of the houses in the town, or if the owners be unknown or absent, the occupants of such houses, to connect their water closets and water drains with the sewers of the town, or otherwise comply with such regulations as to sewers and nuisances as the council may prescribe, and upon failure so to do the same may be done by the town, by entering upon the premises, if necessary, and the cost attending same shall be collected from the owner and occupant of such houses, as taxes are herein in this charter allowed to be collected by the town.

11. To direct the location of all buildings for storing gunpowder, firecrackers, or other works manufactured or prepared therefrom, kerosene oil, nitrogylcerine, camphene, burning fluid, or other combustible material; to regulate and restrain the exhibition and use of fireworks, firecrackers, the discharge of firearms, the use of candles or lights in barns, stables, and other buildings; and to regulate and restrain the making of bonfires in the streets, alleys, roads and premises of the said town.

12. To prevent horses, cattle, hogs, dogs, cats, chickens and all other poultry and animals from running at large in the said town, and may subject the same to confiscation, regulation and taxes as may be deemed proper, and the town council may prohibit the raising and keeping the hogs in the town or in any part thereof, or if permitted, may regulate the same.

13. To prevent the riding and driving of horses or animals at an improper speed, throwing stones or missiles or engaging in any employment or sports on the streets, sidewalks, roads or public alleys

dangerous to or annoying to pedestrians, and to prohibit and punish cruel treatment of horses and other animals in the said town.

14. To protect the person and property of the inhabitants of the town and others within the town, to restrain and punish drunkards, vagrants, idlers, and street beggars, to prevent vice and immorality, obscenity, profanity, abusive language, and gambling, to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblage; to suppress houses of ill-fame and gambling houses; to prevent lewd, indecent and disorderly conduct, or exhibits in the said town, and to expel therefrom persons guilty of such conduct; to prevent the coming into the town of persons having no ostensible means of support and persons who may be dangerous to the peace and safety of the town and compel such person to leave the town.

15. To make and enforce ordinances to secure the safe and expeditious use of streets, roads, and alleys of the said town; to regulate all manner of traffic thereon, and parking thereon, and for the protection of persons and property thereon or near thereto.

16. To establish and maintain parks, playgrounds, and boulevards, and cause the same to be laid out, equipped and beautified; to give names to or alter the names of streets and numbers for the buildings thereon, and fix building lines.

17. To lay off public grounds and provide, acquire, erect, and keep in order all buildings and other property, proper for the town.

18. To prohibit and punish for mischievous, wanton or malicious damage to school and public property, as well as private property.

19. To prohibit and punish minors from frequenting, playing in or loitering in any public pool room, billiard parlor or tenpin alley and to punish any proprietor or agent thereof for permitting same.

20. To prohibit and punish the dumping of refuse, wastes, garbage, and dead animals and fowls within the town, and to restrict the dumping of garbage to such places as the council may designate and to punish all who fail to comply with such rules and regulations as to garbage disposal.

21. To provide a prison house and work house and employ managers, physicians, nurses and servants for the same, and prescribe regulations for the government and discipline of persons therein.

22. To authorize and regulate the erection of party walls and fences and prescribe how the cost thereof shall be borne by coterminous owners; and to prohibit and punish trespassing upon private property within the town.

23. To regulate and control auction sales, livery stables, garages, barber shops, slaughter houses, soap factories, theatrical performances or other public shows or exhibitions; the hiring or use for pay of carriages, carts, wagons and drays, and the business of hawkers, peddlers, persons selling goods by sample, persons keeping billiard tables, tenpin alleys and pistol galleries for profit and all

other similar businesses, occupations and employment, and as to such trades, occupations and employments and of any other of like nature, or not, may grant or refuse license as it may deem proper; and to regulate and control the keeping open of automobile garages, service stations and drug stores, on the Sabbath.

24. To compel persons sentenced to confinement in jail for petty larceny, or other misdemeanor, or other violation of town ordinances to work on the public streets, alleys, public work or property of the said town.

25. To provide for the regular and safe construction of houses in the town for the future, to require the standard of all dwelling houses be maintained in residential section in keeping with the majority of residences therein; and to require the standard of all business houses be maintained in business sections in keeping with the majority of the business houses therein.

26. To designate and prescribe from time to time, the part of the town within which no buildings of wood shall be erected, and to regulate the construction of buildings in the town, so as to protect it against danger of fire; to remove or require to be removed any building, structure or addition thereto, which by reason of dilapidation, defect of structure, fire or other cause is or may become dangerous to life or property, and also refuse a permit to repair any such building or structure.

27. To prevent or prohibit injury or annoyance, of anything dangerous, offensive or unhealthy.

28. To provide by regular ordinances what are nuisances; to cause the abatement of any nuisance so declared to be by the general laws of this State, or the regular ordinance of the town.

29. To inspect, test, measure and weigh any commodity or article of consumption for use within the town, and to establish, regulate, license, and inspect weights, meters, measures and scales.

30. To provide in or near the town lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of ground therein; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot, for which the said donation, gift, or bequest shall have been made.

31. To offer and pay rewards for the apprehension of criminals.

32. To control, regulate, limit, and restrict the operation of motor vehicles, private or carrying passengers for hire, upon the streets and alleys of the town, to require a bond with satisfactory surety thereon of the owner of every motor vehicle so used, conditioned to satisfy all damages caused to any person, or property, in the negligent operation of such motor vehicle, or adequate insurance, to require the annual registration of each and every motor vehicle so used and a license tax to be paid thereon, to require all drivers of such motor vehicles, whether owners or not, to obtain permits from

the mayor and council before operating any such motor vehicle carrying passengers for hire upon the said streets and alleys, to refuse permits to so operate any motor vehicle to any person who is not of good character, reputation, physically fit, capable, competent, of sufficient age and discretion, or who is addicted to the use of intoxicating liquors or narcotics, to revoke any permit issued to any person for good cause and after a hearing thereon; or, a franchise may be granted for the transportation of passengers by motor vehicles for hire upon the said streets and alleys, to be advertised and sold as provided for by the Constitution and the laws of this State, subject nevertheless to such rules, regulations, restrictions, and limitations and upon such conditions, not in conflict with the Constitution, as the council may determine. But nothing in this section shall be construed to be in conflict with the general State law on motor vehicle carriers.

33. To pass all resolutions and ordinances not repugnant to the Constitution and the laws of the State, or in conflict with this act, which it may deem necessary for the good order and government of the said town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or of their property, and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in the said town or in the council, or the officers thereof, or which may be necessarily incident to a municipal corporation. (1926, c. 486)

Chapter 7. Use of Streets, Et Cetera.

§ 50. No street, gas, railway, water, steam, or electric heating, electric light, or power company, compressed air, viaduct, conduit, telegraph, telephone or bridge company, firm, or corporation, association, persons or partnership, engaged in these or like enterprises shall be permitted to use the streets, roads, alleys or public grounds of the town without the previous consent of the corporate authority of the town. (1926, c. 486)

§ 51. No person or corporation shall occupy or use any of the streets, avenues, parks, bridges, boulevards, alleys or any other public place or public property of the town, or any public easement of the town of any description in a manner not permitted to the general public, without having first obtained the consent thereto of the town council, or a franchise therefor, and any person upon conviction of so doing shall be fined not less than ten dollars, not more than two hundred dollars, each day's continuance thereof to be a separate offense, such fine to be recovered in the name of the town and for its use, and such occupancy shall be deemed a nuisance. (1926, c. 486; 1977, c. 390)

§ 52. In every case when a street of said town has been, or shall be encroached upon by any fence, building, porch, projections or otherwise, the town council may require the owner if known, or if unknown, the occupant, to remove the same, and if such removal be not made within the time prescribed by the council they may impose a penalty of not exceeding twenty-five dollars for each and

every day it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner, or if the owner be unknown, from the occupant of the premises, a reasonable charge therefor, with costs, by the same procedure as they are hereinafter empowered to collect taxes. No encroachment upon any street of the said town, however long, the same shall have been or may be continued, shall constitute an adverse possession to, or confer any rights upon the person claiming thereunder, as against the town. (1926, c. 486)

§ 52 1/2. The town council may pass such ordinances as it deems proper for the use of land in the corporate limits for business, manufacturing and residential districts. (1926, c. 486; 1977, c. 390)

Chapter 8. Police.

§ 53. The town council shall have the power and authority to appoint a sergeant, and watchman, and such additional police officers as it may deem necessary or proper. (1926, c. 486)

§ 54. The town council shall prescribe rules and regulations for the government of the police department, prescribe uniforms and badges of the officers therefor, and fix their rate of pay, and in addition thereto, the mayor, or in his absence, the president pro tempore of the council or in the absence of both, any councilman shall have the power and authority whenever the regular police force of the town is, in the judgment of such person deemed inadequate to meet the needs of the occasion, to appoint and swear in such additional or special policemen as he may deem requisite for a term of service not to exceed ten days, and at such compensation as the council may fix for special policemen, or, if no compensation be fixed by the council, then at the same compensation per day paid regular police officers of the regular police force. The duties and powers of such special policemen shall be the same as that of a private on the regular police force. (1926, c. 486)

§ 55. The police force shall be under the control of the mayor for the purpose of enforcing peace and order and executing the laws of the State and ordinance of the town. They shall also perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties and powers, any policeman is hereby made a conservator of the peace, and endowed with all the powers of the constable in criminal cases, and all other powers which under the laws of the State may be necessary to enable him to discharge the duties of his office. (1926, c. 486)

§ 56. The officers and privates of the police force of the town shall be vested with all the powers and authority which belongs to the office of a constable at common law in taking cognizance of and enforcing the criminal laws of the Commonwealth of Virginia, and the ordinances and regulations of the town respectively; and it shall be the duty of each and every one of such policemen to use his best endeavor to prevent the commitment within the said town of offenses against the laws of the Commonwealth, and against the ordinances and regulations of the town, to observe and enforce all such laws, ordinances, and regulations, to detect and arrest offenders against the same, to preserve the

good order of the town and secure the inhabitants thereof from violence, and the property therein from injury. (1926, c. 486)

§ 57. The policemen of the town, other than the sergeant, shall have no power or authority in civil matters, but they shall in all other cases execute such warrants or summons as may be placed in their hands by the mayor of the said town, or properly constituted authority, and shall make due return thereof. (1926, c. 486)

Chapter 9. Fire Department.

§ 58. The town council shall have the power and authority to establish and maintain a fire department for the town, and all powers necessary for the government, management, maintenance, equipment, and direction of such fire department, and the premises, property and equipment thereof. The council may make ordinances as it may deem proper for the prevention of fires, the construction of flues, chimneys, and stove pipes, and the extinguishment of fires; for the regulation of the conduct of persons in attendance at fires in relation to the powers and duties of the officers and men of the fire department; to require citizens to render assistance to the fire department in case of need, and in relation to the acquisition, use, maintenance, and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1926, c. 486)

§ 59. The town council may in their discretion authorize or require the fire department to render aid in case of fire occurring beyond the limits of the town, and may prescribe the conditions under which aid may be rendered. (1926, c. 486)

Chapter 10. Dedication of Streets, Et Cetera.

§ 60. All streets, cross-streets, roadways, alleys, avenues, and walkways which have already been laid off and opened according to plats of the several subdivisions of the town as now constituted, which have been or may hereafter be accepted by the town council, not heretofore changed, closed, or altered by the municipal authorities, and all streets, cross-streets, avenues and alleys, lanes and walkways which have heretofore been opened and used as such, or which may at any time be located, surveyed and opened in the said town, or any extension of the same within the corporate limits of the town, shall be and they are hereby established as public streets, avenues, lanes and walkways of the town. (1926, c. 486)

§ 61. Any street, alley, avenue or walkway heretofore or hereafter reserved or laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town as now constituted by a plan or plat of record, not altered, closed, or vacated by the municipal authorities, or otherwise as provided by law, shall be deemed and held to be dedicated to public use as and for a public street, avenue, alley or walkway, as the case may be, of the town, unless it appears by the said record

that the street, avenue, alley or walkway so reserved is designated for private use, and whenever any street, alley, avenue, walkway or lane in the town shall have been opened and used as such by the public for a period of five years, the same shall thereby become a street, alley, avenue, walkway, or lane for public use, unless notice of the contrary intention on the part of the land owner be given in writing to the mayor of the town, who shall report the receipt of such notice to the council that it may be spread on the journal; and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, avenues, walkways and lanes laid out by them, and all streets, avenues, alleys and walkways hereafter laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town shall be made to conform to existing streets, avenues, alleys and walkways, both in width and their courses and direction. (1926, c. 486)

§ 62. The town shall repair, maintain, and keep in good order the public streets and roads within the corporate limits of the town, and if the said town so keeps in order, repairs and maintains the public roads and streets, within said corporate limits, no road tax shall be levied therein by the County of Sussex, or any subdivision thereof; and the inhabitants of the town and all taxable property, personal and real, within the corporate limits of the town shall be exempt from all assessment and levies imposed by the authorities of the County of Sussex or other subdivision thereof, for construction, repair, or maintenance of roads lying outside of the corporate limit of the said town. (1926, c. 486)

Chapter 11. Treasurer.

§ 63. The treasurer of the said town shall be appointed by the council for a term of two years, who shall serve at the pleasure of the council, and shall collect and receive all money belonging to the town, and shall perform such other duties as are prescribed by the council. He shall keep his office at some convenient place in the town, provided by the town council. He shall keep his books and accounts in such manner as the town council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and council, or any committee or committees of the council. He shall receive for his services such compensation, either in fees or salaries, as the town council may from time to time allow, and when such compensation has been fixed by the council, the same shall not be diminished during the term of his office. (1926, c. 486)

§ 64. No money shall be paid out by the town treasurer except by order of the council and upon a warrant of the clerk of the council, countersigned by the president of the council, except as hereinafter provided. (1926, c. 486)

§ 65. The town treasurer or his deputy duly appointed by the council and qualified, or by order of the council of the said town, the town sergeant, or any other person appointed by the town council shall collect all the taxes, revenues and assessments, which may be levied by the said town council, and

for this purpose the said treasurer or other person appointed by the town council as aforesaid, shall be vested with power and be subject to liabilities and penalties now prescribed by law in regard to the county treasurers of the State of Virginia in the levying and collection of taxes, and said officers or persons appointed as aforesaid to collect said taxes, revenues, and assessments, shall have full power to levy on property and sell the same for the payment of such tax, as the said county treasurers of the State of Virginia are now empowered by law to do, and such sales shall be made upon the notice and in such manner as now prescribed by law in sales of personal property for State taxes; and any person so appointed shall give bond and receive such compensation as said council shall direct. (1926, c. 486)

§ 66. The treasurer shall be required to keep all money in his hands belonging to the town in such place or places of deposit as the town council by ordinance may provide or direct. (1926, c. 486)

§ 67. The treasurer shall report to each stated meeting of the council the amount of cash then on deposit to the order of the town, and in what depositories deposited, furnishing an itemized statement of receipts and disbursements for the previous month, and shall annually at the end of each fiscal year publish, either in the newspaper or by posting in three or more public places in said town, a statement showing all the receipts and incomes of the said town and from what sources, and all disbursements made and for what purpose, a copy of which said statement shall be filed in the records of the said town. (1926, c. 486)

§ 68. The treasurer shall execute bond with satisfactory surety payable to the town for the faithful performance of all duties of his office, and to account for all money coming into his hands. (1926, c. 486)

Chapter 12. Recorder.

§ 69. The town recorder shall also be the clerk of the council and shall be elected by the council. He shall hold office during the term of the council or at its pleasure. He shall attend the meetings of the council and keep a record of its proceedings; he shall have the custody of the corporate seal; he shall keep all the papers that, by the provisions of this act, or the direction of the council, are required to be filed with or kept by him; he shall give notice to all parties presenting communication or petitions to the town council of the final action of the council on such communication or petition; he shall publish such reports and ordinances as the council is required to publish, and such other reports and ordinances as it may direct, and shall, in general, perform such other acts and duties as the council may from time to time prescribe and require of him. Within the town limits he shall assess the lands and take the list of personal property for taxation, and do all other acts and things in connection therewith the same as, and have the same authority, as the commissioner of the revenue in Sussex County. (1926, c. 486)

§ 69 1/2. The town recorder shall have the power and authority to propound interrogatory to any person subject to taxation, and may use such other evidence as he may be in position to procure, in

making his assessment or taking lists; such interrogatory shall be answered under oath and any applicant refusing to answer such interrogatory under oath shall be fined not less than five dollars, nor more than one hundred dollars, for each offense. It shall be the duty of the recorder to assess for taxation all persons and property subject to town taxation, whether the same shall have been omitted from the assessment of the commissioner of revenue for Sussex County or not. All books, schedules and records, and papers pertaining to the office of assessor shall b open to and subject to the inspection of the mayor, the members of the town council, or any committee thereof, and of the collector of town taxes. He may use as the basis of his assessment, the assessment made by the commissioner of revenue in Waverly magisterial district, Sussex County. He shall receive for his services such compensation as the town council may from time to time direct. (1926, c. 486)

Chapter 13. Sergeant.

§ 70. The town council shall have the power and authority to prescribe for the town sergeant such general and other duties as it may see fit, and shall fix his compensation, and in all civil and criminal cases arising under the State laws, the sergeant shall receive the same fees as are provided by law for constables, and in all cases arising under the town ordinances where not otherwise provided, he shall receive the same fees as constables receive in similar cases arising under the State laws. (1926, c. 486)

§ 71. The town sergeant shall perform the duties, receive the compensation and be subject to the liabilities prescribed by this act, the ordinances, bylaws and regulations of the town council, and by the laws of this State, and also shall have the powers and discharge the same duties as constables within the corporate limits of the town, and be subject to the same liability touching all process lawfully directed to him, as constables are subject to under the laws of this State. (1926, c. 486)

§ 72. The sergeant and the police officers of the town shall have power to arrest without warrants and carry before the mayor or other proper authority, to be dealt with according to law, any and all persons who shall violate any ordinance of the town or law of the State in their presence, and it shall be their duty to swear out warrants of arrest for any person or persons where they have reason to believe any offense has been committed. (1926, c. 486)

§ 73. The sergeant shall be collector of all fines and penalties imposed for the violation of town ordinances, bylaws, rules and regulations, and of delinquent town levies, and of all tax tickets declared delinquent by the town council, and allowed the treasurer in his settlement with the town council, shall be turned over to the sergeant to collect, and for that purpose he shall have all the power and authority and be subject to the same liabilities and penalties as are prescribed for county treasurers in the collection of State taxes and county levies, and may be proceeded against in the same manner, so far as applicable. (1926, c. 486)

§ 74. The town sergeant shall pay over to the council of the town at each monthly meeting all money which comes into his hands for taxes, or levies, or fines and costs, or any part or parts of any fines or costs collected by him, together with a written report showing each and every item and the amount so collected, and as well any other items or articles of property coming into his hands belonging to the town through or by confiscation or otherwise. (1926, c. 486)

§ 75. He shall be required to give bond with satisfactory surety, payable to the said town for the faithful performance and discharge of all of his duties as sergeant, and to faithfully account for all money coming into his hands by virtue of his office. (1926, c. 486)

Chapter 14. Taxation

§ 76. For the execution of its powers and duties the council may tax all real and personal property in the town not exempt by law from taxation; not to exceed one dollar and fifty cents per hundred dollars assessed value; all corporations located in the town or having their principal office therein and not exempt by law from taxation; all credits due to any person living in the town; all capital of persons having a place of business in the town and doing business therein and employed in the said business, though the said business may extend beyond the town, provided that so much of said capital as is invested in real estate or employed in the manufacture of articles outside the town limits shall not be taxed as capital; and all stocks in incorporated joint stock companies, doing business in the town and by whomsoever owned and not exempt by law from taxation. Assessment upon stock and bonds shall be according to the market value thereof. Nothing in this act shall be construed as conflicting with the general laws of the State providing for the segregation or partial segregation of the subject of taxation.

The council shall have the power to levy and collect public utility service or consumer taxes on gas, electric, telephone, water and sewer services, or any of them, from the occupant or lessee of any premises, purchased by such person and furnished at such premises for the use and benefit of such occupant or lessee. The term premises shall include those title to which is held (a) by a person whose property is exempt under § 58-12 of the Code of Virginia, as amended, or (b) by a person who is not subject to a license tax on persons engaging in the rental of properties owned by them by virtue of § 58-500 of the Code of Virginia. (1926, c. 486; 1966, c. 15)

§ 77. The council may impose a tax not exceeding one dollar and fifty cents per annum upon each resident of the town who has attained the age of twenty-one years, for street purposes. (1926, c. 486)

§ 78. The council may impose a license tax on merchants, commission merchants, auctioneers, manufacturers, traders, lawyers, physicians, dentists, brokers, keepers of ordinary, hotel keepers, boarding house keepers, keepers of drinking or eating houses, keepers of livery stables, garages, filling stations, distributors of oils, gasoline and grease, photographic artists of all kinds, agents of all kinds, vendors of quack medicine, public theatrical or other performances or shows, soda fountains and

distributors of soft drinks, keepers of billiard tables, tenpin alleys, pistol galleries, hawkers, peddlers, sample merchants, railroad companies, telegraph companies, telephone companies, gas companies, electric companies, street railway companies, express companies, contractors, barber shops, and any other person, firm, corporation, employment, or trade, whether of like kind with any of the foregoing or not, which it may deem proper, whether such person, firm, corporation, business, employment, or trade be herein specifically enumerated or not, and whether any tax be imposed thereon by the State or not. As to all such persons, firms, corporation, employments, or trades, the council may lay a direct tax or may require a license tax therefor under such regulations as it may prescribe and levy a tax thereon; and where it is not prohibited by the laws of this State or of the United States may levy both a direct tax and a license tax, but the taxes herein authorized shall be subject to the provisions and conditions set forth in this act, but this section shall not render it legal to conduct within the town any business, calling, or vocation which but for this section would be illegal. (1926, c. 486)

§ 79. The council may subject any person who, without having obtained a license therefor, shall do any act or follow any employment or business in the town for which a license may be required by ordinance, such fine or penalty as it is authorized to impose for any violation of its laws. (1926, c. 486)

§ 80. The town council may exempt from all municipal taxation bonds and other obligations of indebtedness issued by the town. (1926, c. 486)

§ 81. The council shall have power to fix and collect water rents, and make proper charges for light and power furnished and provided by the municipal power plants. (1926, c. 486)

§ 82. The council shall not appropriate any part of any sinking fund of its accrued interest thereon for any other objects or purposes than that for which the said sinking fund is collected. (1926, c. 486)

Chapter 15. Tax Liens, Et Cetera.

§ 83. There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed. And the town council shall by ordinance require said taxes to be paid in one installment at such time, and with a penalty not in excess of ten per centum, as the said council may designate. The council may require real estate in the town delinquent for the nonpayment of taxes or assessments, to be sold for said taxes and assessments, with interest thereon from the time the same is delinquent, at the rate of six per centum per annum, and ten per centum of the amount of the tax to cover costs and charges, exclusive of costs attending the redemption thereof, as hereinafter provided, and may cause a good and sufficient deed to be made to the purchaser. (1926, c. 486)

§ 84. It shall be the duty of the treasurer of the town to make out and deliver to the council at their regular meeting in July in each year following passage of this act, a list of all real estate whereupon delinquent taxes or assessments are due and unpaid for the previous year. (1926, c. 486; 1977, c. 390)

§ 84 1/2. The town council by order direct the sale of any property confiscated or otherwise coming into the possession of the said town; the said sale to be held according to the terms of the order directing the same; and the proceeds therefrom shall be paid into the treasury of the said town. (1926, c. 486)

§ 85. (1926, c. 486; repealed 1977, c. 390)

§ 86. (1926, c. 486; repealed 1977, c. 390)

§ 87. (1926, c. 486; repealed 1977, c. 390)

§ 88. (1926, c. 486; repealed 1977, c. 390)

§ 89. (1926, c. 486; repealed 1977, c. 390)

§ 90. (1926, c. 486; repealed 1977, c. 390)

§ 91. (1926, c. 486; repealed 1977, c. 390)

§ 92. (1926, c. 486; repealed 1977, c. 390)

Chapter 16. Loans, Bonds, Et Cetera.

§ 93. The town council shall have the power and authority, without reference thereof to a vote of the people to issue certificates of indebtedness, bonds, or other obligations issued in anticipation of the collection of the revenue of the town for the then current year; provided that such certificates, bonds, or other obligations mature within one year from the date of their issuance, and be not past due and do not exceed the revenue for such year. (1926, c. 486)

§ 94. The town council shall have the power and authority, without reference to the vote of the people, to provide by ordinances for the issuance of new bonds, for the redemption and liquidation of any lawfully issued bonds, when they fall due, become subject to call, or can for any reason be refunded or redeemed. Said new bonds shall not exceed in amount, the original bonds to be redeemed, liquidated, or refunded, may be registered, serial, or coupon, and shall be sold, at not less than five per centum below par, to the highest bidder for cash, provided no such new bonds shall bear a higher rate of interest than six per centum per annum, and provided, further, that the proceeds of the sale of new bonds so issued shall be used only in the payment of the old bonds, which are subject to call, redemption or can otherwise be refunded or redeemed. Such bonds shall be payable in lawful money of the United States and a sinking fund shall be created and maintained sufficient to redeem such bonds at maturity, and shall be applied to such redemption and to no other purpose; provided, further, such short term notes or obligations of the said town outstanding at the time this act goes into effect, may likewise be refunded into long-term bonds under this section. (1926, c. 486)

§ 95. And the council shall have the further power and authority to borrow money in the name of the town and for its uses and purposes whenever in the opinion of a majority of its members, ascertained by a recorded affirmative vote of all members elected to the council, it is to the best interests of the municipality to do so, such borrowed money to be evidenced by the bonds, notes, or certificates of indebtedness of the said town duly executed by the mayor thereof and attested by the clerk of the council, but the amount of the indebtedness shall not exceed eighteen per centum of the assessed valuation of the real estate therein, subject to taxation as shown by the last preceding assessment. The classes of indebtedness excluded in determining the limitation on indebtedness under Section 10 (a) of Article VII of the Constitution of Virginia shall not be included in determining the debt limitation of the town. None or the obligations issued under this provision shall be sold at less than five per centum below par, or bear interest at a rate exceeding six per centum per annum, and shall become due and payable not exceeding forty years from the date of their issuances. The council shall make provisions for the payment of interest on the bonds, notes, or certificates of indebtedness so issued and shall provide a sinking fund for the retirement thereof at or before maturity. The coupons shall be received for town taxes. Notwithstanding any other provision of this charter, the power and obligation of the town to pay any and all bonds, notes and certificates of indebtedness, except revenue bonds made payable solely from revenue producing properties, shall be unlimited and the town shall levy ad valorem taxes upon all taxable property within the town for the payment of such bonds, notes and certificates of indebtedness and the interest thereon, without limitation as to rate or amount. (1926, c. 486; 1971, c. 248; 1973, c. 142)

Chapter 17. General Provisions.

§ 96. (1926, c. 486; repealed 1977, c. 390)

§ 97. The jurisdiction of the corporate authorities of the town in criminal matters except as otherwise provided by laws, and for imposing and collecting a license tax on all shows, performances and exhibitions, shall extend one mile beyond the corporate limits of the town. (1926, c. 486)

§ 98. (1926, c. 486; repealed 1977, c. 390)

§ 99. If any section or provision of this act or any pert of any section shall be declared unconstitutional, the part so declared unconstitutional shall cease to be operative, but the remainder of this act and every section or part thereof not so declared unconstitutional shall continue to be the law governing this town. (1926, c. 486)

§ 100. In case of default on the part of any bonded municipal officer, the town shall have the same remedies against him and his sureties as are provided for the State in enforcing the penalty of any official bond given to it. (1926, c. 486)

§ 101. The same person shall be eligible to, and if elected, or appointed, may hold a county office and a town office if the said offices be of the same nature, at the same time; provided, such officer lives within the town limits; and a person otherwise qualified who is a resident of the said town shall be eligible to election or appointment of any county office of Sussex County. (1926, c. 486)

§ 102. Where by the provisions of this act or the general laws of this State, the council has the authority to pass an ordinance, resolution, or regulation on any subject, it may prescribe a penalty not exceeding five hundred dollars or confinement in jail not exceeding twelve months, or both, and for the violation thereof and any other form of punishment provided for by the laws of this State for the punishment of misdemeanors. (1926, c. 486)

§ 103. All ordinances now in force as the ordinances of the Town of Waverly in the Town of Waverly not inconsistent with this act shall be and remain in force until altered, amended, or repealed by the town council. (1926, c. 486)

§ 104. The present officers of the town shall be and remain in office until the expiration of their several terms. (1926, c. 486)

§ 105. All acts or parts of acts in conflict with this act are hereby repealed, but only insofar as they affect the provisions of this act. (1926, c. 486)

§ 106. An emergency is hereby declared to exist and this act shall be in effect from and after the date of its passage. (1926, c. 486)

Waynesboro, City of

History of incorporation

Named Waynesborough for Revolutionary War General Anthony Wayne.
Town laid out in 1797.
Consolidated with Basic City in 1923.
Incorporated as a city in 1948.
Waynesborough established, 1801, c. 30 (Hening's Statutes at Large, Vol. II).
Incorporation and charter, 1834, c. 233; repealed 1874, c. 272.
Waynesboro' charter, 1874, c. 272; replaced 1888, c. 203.
Waynesboro' charter, 1888, c. 203; repealed 1928, c. 482.
Basic City incorporation and charter, 1890, c. 439.
Basic City charter, 1891, c. 15, reenacts all of 1890 charter.
Waynesboro charter, 1892, c. 102, amends all of 1888 charter; repealed 1928, c. 482.
Waynesboro charter, 1896, c. 577, amends all of 1888 and 1892 charters; repealed 1928, c. 482.
Waynesboro charter, 1922, c. 309, amends "all acts creating and amending the charter"; repealed 1928, c. 482.

Charter, 1924, c. 101, amends all acts since consolidation with Basic City as Waynesboro-Basic, and changes that name to Waynesboro; repealed 1928, c. 482.
Charter, 1928, c. 482; repealed 1948, c. 3.
Charter, 1948, c. 3; repealed 2005, cc. 629, 674.

Current charter
Charter, 2005, cc. 629, 674.

Amendments to current charter
2019, cc. 127, 239 (§§ 2.3, 3.4, 3.5)

2022, cc. 332, 571 (§§ 3.2, 3.4, 4.1, 6.1)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the City of Waynesboro as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the City of Waynesboro. The city shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal that it may later renew or amend, at its pleasure by proper ordinance. (2005, cc. 629, 674)

§ 1.2. Boundaries.

The territory embraced within the City of Waynesboro is that territory presently constituting the City of Waynesboro and formerly in the County of Augusta, Virginia, as set forth in the clerk's Office for the Circuit Court of the City of Waynesboro, Virginia, in Deed Book 205 at page 174. (2005, cc. 629, 674)

§ 1.3. Division of city into wards.

The said city shall be divided into as many wards as the council may determine in such manner as to include as nearly as may be consistent with the well-defined limits of said wards, an equal number of votes in each ward. (2005, cc. 629, 674)

Chapter 2. Powers.

§ 2.1. General grant of powers.

(a) The city shall have and may exercise any or all powers now or subsequently authorized for exercise by cities of the first class in Title 15.2 or elsewhere in the Code of Virginia, 1950, as amended, regardless of whether such powers are set out or incorporated by reference in this Charter. All ordinances now in force in the City of Waynesboro, not inconsistent with this Charter, shall be and remain in force until altered, amended, or repealed by the council of said city.

(b) All powers vested in the city by this Charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the inhabitants of the municipality and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the municipality and the inhabitants thereof, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the municipality, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

(c) Repeal of prior inconsistent acts and charters. All acts and parts of acts in conflict with this Charter are hereby repealed, in so far as they affect the provisions of this Charter, and former charters and amendments thereto for the City of Waynesboro are hereby repealed; provided, however, that nothing contained in this act, shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the City of Waynesboro, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of district bond issues, liabilities or debts of whatsoever nature or kind. (2005, cc. 629, 674)

§ 2.2. Eminent domain.

(a) (1) Generally. The city is hereby authorized to exercise the powers set forth in §§ 33.1-119 through 33.1-129 of the Code of Virginia as in force on the effective date of this Charter and as hereafter amended, relating to acquiring title and taking possession in eminent domain proceedings, and to acquire by condemnation proceedings lands, buildings, structures, and personal property or any interest, right, easement or estate therein, of any person or corporation, for its purposes whenever, in the opinion of the council, a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, whether or not such lands, buildings, structures, or personal property or interest, right, easement, or estate has already been devoted to a public use; provided, however, that the provisions of Code of Virginia shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the state and cannot with reasonable diligence be found in the state or is unknown.

(2) Certificates issued pursuant to such eminent domain may be issued by the city council, signed by the city manager, and countersigned by the city treasurer. Such certificates shall have the same

effect as certificates issued by the State Highway Commissioner under the aforesaid sections and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the city.

(b) (1) Alternative procedures in condemnation. The city may, in exercising the right of eminent domain conferred by subsection (a), make use of the procedure prescribed by the general law of the Commonwealth, or may elect to proceed as hereinafter provided. In the latter event, the resolution or ordinance directing acquisition of any property, as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance, the city may file a petition in the clerk's office of a court having jurisdiction of the subject, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners and tenants of the property, if known, copies of which shall be served on such owners and tenants of the freehold of such property, if known. If the owner or tenant of the freehold is unknown or a nonresident of the state or cannot with reasonable diligence be found in the state, or if the residence of the owner or tenant is unknown, the owner or tenant may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ 8.01-316, 8.01-317, and 8.01-319 of the Code of Virginia, as in effect on the effective date of this Charter or hereinafter modified or amended.

(2) Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor, the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as the owner had in the property taken or damaged and all liens by deed of trust, judgment, or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements.

The clerk of the court in which such proceeding is instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in the deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which the clerk shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

(3) If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court, the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given to the making of such inquiries by such special commissioner.

(4) If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 of the Code of Virginia or as provided for in subsection (a), and all proceedings thereafter shall be had as provided in Chapter 2 of Title 25.1 of the Code of Virginia or § 38.2-1025 and §§ 38.2-1040 through 38.2-1049, all as in effect on the effective date of this Charter or as hereafter modified, insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award.

(5) Unclaimed funds in condemnation cases. Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in subsection (a), in any condemnation proceeding instituted therein by the city, without any claim having been asserted thereto such court shall, where the amount is one hundred dollars ($100.00) or more, cause a publication to be made once a week for two successive weeks in a newspaper of general circulation published in the city, setting forth the amount of such money, the source from which it was derived and the proceeding in which it is held, and requiring all persons having any claim to said money to appear before said court within such time after the completion of the publication as the court may

prescribe, and establish their claim. If the sum is less than one hundred dollars ($100.00), the court shall direct the same to be paid into the treasury of the city, and a proper receipt for the payment taken and filed among the records of the proceeding. If no person shall appear and show title in himself, the court shall order the money, after deducting therefrom the costs of such publication if such publication is made and any other proper charges, to be paid into the treasury of the city and a proper receipt for the payment to be taken and filed among the records of the proceeding. The city treasurer shall, in a book provided for the purpose, keep an account of all money thus paid into the city treasury, showing the amount thereof, when, by whom, and under what order it was paid, and the name of the court and, as far as practicable, a description of the suit or proceeding in which the order was made and, as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the city shall be paid out on the order of the court having jurisdiction of the proceeding, to any person entitled thereto who has not asserted a claim therefor in the proceeding in which it was held, upon satisfactory proof that such person is entitled to such money. If such claim be established, the net amount thereof, after deducting costs and other proper charges, shall be paid to the claimant out of the treasury of the city on the warrant of the city auditor. No claim to such money shall be asserted after ten (10) years from the time when such court obtained control thereof; provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted by such person, claim to such money may be asserted within five (5) years after the removal of such disability.

(6) In addition to city council, the school board established under this Charter shall have power to acquire by condemnation in accordance with general law land within or without the city, whether dwellings, yards, gardens or orchards, invaded or not, for school purposes not to exceed fifteen (15) acres for any one school when necessary. (2005, cc. 629, 674)

§ 2.3. Financial powers.

(a) Generally. In accordance with the Constitutions of the Commonwealth of Virginia and the United States, the city may raise annual taxes and assessments on property, persons and other subjects of taxation, which are not prohibited by law, such sums of money as in the judgment of the city are necessary to pay the debts, defray the expense, accomplish the purposes, and perform the functions of the city, in such manner as the council deems necessary or expedient. The city shall impose no tax on its bonds.

(b) Consumer utility tax, etc. The city shall have power to impose, levy, and collect, in such manner as its council shall deem expedient, a consumer or subscriber tax upon the amount paid for the use within the city of water, electricity, gas, telephone, television, cell phone, wireless, and any public utility service, or the amount paid for any one or more of such public utility services used within the city, and the council may provide that such tax shall be added to and collected with bills rendered consumers for such services.

(c) Assessments for local improvements. The city may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(d) Water, lights and sewerage, rates; rates and charges for public utilities or services, etc., operated, etc., by city. The city may establish, impose, and enforce water, light and sewerage rates, and rates and charges for public utilities, or other service, products, or conveniences, operated, rendered, or furnished by the city; assess, or cause to be assessed, water, light, sewerage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants; and in event such rates and charges shall be assessed against a tenant, then the said council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant.

(e) Imposition of license taxes; fine or penalty for doing business without license; fees to be paid on grant or transfer of license.

(1) License taxes may be imposed by ordinance on businesses, trades, professions, and callings and upon the persons, firms, associations, and corporations engaged therein, and the agents thereof, except in cases where taxation by the locality shall be prohibited by general law, and nothing herein shall be construed to repeal or amend any general law with respect to taxation.

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

(3) For every city license granted or transferred by the commissioner of revenue under this Charter, the commissioner shall charge a fee to be prescribed by an ordinance. Such license or transfer may be withheld until the fees are paid into the city treasury for city purposes.

(f) Levy on other property. It is hereby expressly provided that said council shall, in its discretion, be authorized to fix such annual levy on property subject to taxation in the City of Waynesboro, for city purposes, without any limit as to the rate thereof, any provisions of the general laws of the state to the contrary notwithstanding, provided that said council shall not fix such levy on property partially segregated to the state for purposes of state taxation at a higher rate than is or may be permitted by the general laws relating thereto.

(g) Issuance of bonds, notes, and evidence of debt.

(1) For the execution of its powers and duties, the city council may, in the name and for the use of the city, contract loans and cause to be issued certificates of debts or bonds, provided no such

certificate of debt or bonds shall be issued except by ordinance adopted in accordance with Section 7 of Article VII of the Constitution of Virginia, and otherwise in accordance with the requirements of the Virginia "Public Finance Act." No such certificate or bonds shall be issued prior to city council holding a public hearing on the question, duly advertised at least ten (10) days in advance in a general newspaper of local circulation, and the ordinance authorizing any such certificate or bonds shall be introduced at one meeting of city council and adopted at a second meeting at least seven (7) calendar days after such introduction.

(2) Notwithstanding the foregoing paragraph, no bonds, notes, or other obligations shall be issued until their issuance shall have been authorized by a majority of the qualified voters of the city voting on the question at an election held for the purpose in the manner provided by general law, except as follows:

(i) The council may authorize the issuance of refunding bonds or refunding notes by an ordinance adopted in the manner set forth in subdivision (g) (1) by the affirmative vote of a majority of all members of the council.

(ii) The council may authorize, by an ordinance adopted in the manner set forth in subdivision (g) (1) by the affirmative vote of four-fifths (4/5) of all members of the council, the issuance of bonds and other obligations of a type excluded from the computation of indebtedness of cities under Section 10 (a) of Article VII of the Constitution by complying with the conditions for exclusion set forth therein.

(iii) The city shall have the authority without a vote of the people to make temporary loans not in excess of what may be paid out of current revenues for the fiscal year in which made.

(iv) Bonds which are secured by a lien on the property being purchased may be issued for the purchase of real or personal property without a vote of the people.

(v) The city shall have the authority, by an ordinance adopted in the manner set forth in subdivision (g) (1) by the affirmative vote of four-fifths (4/5) of all members of the council, to issue without a vote of the people bonds or interest-bearing obligations which, including existing general obligation indebtedness, do not exceed ten percent (10%) of the assessed valuation of the real estate in the city subject to taxation, as shown by the last preceding assessment for taxes.

(h) Liens for taxes, levies, and assessments. There shall be a lien on all real estate within the corporate limits for taxes, levies, and assessments, in favor of the city, assessed thereon, from the commencement of the year for which the same were assessed, and there shall also be a lien on the real estate on which local assessments for improvements may be made for the amount of such assessments from the time the same is levied by the city council. Any person aggrieved by an assessment made by the assessor of real estate shall have the right to a hearing before the city assessor. After the hearing before the city assessor, if a person is still aggrieved by the assessment, such person may

apply to the board of equalization for a hearing. Application for relief to the board of equalization in the year for which the assessment is challenged and disposition of such application by the board of equalization shall continue to be prerequisites to the jurisdiction of the circuit court to hear an appeal with respect to a real estate assessment for that year. The council may by ordinance permit taxes to be paid in semi-annual installments.

(i) Additional powers. The city, the financial officers, and all deputies and agents charged with the duty of collecting any and all taxes, licenses, and assessments due the city shall have all the powers provided by law for the collection thereof to cities and towns and their respective officers thereof, and in addition shall have all the rights, powers, and remedies provided to any state officers for the collection of taxes. It is further expressly provided that the treasurer, commission of the revenue, and court clerk shall proceed under the general law for handling of delinquent lands, the sale thereof, the purchase of same with the required reports of sale and all provisions for redemption, or if not redeemed for the making of a tax title deed, in accordance with the provisions of the tax code of Virginia. In addition to the lien for the principal amount of such taxes, the city shall have a lien, with all the priorities provided therefor, for any and all penalties, interest, and costs accrued by reason of delinquency in the payment of such taxes. (2005, cc. 629, 674; 2019, cc. 127, 239)

§ 2.4. Contractual powers; gifts; grants.

(a) Acquisition of property generally; holding, selling, leasing, etc., city property. The city may purchase, gift, devise, condemn or otherwise, property, real and personal or any estate or interest therein, within or without the city or state and for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, or pledge the same or any part thereof, including any property now owned by the city. In addition to its other powers under this Charter or general law, the council may issue purchase money obligations without a vote of the people, provided that such obligations are not general obligations of the City of Waynesboro, but shall be secured solely by the property purchased. Such obligations as may be from time to time issued for the purchase of property shall clearly show that such obligations are not general obligations of the city, but are secured only as herein provided, provided that nothing herein contained is contrary to or inconsistent with the Constitution of Virginia.

(b) Debts and evidence of indebtedness. The city may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Acquisition of property for encouraging commerce, etc.; sale, lease, etc., of city property for such purpose; donation of land for hospital purposes. The city may acquire, in any lawful manner, for the purpose of encouraging commerce, manufacturing, education, and the building of homes, lands within and without the city, not exceeding at any one time one thousand (1,000) acres in the aggregate, and from time to time to sell, dispose of, lease, or donate the same or any part thereof for commercial, industrial, educational, or residential uses and purposes, including any land now owned by the city, and including the power to donate any land now or hereafter owned by the city for hospital purposes.

(d) Gifts. The city may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, which are related to the powers, duties, and functions of the municipal corporation, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devises.

(e) Acquisition of lands, quarries, water rights, machinery for production of materials for construction, etc., of streets, water works, public buildings, etc. The city may acquire by gift, purchase, exchange, or by the exercise of the power of eminent domain within the state, lands, and any interest or estate in lands, rock quarries, gravel pits, water and water rights and the necessary roadways thereto, either within or without the city, and acquire and install machinery and equipment and build the necessary roads or tramroads thereto, and operate the same for the purpose of producing materials required for the construction, repair, and maintenance of streets, highways, sidewalks, water works, reservoirs, sewer systems, electric lights, public buildings and any and all public purposes. The city may also acquire by gift, purchase, exchange, or by the exercise of the power of eminent domain within the state, lands and machinery and equipment, and build and operate a plant or plants for the preparation and mixing of materials for the construction of improved streets and other public improvements, and the maintenance and repair thereof, and to build and operate coal tipples and yards in connection therewith.

(f) Acquisition and disposition of property adjoining or near parks, etc., or necessary to convenient use of streets, and of lots affected by opening or widening streets or change in creek channels.

(1) The city may acquire by purchase, exchange, gift, devise, or condemnation, property adjoining its parks, or lots on which its monuments are located, or other property used for public purposes, or in the vicinity of such parks, plats, or property that is used and maintained in such a manner as to impair the beauty, usefulness, or efficiency of such parks, plats or public property. The city may likewise acquire property adjacent to any street, the topography of which, from its proximity thereto, impairs the convenient use of such street, or renders impracticable, without extraordinary expense, the improvement of the same, and the city may subsequently dispose of the property so acquired, making limitations as to the use thereof, which will protect the beauty, usefulness, efficiency, or convenience of such parks, plats, streets, and property.

(2) And when the city proposes to open or widen a street, or change the channel of a creek, by taking any part of a block or square in such manner that the value of the property abutting the proposed street or creek would be injuriously affected, unless the property on such block or square is replatted and the property line or lines readjusted, then and in that event, the city, at the same time it acquires the land for said street or creek channel, may in its discretion, also acquire by purchase, gift, condemnation, or otherwise, all or any part of the property on such squares or block and may

subsequently replat and dispose of the property so acquired in whole or in part, making such limitations as to the uses thereof as it may see fit. (2005, cc. 629, 674)

§ 2.5. Operational powers.

(a) Generally. The city may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the municipal corporation, subject to such limitations as may be imposed by this Charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by its charter or otherwise by law.

(b) Records and accounts. The city shall provide for the control and management of the affairs of the city, and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, courts, or other agencies of the local government necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

(c) Expenditure of money. The city may expend money of the city for all lawful purposes.

(d) Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of city departments. The city may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, armories, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city; and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.

(e) Sewers, sewer systems, and sewage treatment plants. The city may establish, construct, and maintain sanitary sewers, sewer lines, and systems; require the abutting property owners to connect therewith and to establish, construct, maintain, and operate sewage treatment plants; and acquire by condemnation or otherwise within or without the city, all lands, rights of way, riparian, and other rights and easements necessary for the purposes aforesaid, and charge, assess, and collect reasonable fees, rentals, or assessments or costs of service for connecting with and using the same. (2005, cc. 629, 674)

§ 2.6. Planning and zoning powers.

(a) Comprehensive plan. In accordance with general law, the city council shall cause to be prepared and adopted a comprehensive city plan providing for the future improvement and growth of the city, within and without the city limits, and including the altering and extension of streets, and opening of new subdivisions, the changing and improving of the channels of the creeks running into and through the city, the location and opening of the most practical, cost efficient, and direct highways from the city

into the adjoining county, the improvement of entrances and terminals to and from the city, including those of public service corporations looking to the future harmonious development of a city plan, the planning for playgrounds, parks, and boulevard systems, the location of public buildings, including school buildings and other public works and public utilities, and all such other things as will tend to make the City of Waynesboro a more convenient, attractive, and modern city. The comprehensive plan shall serve as a general guide to future council action concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements.

(b) Public streets, etc., vacation.

(1) The council, at its discretion, shall have power to vacate, alter, or discontinue, in whole or in part, any public street, avenue, or alley, in the city in the following manner.

(i) On the application of any landowner or on resolution of the council of its own motion, the mayor shall appoint three (3) viewers to act as commissioners, who shall ascertain and report if any inconvenience will result to the public and whether in their opinion any, and if any, what special damage will be suffered by the landowner or landowners abutting thereon, if the street, avenue, or alley is vacated, discontinued, or altered in whole or in part, as proposed.

(ii) Upon the return of the report, the mayor shall fix a time and place to consider the said report, of which the clerk of the council shall give notice by publication once a week for two successive weeks in a newspaper published in the city, or having general circulation therein.

(iii) At the hearing, evidence may be offered for and against the report, and the council may at that or any adjourned or regular meeting approve or modify the report as it deems right, just, and proper to do, and as approved or modified, adopt the same, or reject the report and dismiss the proceeding.

(iv) If the report is adopted, or as modified is adopted, the council shall pass an ordinance prescribing such conditions, if any, as it deems proper, vacating, discontinuing, or altering the said street, avenue, or alley in whole or in part. The title to the street, avenue, or alley, or to such part thereof as shall be vacated, discontinued, or altered, shall vest in the city, or in the landowner or landowners, whose property abuts thereon, to be determined by the council in the ordinance.

(v) An appeal of right may be taken by a dissatisfied landowner affected, within ten (10) days of the passage of the ordinance, vacating, discontinuing or altering any street, avenue, or alley, or any part thereof, to the circuit court of the City of Waynesboro on the question of special damages awarded, but the right, motives, or purposes of the council touching the vacation, alteration, or discontinuance of the street, avenue, or alley, in whole or in part, or the conditions prescribed or annexed, shall not be open to inquiry on appeal.

(2) The said city shall have the use and control of all public streets and alleys, both below and above ground.

(c) Subdivisions. All subdivisions of lots and lands shall comply with Article 6 (§ 15.2-2240 et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia, regarding land subdivision and development, as provided by the general law of the Commonwealth of Virginia and amendments thereto.

(d) Zoning generally.

(1) For the promotion of health, safety, morals, comfort, prosperity, or general welfare of the general public, the council may, by ordinance, divide the area of the city into one or more districts of such shape and area as may be deemed best suited to carry out the purposes of this Charter, and in such district or districts may establish, set back building lines, regulate and restrict the location, erection, construction, reconstruction, alteration, repair or use of buildings and other structures, their heights, area and bulk, and percentage of lot to be occupied by buildings or other structures, the size of yards, courts, and other open spaces, and the trade, industry, residence, and other specific uses of the premises in such district or districts.

(2) All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

(3) Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers, to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(4) The council of said city shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced and from time to time amended, supplemented, or changed. Each such regulation, restriction, or boundary shall be first referred to the planning commission for a report and recommendation and such commission shall make such report and recommendation to the council after public hearing held thereon by the commission, either jointly with council or separately, pursuant to the requirements of the Code of Virginia. No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard, held by the city council, jointly with said commission or subsequent to the hearing of said commission, after notice as required by the Code of Virginia.

(5) Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change signed by the owner of twenty percent (20%) or more either of the area of all the lots included in such proposed change, or of those immediately adjacent thereto, such amendment shall not become effective except by the favorable vote of four-fifths (4/5) of all the members of the council. The provisions of the previous subsection relative to public hearings and official notice shall apply equally to all changes or amendments.

(e) Board of Zoning Appeals; composition; appointment of members; powers. There shall be a board of zoning appeals which shall consist of five (5) members appointed for three-year terms by the judge of the circuit court and removable for cause by the appointing authority, upon written charges and after public hearing. Vacancies shall be filled by the judge for the unexpired term of any member whose term becomes vacant. The board of zoning appeals shall have all powers granted to boards of zoning appeals by general law.

(f) Vested rights. Nothing contained in this section shall be construed as intended to authorize the impairment of any vested right. (2005, cc. 629, 674)

§ 2.7. Utilities; public improvements.

(a) Water works and water supply. The city may own, operate, and maintain water works and acquire in any lawful manner in any county of the state such water, lands, property rights, and riparian rights as the council of said city may deem necessary for the purpose of providing an adequate water supply for said city, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the said city, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations and other works in connection therewith; make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply whenever such lands may be located in this state; impose and enforce adequate penalties for the violation of any such rules and regulations, and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use to exercise within the state all powers of eminent domain provided by the laws of this state. For any of the purposes aforesaid, said city may, if the council shall so determine, acquire by condemnation, purchase, or otherwise, any estate or interest in such lands or any of them in fee.

(b) Electric light and gas works; supplying electricity and gas to customers. The city may own, operate, and maintain electric light and gas works, either within or without the corporate limits of said city, for the generating of electricity and the manufacture of gas for illuminating, power, and other purposes, and to supply the same, whether said gas and electricity be generated or purchased by said city, to its

customers and consumers both within and without the corporate limits of the said city, at such price and upon such terms as it may prescribe; and to that end it may contract with owners of land and water power for the use thereof, or may have the same condemned, and purchase such electricity and gas from the owners thereof, and furnish the same to its customers and consumers.

(c) Streets; parks, playgrounds, etc.; infrastructure; vehicles. The city may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected, and gas pipes to be laid in the streets and alleys, and to prescribe and collect an annual charge for such privileges; and require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the city's prescribed requirements.

(d) Continuation of use of south branch of Shenandoah River for sewage. In connection with the system of sewage, the city may continue to use the south branch of the Shenandoah River as heretofore.

(e) Public utilities. Subject to the provisions of the Constitution of Virginia, this Charter, and general law, the city may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(f) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant. The city may collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof, and require and regulate the collection and disposal thereof. (2005, cc. 629, 674)

§ 2.8. Nuisances; sanitary conditions, etc.

The city may compel the abatement and removal of all nuisances within the city; require all lands, lots, and other premises within the city to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the city; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property, and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; and require the raising or draining

of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls or structures. The city may likewise compel the removal of inoperative or unlicensed motor vehicles or parts thereof from private or public property and make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this Charter or by any general law. The city may provide and impose suitable penalties for the violation of such ordinances, rules, and regulations, or any of them, and the city may maintain a suit to restrain by injunction the violation of any ordinance. (2005, cc. 629, 674)

§ 2.9. Police powers.

(a) The city may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The city may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the city or its inhabitants; prescribe any penalty for the violation of any city ordinance, rule, or regulation or of any provisions of this Charter, not exceeding the fine on sentences imposed by the laws of the state; and pass and enforce all by-laws, rules, regulations, and ordinances which it may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect and power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in said city, or in the council, court or offices thereof, or which may be necessarily incident to a municipal corporation. (2005, cc. 629, 674)

§ 2.10. Miscellaneous powers.

With respect to the following matters, the city may:

(1) Weights and measures. Inspect, test, measure, and weigh any commodity or article of consumption for use within the city, and to establish, regulate, license, and inspect weights, meters, measures, and scales.

(2) Fire prevention; building regulations; removal or reconstruction of unsafe buildings, etc.; fire limits; protection of public gatherings. Extinguish and prevent fires and compel citizens to render assistance to the fire department in case of need, and establish, regulate, and control a fire department or division; regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; establish and designate from

time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged, or repaired; direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron, or other fireproof material; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(3) Fees for permits, etc. Charge and collect fees for permits to use public facilities and for public services and privileges.

(4) Health and health regulations; contagious diseases; hospitals; department or bureau of health; quarantine grounds and regulations. Provide for the preservation of the general health of the inhabitants of said city; make regulations to secure the same; inspect all foods and foodstuffs and prevent the introduction and sale in said city of any articles or things intended for human consumption which are adulterated, impure, or otherwise dangerous to health; condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; provide and regulate hospitals within or without the city limits, and, if necessary to the suppression of diseases, enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; provide for the organization of a department or bureau of health, to have the powers of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; and establish quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the council may see fit.

(5) Cemeteries. Provide in or near the city lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The city is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plat, for which the said donation, gift, or bequest shall have been made.

(6) Injunctive relief. May maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance. (2005, cc. 629, 674)

§ 2.11. Separability.

If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said Charter, but shall be confined in its operations to the clause, sentence, paragraph,

or part thereof directly involved in the controversy in which said judgment shall have been rendered. (2005, cc. 629, 674)

Chapter 3. City Council; Mayor.

§ 3.1. General powers and duties of council.

(a) The government of the city shall be vested in the council, which shall have the power to adopt ordinances, resolutions, and motions and enforce same, and carry into effect all powers granted by this Charter and by general law. The council shall be responsible for the determination of all matters of policy for the city and for ensuring the implementation thereof by the city administration.

(b) Acting in accordance with general law, the council may appoint all such boards and commissions as may be deemed proper or required and prescribe the powers and duties thereof. The council may determine its own rules of procedure, may punish its own members for misconduct, and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the council shall constitute a quorum to do business, but no resolution or ordinance shall be adopted except by affirmative vote of a majority of all members elected to the council; however, a smaller number may adjourn from time to time and compel the attendance of absentees. All elections by the council shall be viva voce and the vote recorded in the journal of the council. (2005, cc. 629, 674)

§ 3.2. Composition and election of council; vacancies.

(a) The council shall consist of five (5) members, one of whom chall be a resident of Ward A, one a resident of Ward B, one a resident of Ward C, one a resident of Ward D, and one a member at large who may be a resident of any ward, whose term of office each, except as hereinafter fixed, shall be for the term of four (4) years. The member at large shall be elected by the qualified voters at large, and the four ward members shall be elected only by the qualified voters of their respective wards. At the municipal election held in 2022, and every four (4) years thereafter, two (2) council members shall be elected, one from each ward having a council member whose term is expiring, who shall serve for a term of four (4) years and thereafter until their successors shall have been elected and qualified. At the municipal election held in 2024, and every four (4) years thereafter, three (3) council members shall be elected, one from each ward having a council member whose term is expiring and one member at large, who shall serve for a period of four (4) years and thereafter until their successors have been elected and qualified. Municipal elections shall be held and conducted at the time and in the manner provided for by general law. The persons elected shall take office January 1 following the year in which they are elected.

(b) Vacancies in the council shall be filled within thirty (30) days, for the unexpired terms, by a majority vote of the remaining council members except as otherwise provided by general law. (2005, cc. 629, 674; 2022, cc. 332, 571)

§ 3.3. Eligibility; forfeiture of office; dealing with city and administration employees.

(a) Eligibility for council. Any person qualified to vote in the city shall be eligible to hold the office of council member.

(b) Forfeiture of office. Any member of the council who shall have been convicted of a felony while in office shall thereby forfeit the office.

(c) Dealing with city. No member of the council or other officer shall be interested directly or indirectly in the profits of any contract or work, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or services (other than official services). Any member of the council or any other officer of the city offending against the provisions of this subsection shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00) or be imprisoned not more than ninety (90) days, or both, in the discretion of the court, and shall forfeit the office. The prohibitions of this subsection shall not apply if the council shall declare by unanimous vote of the members thereof that the best interests of the city are to be served despite a personal interest, direct or indirect.

(d) Dealing with administration employees. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. Any such orders or other interferences on the part of the council or any of its members with subordinates or appointees of the city manager, instead of dealing with or communicating directly with the city manager, are prohibited. (2005, cc. 629, 674)

§ 3.4. Organizational rules; election of mayor.

(a) The city council shall assemble for an organizational meeting at its first regular session in July 2022, and effective January 2023, in January each year for the purposes set forth in § 15.2-1416 of the Code of Virginia, at which time the newly elected council members, after first having taken oaths prescribed by law, shall assume the duties of the office. Thereafter, the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall regularly meet not less than once each month. The mayor, any member of the council, or the city manager may call special meetings of the council at any time (on at least twelve (12) hours written notice), with the purpose of the meeting stated therein, to each member served personally or left at such member's usual place of business or residence. No business other than that mentioned in the written notice shall be considered at such meeting, except upon the consent of no fewer than four-fifths (4/5) of the members of the council.

(b) All meetings of the council shall be public except, if otherwise authorized by general law. Any citizen may have access to the minutes and records thereof at all reasonable times.

(c) The council shall elect one of its members as mayor, who shall be ex officio chair of all meetings, and one of its members as vice mayor, who shall be ex officio vice chair.

(d) The mayor shall be elected by the council for a term of two (2) years and shall preside at meetings of the council and perform such other duties consistent with the office as may be imposed by the

council. The mayor shall have a vote and voice in the proceedings, but no veto. The mayor shall be the official head of the city but shall have no jurisdiction or authority to hear, determine, or try any civil or criminal matters. In times of public danger or emergency, the mayor, or during the mayor's absence or disability, the city manager, may take command of the police and maintain order and enforce the laws, and for this purpose, may deputize such assistant police officers as may be necessary. During absence or disability, except as above provided, the city manager's duties shall be performed by another member appointed by the council. The mayor shall authenticate by signature such instruments as the council, this Charter, or the laws of the state shall require.

(e) On the day of the first regular meeting in January following the regular municipal election and organization of the council, or as soon thereafter as may be practicable, the council shall elect a city manager, city clerk, city attorney, city assessor, and such other officers as may come within their jurisdiction, each of whom shall serve at the pleasure of the council, provided that the council may elect the city clerk, city manager, city attorney, city assessor, and such other officers for terms of two years each, beginning January 1, 2023, subject to removal by the council for cause, and in no event shall the council elect any officer for a term extending beyond December 31 next succeeding each regular biennial municipal election for members of the council. (2005, cc. 629, 674; 2019, cc. 127, 239; 2022, cc. 332, 571)

§ 3.5. Ordinances and resolutions.

(a) Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one subject, although nothing shall prevent council from acting collectively on a number of resolutions or ordinances by one comprehensive action approving a consent agenda containing all such resolutions and ordinances.

(b) Each proposed ordinance or resolution shall be introduced in a written or printed form, and the enacting clause of all ordinances passed by the council shall substantially be, "Be it ordained by the council of the City of Waynesboro, Virginia."

(c) Except as provided herein, no ordinance, or resolution having the effect of an ordinance, or resolution suspending an ordinance, unless it is an emergency measure, shall be passed until it has been considered at two meetings not less than one week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting. Any ordinance or resolution considered at one such meeting may be amended and passed as amended at the next such meeting, provided that the amendment does not materially change the ordinance. No ordinance shall be amended unless such section or sections as are intended to be amended shall be reenacted. Nonetheless, an ordinance, or resolution having the effect of an ordinance, wherein the city is the recipient of money, funds, or a grant may be passed upon one consideration at a meeting open to the public. The ayes and noes shall be taken and recorded upon the passage of all ordinances or resolutions

and entered upon the journal of the proceedings of the council. Except as otherwise provided in this Charter, an affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance or resolution.

(d) Effective date of ordinances; emergency measures. No ordinance passed by the council shall take effect until at least ten (10) days from the date of its passage, except that the council may, by the affirmative vote of the majority of its members, pass emergency measures to take effect at the time indicated therein or specifically provide that a nonemergency ordinance take effect immediately upon its passage.

(e) Recordation and authentication of ordinances; publication of ordinances; introduction of ordinances in evidence.

(1) Every ordinance, or resolution having the effect of an ordinance, when passed shall be recorded by the city clerk in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the city clerk.

(2) Every ordinance of a general or permanent nature shall be published in full once within ten (10) days after its final passage by posting a copy thereof at the front door of the municipal building and at two other public places in the city or, when ordered by the council, by publication in a newspaper published or circulated in the city for such time as the council may direct, provided that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation or codification of ordinances printed by authority of the council.

(3) A record or entry made by the city clerk or a copy of such record or entry duly certified by said clerk shall be prima facie evidence of the terms of the ordinance and its due publication. All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof, certified by the city clerk, or from any volume of ordinances printed by authority of the council.

(f) Publication of indexed ordinances. The council shall from time to time direct the publication, with suitable index, of the city ordinances. (2005, cc. 629, 674; 2019, cc. 127, 239)

§ 3.6. Delivery of books and papers at end of term.

Any person holding a municipal office and vacating the same on account of removal or otherwise shall deliver over to such person's successor in office, or to the city clerk, all property and books and papers belonging to the city, or appertaining to such office which may be in such person's possession or under such person's control. In case of such person's failure to do so within ten (10) days after such person shall have vacated the office, or within such time thereafter as the council shall elect, and upon due notification or request of the city clerk, such person shall forfeit and pay to said city a sum not in excess of five hundred dollars ($500.00), to be sued for and recovered with costs, and all books,

records, documents, and other property used in such office by virtue of any provisions of this act or of any ordinance or resolution of the council, or by order of any superior officer of said city, shall be deemed the property of said city as appertaining to said office, and the incumbent of such office and the incumbent's sureties on incumbent's bond shall be responsible therefor. (2005, cc. 629, 674)

§ 3.7. City clerk generally.

The city clerk shall attend all meetings thereof; shall keep a permanent record of its proceedings, as well as all papers, documents, and records pertaining to the City of Waynesboro, Virginia, the custody of which is not otherwise provided for; shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal, attesting the same; shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contracts, or agreements; shall, upon final passage, transmit to the proper departments official copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials; shall perform such other duties as are required by this Charter or by the council by ordinance or resolution. (2005, cc. 629, 674)

§ 3.8. Vacancies in charter offices.

(a) Vacancies in any offices provided for in this Charter shall be filled by the authority and in the manner provided herein for the original appointment or election of such officers.

(b) Vacancies in the council shall be filled by the remaining members of the council, except as otherwise provided by general law. (2005, cc. 629, 674)

§ 3.9. Official bonds; oaths; penalties for failure to perform duties.

(a) All officers elected or appointed under the provisions of this Charter shall, unless otherwise provided by general law or by this Charter, execute such bonds with such approved corporate surety as may be required by general law, by this Charter, or by ordinance or resolution of the council, and file the same with the city clerk before entering upon the discharge of their duties. The city shall pay the premiums on such bonds if the requirements of this section have not been complied with by any officer within ten (10) days after the term of office shall have begun, or after his appointment to fill a vacancy, then such office shall be considered vacant.

(b) If any officer of the City of Waynesboro, whether elected by vote of the people or by the council or appointed by the council or the city manager, shall fail or refuse to perform any of the duties required by this Charter or by ordinance or resolution of the city council, such officer shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each offense, and such officer and sureties on such officer's official bond shall be liable for all damages which may accrue to the city or any other person by reason of such failure or refusal. (2005, cc. 629, 674)

§ 3.10. Settlement of controversies between officers.

In the event the city manager, or other officer elected by the council, in the administration of such officer's respective duties shall disagree or have any controversy with any of the officers of the city elected by the voters, such matter in dispute or controversy shall be referred to the council for review and decision. (2005, cc. 629, 674)

§ 3.11. Remedies upon default of bonded officer.

In case of default on the part of any bonded municipal officer, the city shall have the same remedies against such officer and any sureties as are provided for the state in enforcing the penalty of any official bond given to it. (2005, cc. 629, 674)

§ 3.12. Official investigations.

(a) The council, the city manager, and any officer, board, or commission authorized by them, or either of them, shall have power to make investigation as to city affairs, and for such purpose to subpoena witnesses, administer oaths, and compel the production of books and papers.

(b) Any person refusing or failing to attend, testify, or produce such books and papers may, by summons issued by such board, commission, or officer, be summoned before the general district court of the said city by the board, commission, or official making such investigation, and, upon failure to give satisfactory explanation of such failure or refusal, may be fined by the said court not exceeding one hundred dollars ($100.00) or imprisoned not exceeding thirty (30) days. Such person shall have the right to appeal to the circuit court of the City of Waynesboro, Virginia. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (2005, cc. 629, 674)

Chapter 4. City Manager.

§ 4.1. Vesting of executive and administrative powers of city; appointment, term and compensation of city manager.

The administrative and executive powers of the city, including the power of appointment of officers and employees, are vested in an official to be known as the city manager, who shall be appointed by the council each year on January 1, or as soon thereafter as practicable, for a term of not exceeding two years unless sooner removed by the council upon proven charges preferred for malfeasance or misfeasance, neglect of duty, or incompetency. The city manager shall receive such compensation as shall be fixed by the council and shall devote all time to the business of the city. (2005, cc. 629, 674; 2022, cc. 332, 571)

§ 4.2. Powers and duties of city manager.

The city manager shall be responsible to the council for the proper administration of all affairs of the city coming within the city manager's jurisdiction under this Charter, the general law, or the ordinances or resolutions of the council. The city manager shall have the following powers and duties:

(1) To see that all laws and ordinances are enforced.

(2) To see that such city officers and employees as the council shall determine are necessary for the proper administration of the city be appointed, the same being removable by the city manager, except for publicly elected officials and officers and employees in the offices of the Treasurer and Commissioner of the Revenue, legal and judicial departments, and the clerical and other attendants of the council. The city manager shall report each appointment and removal to the council at the next meeting thereof following any such appointment or removal; to see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise or any contract are faithfully kept and performed; upon knowledge of any violation thereof to call the attention of the same to the council, whose duty it shall be forthwith to direct such steps as are necessary to protect and enforce the same.

(3) To exercise supervision and control over all departments and divisions created therein, or that may be hereafter created by the council, and have general supervision over all public improvements, works, and undertakings, except as otherwise provided in this Charter.

(4) To attend all meetings of the city council with the right to take part in the discussion, but having no vote.

(5) To recommend to the council for adoption such measures as are deemed necessary or expedient.

(6) To prepare the annual budget and keep the city council fully advised as to financial conditions and needs of the city.

(7) To make all such contracts on behalf of the city as may be authorized by this Charter, or in accordance with the provisions of the appropriation made by the council, or under continuing contracts or loans authorized under the provisions of this Charter, or pursuant to resolution or ordinance of the council.

(8) To perform such other duties as may be prescribed by this Charter, or be required by ordinance or resolution of the city council.

(9) To perform such other duties as may be prescribed by the council, not in conflict with the foregoing, and shall be bonded as the council may deem necessary. (2005, cc. 629, 674)

§ 4.3. Departments; department heads, etc.; generally.

(a) The council shall by ordinance determine and prescribe the functions of each department and may create new departments, combine existing departments, and establish new departments for special work, when, in its opinion, the proper administration of the city requires it.

(b) The director of each department shall be appointed by and be immediately responsible to the city manager for the administration of the respective department, and each director shall be chosen on the

basis of general executive and administrative experience and ability, and education, training, and experience in the class of work which is to be administered.

(c) Purchasing agent; purchases and sales.

(1) The city council shall designate some officer of the city as its purchasing agent, by whom all purchases of supplies for the city shall be made, and who shall approve all vouchers for the payment of same. The purchasing agent shall also conduct all sales of personal property that may be declared of no further use to the city by the proper official or officials.

(2) All purchases and sales shall conform to such regulations as the council may from time to time prescribe, but, in either case, opportunity for competition shall be given if the amount involved is in excess of five thousand dollars ($5,000.00), except in case of emergency.

(3) Unless and until the council shall otherwise provide, the city manager shall act as such purchasing agent. (2005, cc. 629, 674)

Chapter 5. Budgeting; Finances.

§ 5.1. Fiscal year.

The fiscal year of the City of Waynesboro shall begin July 1 and end June 30. (2005, cc. 629, 674)

§ 5.2. Submission of budget; tax levy; annual appropriation ordinance.

(a) The annual calendar for the submission of budget, tax levy, and annual appropriation ordinance shall be as follows:

(1) The Superintendent of Schools shall submit to the city council the school board's recommended budget for the ensuing fiscal year at a public meeting of the council no later than the fourth Monday in March.

(2) The city manager shall submit to the city council a recommended budget for the ensuing fiscal year at a public meeting of the council no later than the first Monday in April.

(3) City council shall hold a reassessment public hearing as required by general law.

(4) City council shall hold a public hearing on the proposed tax rate ordinance for the ensuing fiscal year and, following such hearing, introduce a tax rate ordinance for such fiscal year no later than the second Monday in May.

(5) City council shall hold a public hearing on the proposed budget for the ensuing fiscal year no later than the second Monday in May.

(6) City council shall introduce the annual appropriation ordinance for the ensuing fiscal year no later than the fourth Monday in May.

(7) City council shall adopt the annual appropriation ordinance for the ensuing fiscal year no later than the fourth Monday in June, specifying an effective date of the June 30 immediately following. (2005, cc. 629, 674)

§ 5.3. Disposition or transfer of unencumbered balances; limitations on obligations incurred by city officer or employee.

At the close of each fiscal year, or upon the completion or abandonment at any time within the year of any work, improvement, or other object for which a specific appropriation has been made, the unencumbered balance of such appropriation shall revert to the general fund except that any unencumbered balance of any such appropriation for the benefit of any of the city-operated public utilities shall revert to the respective fund from which it was appropriated, and shall be subject to further appropriation; provided, however, this does not prohibit the council from giving the city manager permission to authorize such transfer within a department as may be necessary to meet unexpected obligations. No obligations shall be incurred by an officer or employee of the city, except in accordance with the provisions of the appropriations made by the council or under continuing contracts and loans authorized under the provisions of this Charter. (2005, cc. 629, 674)

§ 5.4. Treasurer and commissioner of the revenue.

(a) Election, term, and compensation of treasurer and commissioner of revenue. There shall be for the City of Waynesboro a treasurer and a commissioner of revenue, each of whom shall be elected in the manner and at the time and to hold office for the term prescribed by law. They shall respectively perform such duties, have such powers, and be liable to such penalties as may be prescribed by the laws of the state or the ordinances of the city, made in pursuance thereof. For all services performed for the city, the treasurer and commissioner of revenue shall receive such compensation as the council may from time to time prescribe by ordinance, subject to approval by the state compensation board. In the event such board and the council shall not be able to agree on the amount of such compensation, the matter shall be submitted to the judge of the circuit court of the city for final determination.

(b) Bond of treasurer and commissioner of revenue. The city treasurer and city commissioner of revenue shall each give bond in such sum or sums as the council may prescribe, with surety to be approved by the council conditioned on the faithful discharge and performance of their respective duties in relation to the revenue of the city under this Charter and under the ordinances of the city.

(c) Deputies of treasurer and commissioner of revenue. The treasurer and commissioner of revenue may each appoint one or more deputies, provided the number of such appointments and the expenses of such offices shall be subject to the approval of the council and state compensation board, and in the event such board and the council shall not be able to agree on the amount of such compensation, the matter shall be submitted to the judge of the circuit court of the city for final determination.

(d) Collection of taxes by treasurer, deputies, and designated officials. The treasurer, or the treasurer's deputies, and any official designated by city council shall have any or all of the powers which are now or may be hereafter vested in any officer of the state charged with the collection of state taxes, and may collect the same in the same manner in which the state taxes are collected by any officer of the state.

(e) Special assessments. In addition to the other powers conferred by law, the city shall have the right and power to impose an assessment upon abutting owners for making and improving the walkway upon then-existing public streets, and for improving and paving then-existing public alleys, and for either the construction of or use of sewers, provided that the assessment so imposed shall not be in excess of the peculiar benefits resulting therefrom to such abutting landowners. Such improvements may be ordered by the council and the cost thereof apportioned in pursuance of an agreement between the city and abutting landowners. And in the absence of an agreement, improvements, the cost of which is to be defrayed in whole or in part by such local assessment, may be ordered on a petition from not less than three-fourths (3/4) of the landowners affected thereby, or by a four-fifths (4/5) vote of all the members elected to the council. But notice shall first be given as provided by general law to the abutting landowners, notifying them when and where they may appear before the council or some committee thereof, or the administrative board or other similar board of the city to whom the matter may be referred, to be heard in favor of or against such improvements. The cost of such improvement, when the same shall have been ascertained, but not to exceed the peculiar benefits resulting therefrom to such abutting landowners, shall be assessed or apportioned by the council or some committee thereof, or by any officer or board authorized by the council to make such assessment or apportionment, between the city and the abutting landowners.

Notice to the abutting landowners of the amount assessed or apportioned shall be given pursuant to general law. Any abutting landowner aggrieved by such assessment shall have the right of appeal to the circuit court for the City of Waynesboro, Virginia, and the proceedings upon such appeal shall be in accordance with general law.

(f) Audits of accounts. Upon the death, resignation, removal, or expiration of the term of any officer of the city, the city manager may order an audit and investigation to be made of the accounts of such officer and report to the council. As soon as practicable after the close of each fiscal year, an annual audit shall be made of all accounts of the city officers. Such audit shall be made by qualified public accountants, selected by the council, who have no personal interest, direct or indirect, in the financial affairs of the city or any of its officers or employees. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government.

(g) If the commissioner of the revenue ascertains that any person or any real or personal property has not been assessed for city taxation for any year, or that the same has been assessed at less than the law requires for any year, or that the taxes thereon for any cause have not been realized, it shall be

the duty of the commissioner to list the same and assess city taxes thereon at the rate prescribed for that year, adding thereto interest and penalty at the maximum rate allowed by general law. Where the same was omitted by no fault of the person charged with the taxes, no interest shall be charged.

(h) The provisions of this Charter, in so far as applicable, with respect to the collection of taxes shall apply to the assessment and collection, and to the administration of the assessment and collection of taxes, on personal property and all classes thereof.

(i) All goods and chattels of any person against whom taxes for the city are assessed and unpaid may be distrained and sold for said taxes when due in the same manner and to the same extent that goods and chattels may be distrained and sold for state taxes.

(j) Power of commissioner of revenue, clerk, treasurer, and city manager to administer oaths, take and sign affidavits. The commissioner of the revenue, city clerk, city treasurer, and city manager shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties. (2005, cc. 629, 674)

Chapter 6. Schools.

§ 6.1. School board; generally.

(a) The school board shall be composed of five (5) members, to be elected from the qualified voters of the city at large, one of whom shall be a resident of Ward A, one a resident of Ward B, one a resident of Ward C, one a resident of Ward D, and one member at large who may be a resident of any ward. The member at large shall be elected by the qualified voters at large, and the four ward members shall be elected only by the qualified voters of their respective wards. Their terms shall be for four (4) years or until their successors have been elected and qualified, except that all elections to fill vacancies shall be for the unexpired term.

(b) At the municipal election held in 2022 and every four (4) years thereafter, two (2) school board members shall be elected for terms of four (4) years, one from each ward from which a council member is simultaneously elected to a full term. At the municipal election held in 2024 and every four (4) years thereafter, three (3) city school board members shall be elected for terms of four (4) years, one from each ward from which a council member is simultaneously elected to a full term and one member at large. Municipal elections shall be held and conducted at the time and in the manner provided for by state law. The persons elected shall take office on January 1 following the year in which they are elected.

(c) Vacancies on the school board shall be filled within thirty (30) days, for the unexpired term, by a majority vote of the remaining school board members until an election can be held in accordance with general state law.

(d) Any person qualified to vote in the city shall be eligible to be a member of the school board.

(e) Compensation for school board members shall be as prescribed by law.

(f) The organizational meeting of the school board shall take place on each January 1, or as soon thereafter as may be practicable.

(g) The school board shall be a body corporate under the designation, "Waynesboro School Board," by which name it may sue and be sued, contract and be contracted with, and purchase, take, hold, lease, and convey school property, both real and personal. The title to all public school property within the corporate limits of the city shall be vested in the Waynesboro School Board. By mutual consent of the school board and the council of the city, the title to the school property may vest in the city. (2005, cc. 629, 674; 2022, cc. 332, 571)

§ 6.2. School board, powers and duties.

(a) The school board shall establish and maintain in the city a general system of public free schools in accordance with the requirements of the Constitution and general education policy of the Commonwealth for the accomplishment of which purpose it shall have the powers and duties set forth by general law and under this Charter.

(b) The school board shall submit to the council annually or more often an estimate of what funds may be needed for the proper maintenance and growth of the public schools of the city. (2005, cc. 629, 674)

Weber City, Town of

County of Scott

Current charter

Incorporated, 1954, c. 583.

Amendments to current charter

1973, c. 32 (§ 4)
1973, c. 347 (§ 4.1 [added])
2011, c. 472 (§ 3)
2015, c. 734 (§ 4)

§ 1. The town corporate.

The inhabitants of the hereinafter defined limits in Estillville Magisterial District in the County of Scott is hereby made and constituted a body, politic and corporate, to be known and designated as the Town of Weber City, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and

obligations now appertaining to and incumbent on said town as a municipal corporation, and the said Town of Weber City, as such, shall have perpetual succession, may sue and be sued implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1954, c. 583)

§ 2. Corporate limits.

The corporate limits of the Town of Weber City are hereby established as follows: So much of the territories in the County of Scott, together with all the improvements and appurtenances thereunto belonging, as is contained in the following boundaries, to-wit::

BEGINNING at the point of intersection of a line 100 feet southwestwardly from and parallel with the center line of the main track of the Railway Company's Bristol line, with a line 50 feet eastwardly from and parallel with the center line of the main track of the Railway Company's Bulls Gap Line; thence southwardly along the last described line 200 feet more or less to a point in the center of Big Moccasin Creek; thence following the middle of Big Moccasin Creek southeastwardly 140 feet more or less to an intersection with the westerly right-of-way line of U. S. Highway Route No. 23; thence southwardly and southwestwardly along the irregular common dividing line between the right-of-way of the Railway Company for its Bulls Gap Line and the right-of-way of U.S. Highway No. 23 as established by condemnation (State Highway Commissioner vs. Southern Railway Company) December 4, 1929 and by deed of V&SW Railway to the Commonwealth of Virginia March 2, 1949, a distance of 1,800 feet more or less, to an intersection with the Jayne Farm subdivision line produced southeastwardly across the Railway Company's right-of-way; thence North 47-24 west 1,205 feet, thence S 32-36 W. 632.0 feet, thence S 36-39 E 962.0 feet to the North side of Broad Street in the Jayne Farm Subdivision and the west property line of said subdivision, thence S 60-11 W 860.1 feet to a stake in private drive of Jim Bells', thence s 60-01 W 738.2 feet to a stake on McArthurs' Property and the Right-of-Way of Drive to Blantons' Property, thence N 9-03 W 547.1 feet to a stake behind Blantons' house, thence S 80-57 W 305.2 feet to a stake in Blantons' west property line, thence with said line S 1-00 E 166.5 feet to a stake in Fence line, thence S 16-04 E 501.8 feet to a stake, thence S 76-11 W 1212.0 feet to a stake in the center line of street through Miller Subdivision, thence S 73-06 W 165.0 feet to a fence post, thence S 41-00 W 926.0 feet to a stake 226.0 feet north of center line of Southern Railway, thence S 71-52 W 1800.0 feet to a stake in the old Smith and John Henry Johnson line, thence S 8-59 E crossing the Southern Railway 1316.0 feet to a stake, a corner to the John Henry Johnson land sold by the Osborne Land Company Map by J. M. P. Gray dated November 1930, thence with said map S 37-31 W 380.0 feet to a stake a corner to the present Holston Cemetery Corporation, thence with Cemetery line S 70-14 E 988.0 feet to a stake 150.0 feet west of the right-of-way line of U. S. Route #23, thence paralleling said Route by 150.0 feet S 6-20 W 1960.0 feet to a stake on Jim Brays' Property, thence S 48-14 E 850.0 feet to a stake on the E. Cox Farm, thence N 6-20 E 2290.0 feet to a stake in the Peters Estate line, thence

with their property line N 70-14 W 532.0 feet to a stake, thence N 19-46 E 126.0 feet to a corner post a corner of said Peters land, thence N 35-03 E 431.0 feet to a post a corner to said Peters land, thence N 56-42 W 24.0 feet to a center line of road layout behind or south of Lots 31 to 49 of the above mentioned J. M. P. Gray map, thence with center line of said road N 50-33 E 514.0 feet, thence N 51-03 E 630.0 feet, thence N 64-48 E 611.0 feet to a stake, thence N 43-18 E 675.0 feet, thence N 40-48 E 581.0 feet, thence N 9-42 W 105.0 feet to a post a corner to Poplar Hill Subdivision and Peters Estate, thence N 71-48 E 142.5 feet to a post, thence N 51-01 E 178.6 feet to a post, a corner in said Peters Estate, thence S 66-09 E 551.0 feet to a stake in the Wilhelm Heights Subdivision thence S 56-49 E 557.0 feet, thence S 29-49 E 190.0 feet to the center line of Big Moccasin Creek, thence with the said center line N 55-56 E 175.0 feet, thence N 42-48 E 1500.0 feet to the center line of Big Moccasin Creek and the intersection of the American Legion Property line, thence N 48-12 W 570.0 feet, thence N 31-39 W 95.6 feet to the south side of Baltic Road of the J. F. Bushelman Subdivision, thence with said road N 58-21 E 532.5 feet to the corner of the American Legion Property, thence S 31-39 E 528.0 feet to the center line of Big Moccasin Creek, thence with the said center line N 38.21 E 550.0 feet to the intersection of the Bushelman and Gardner lands, thence N 7-21 E 1,640 feet to the south right-of-way line of the Southern Railway Bristol line; thence northwestwardly along said Railway right-of-way line and at all points 70 feet southwestwardly from the center line of the Railway Company's main track 1,037 feet more or less; thence to the left by a right angle 30 feet to a point which is 100 feet from the center line of said main tract; thence to the right by a right angle along the Railway Company's right-of-way line parallel with and 100 feet southwestwardly from the center line of main track 135 feet, more or less, to an intersection with the northeasterly right-of-way line of State Highway No. 10; thence in a northwestwardly direction along the irregular common dividing line between the right-of-way of the Railway Company and the right-of-way of said Highway No. 10 as established by condemnation (State Highway Commissioner vs. Southern Railway System) March 13, 1933, a distance of 1,125 feet, more or less, to a point 100 feet southwestwardly from the center line of the main track; thence northwestwardly along the Railway Company's right-of-way line 100 feet southwestwardly from and parallel with the center line of the main track 45 feet more or less to the point of beginning, containing 16,009,300 sq. ft. of area or 367.53 acres. (1954, c. 583)

§ 3. Powers of the Town of Weber City.

In addition to the powers elsewhere mentioned in this charter and the powers conferred by general law and the Constitution, the town shall have the following powers:

(1) To raise revenue by the levying and collection of taxes on property in accordance with this charter and the Constitution and laws of the Commonwealth.

(2) To impose special local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and general laws as may be in force at the time of the imposition of such special or local assessments.

(3) [Repealed.]

(4) To contract debts, borrow money, and make and issue evidences of indebtedness.

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

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

(7) To establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers as may be deemed advisable.

(8) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

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

(10) To provide in or near the town the land to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, to cooperate with any nonprofit corporation or association in the improvement and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot burial lot therein the town is authorized to take and receive sums of money by gift, bequest or otherwise, to be kept and invested and the income thereof used in and about the perpetual upkeep and care of the said lot or plot for which the said donation, gift or bequest has been made. And all acts of the said town in accepting from any cemetery company, society or corporation such land to be used as a burial place for the dead, whether said land had been heretofore used or not, as well as all contracts and agreements made with any person or persons for perpetual care and maintenance, are hereby declared valid.

(11) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof, and to require the collection and disposal thereof and to acquire land within or without the town for said purpose.

(12) To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures and scales.

(13) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof.

(14) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, markets, and all buildings and structures necessary or appropriate for the use and proper operations of the various departments of the town; and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(15) To establish, alter, enter, open, widen, extend, grade, improve, construct, maintain, and clean public highways, streets, sidewalks, boulevards, parkways, and alleys; to establish and maintain parks, playgrounds, and public grounds; to keep them lighted and in good order; to construct, maintain, and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, streets, alleys, public grounds and works; to plant and remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys, and highways, abolish and prevent grade crossings over the same by railroads in the manner provided by the general law for the elimination of grade crossings; to require any railroad company

operating a railroad at a place where any highway or street is crossed within the limits of the town to erect and maintain at such crossing proper gates and keep a person in charge thereof, or keep a flagman at such crossings during such hours as the council may require in accordance with general laws, and to regulate the length of time such crossing may be closed due to any railroad operations within the town and to do all other things whatsoever adapted to make said streets and highways safe, convenient, and attractive.

(16) In addition to the parks and playgrounds above provided for, the said town may also acquire by purchase, gift, or devise, and operate parks, playgrounds and public grounds without the corporate limits of the town, and may place on the same either within or without the town stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character and charge admission thereto, and may rent out or lease the privileges of the same.

(17) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(18) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights-of-way, riparian and other rights and easements necessary for said purpose, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(19) To require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to such person as may be designated by the council of said town to issue said license, and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided that such license fee shall not exceed that charged by the State on such machines.

(20) Insofar as not prohibited by the general law of the State, to control, regulate, limit and restrict the operations of motor vehicles carrying passengers for hire upon the streets and alleys of the town; to regulate the operation of motor vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through said town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and

generally to prescribe such regulations respecting motor traffic and parking therein as may be necessary for the general welfare and safety.

(21) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the throwing of stones, the setting off of fireworks, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby; and to prohibit and punish the abuse of animals.

(22) Subject to the provisions of the Constitution and general laws of this State, to grant franchises for public utilities.

(23) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(24) To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent slaughter houses or other noisome or offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of said town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of billboards and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow.

(25) To extinguish and prevent fires, and to establish, regulate, and control a fire department or division; to regulate the size, height, material, and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure, or addition thereto which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may be erected contrary to law; to enact stringent and efficient

laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, amusements, or school gatherings.

(26) To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, fireworks, kerosene, gasoline, and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town.

(27) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in said town of any articles or thing intended for human consumption which is adulterated, impure, or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within the town limits, and if necessary to the suppression of disease, to enforce the removal of persons affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for said town, with authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the State and the United States.

(28) To provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.

(29) To acquire by purchase, gift or devise, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

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

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

(32) To restrain and punish drunkards, vagrants, and street beggars; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gambling houses and punish the operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the said town; to prevent and punish lewd, indecent, and disorderly exhibitions in

said town. To prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct, and public swearing and cursing, within the said town.

(33) To prohibit and punish mischievous, wanton or malicious damage to school, church, and public property, as well as to private property.

(34) [Repealed.]

(35) To make and enforce ordinances, not inconsistent with the laws of this State.

(36) To offer and pay rewards for the apprehension of criminals.

(37) To compel persons sentenced to confinement in the jail of the town for any violation of the laws or ordinances of the town to work on the public streets, parks, or other public works of the town; and on the requisition of the mayor it shall be the duty of the sergeant of the town to deliver such persons to the duly authorized agent of the town for such purposes from day to day as they may be required. For the purpose of carrying into effect the police regulations of the town, the town shall have the use of the county jail of Scott County for the safe keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town.

(38) To enforce, and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction thereof.

(39) To pass and enforce all bylaws, rules, regulations, and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens and their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court or offices thereof, or which may be necessarily incident to a municipal corporation.

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

(41) To prescribe any reasonable penalties for the violation of any town ordinance, rule, or regulation, or of any provision of this charter, not exceeding penalties for similar offenses prescribed by the general laws of the State of Virginia.

(42) To give names to or alter the names of streets.

(43) To make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within the town or a mile of its corporate limits into streets,

alleys, roads, and lots or tracts shall be submitted to and approved by the council before such plats or replats are filed for record or recorded in the office of the Clerk of Scott County.

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

(45) To regulate, permit or prohibit poles and wires for electric, telephone, and telegraph purposes erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the owner or lessee of an electric light, telephone, or telegraph pole, or poles, or wires, now in use or hereafter erected, to change the location of or move the same.

(46) To provide by ordinance for a system of meat and milk inspection, and appoint milk and meat inspectors, agents, or officers to carry the same into effect; to license, regulate, control, and locate slaughter houses within the corporate limits of the town; and for such services of inspection to make reasonable charges; and to provide reasonable penalties for the violation of such ordinances.

(47) To establish, organize, administer, or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State.

(48) The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town council shall have and may exercise all powers which, under the Constitution and laws of this State, it would be competent for this charter specifically to enumerate. (1954, c. 583; 2011, c. 472)

§ 4. Administration and government.

(1) That the Circuit Court of Scott County shall, within 30 days after this charter goes into effect, appoint the mayor, recorder, treasurer and six councilmen for the said town and the persons appointed by the court shall hold office until their successors in office shall be duly elected and qualified as hereinafter provided for.

(2) Except as otherwise provided in this charter, all powers of the town and the administration and government thereof shall be vested in the council and such boards or officers as are hereafter mentioned, or may be by law otherwise provided.

(3) On the second Tuesday in June, 1955, and every two years thereafter, on the first Tuesday in May there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and six other electors, who shall be denominated councilmen, and the mayor and

councilmen shall constitute the town council. However, beginning with an election to be held in May, 2018, the mayor and councilmen shall be elected for terms of four years. They shall enter upon the duties of their offices on the first day of July next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provision of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

(4) There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(5) The council shall judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

(6) A majority of the members of the council shall constitute a quorum for the transaction of business.

(7) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of one hundred dollars ($100.00) per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of nine hundred dollars ($900.00) per annum; and such salary shall be in lieu of any fees he is entitled to enter up as part of the costs and receive in the trial of cases for violation of the ordinances of the town as hereinafter provided for.

(8) The mayor shall prescribe at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have no right of veto. He shall take care and see that the bylaws, ordinances, acts, and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. He shall see that peace and good order are preserved and

that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town.

(9) The council shall, as soon as practicable after qualification, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the council or is elected.

(10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings.

(11) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum on $100 be made, except by a recorded affirmative vote of a majority of all members elected to the council.

(13) There shall be appointed by the council at its first meeting in July, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of four years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(14) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once a year by a competent accountant selected by the council, such examination and audit to be reported to the council.

(15) The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(16) There shall be appointed by the council, at its first regular meeting in July after its election, a clerk of the council, who shall hold office for a term of four years. He shall attend the meetings of the council

and keep its minutes and records and have charge of the corporate seal. He shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council Any vacancy in this office shall be filled by the council.

(17) There shall be appointed by the council at its first regular meeting in July or as soon as practicable thereafter, a town sergeant, who shall also be chief of police, and shall hold office for four years. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.

(18) The council may appoint or elect such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties. (1954, c. 583; 1973, c. 32; 2015, c. 734)

§ 4.1. The council may appoint a person who need not be a resident of the town who is qualified to practice law in the Commonwealth of Virginia, who shall have jurisdiction to issue process for and try all cases for the violation of town ordinances, and who shall have the same powers and duties therein, and subject to the same limitations, as are given the mayor in § 4 (8) hereof. The council may provide for a reasonable compensation to be paid such officer. (1973, c. 347)

§ 5. Actions against town.

No actions shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement, verified by the oath of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents, or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any attorney appointed by the council for this purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within 120 days. And no such officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1954, c. 583)

§ 6. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the part of the act directly involved in the controversy in which said judgment shall have been rendered. (1954, c. 583)

§ 7. This act may be referred to or cited as the Weber City Charter of 1954. (1954, c. 583)

County of King William

History of incorporation
Incorporated, 1870, c. 329; repealed 1973, c. 304.
Charter, 1884, c. 200.
Charter, 1887, c. 115.

Current charter
Charter, 1973, c. 304.

Amendments to current charter
1981, c. 70 (§§ 3.1, 3.2, 3.3)
2012, c. 487 (§§ 3.1, 3.2, 3.5, 3.8)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of West Point, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of West Point, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1973, c. 304)

§ 1.2. Boundaries.

The boundaries of the Town of West Point shall be those described in an order of the Circuit Court of King William County entered on the ninth day of December, 1963, and of record in the clerk's office of that Court in Chancery Order Book 13, page 216. (1973, c. 304)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town of West Point shall have and may exercise all powers which are now, or hereafter may be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (1973, c. 304)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1973, are hereby conferred on and vested in the Town of West Point. (1973, c. 304)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.1 and Title 25 of the Code of Virginia are conferred upon the Town of West Point. (1973, c. 304)

§ 2.4. License tax; utilities, etc.

The Town of West Point may impose a license tax upon any utility, public service corporation or quasi-public corporation, including telephone and telegraph companies, for the privilege of doing business therein. Such license tax shall not exceed one-half of one per centum of the gross receipts of such business, accruing to such corporation from such business within the town. (1973, c. 304)

Chapter 3. Mayor and Council.

§ 3.1. Election, qualification and term of office of councilmen and mayor.

(a) The Town of West Point shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected. The councilmen and mayor shall be elected at a regular municipal election to be held on the first Tuesday in May, 1982, in the manner prescribed by law, for terms beginning on the first day of July next following their election, each of them serving until the successors shall be elected and qualified. The three candidates for council receiving the highest number of votes and the mayor shall be elected for initial terms of four years, and the four candidates receiving the next highest number of votes shall be elected for initial terms of two years. Thereafter, all councilmen and the mayor shall be elected for terms of four years at a regular municipal election which shall be held on the first Tuesday in May of each even numbered year, the number of councilmen elected each election year being equal to the number of councilmen whose terms expire during such year and the mayor being elected every fourth year.

However, beginning with elections to be held in 2012 and 2014, the council and mayor shall be elected on the Tuesday following the first Monday in November to serve four-year terms that begin on January 1 and end on December 31. All members whose terms would have expired on July 1 of 2012 of 2014 shall have their terms extended six months until their successors have been elected and qualified. Thereafter, all members shall serve for terms of four years. (1973, c. 304; 1981, c. 70; 2012, c. 487)

§ 3.2. Vacancies on council.

(a) A vacancy on town council, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled in accordance with state law and as provided by Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia. The town council shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ

of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly, which shall be no later than the next general election in November unless the vacancy occurs within 90 days of the next such general election, in which event it shall be held promptly but no later than the second such general election. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the town council may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

(b) No election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

(c) When an interim appointment to a vacancy in town council has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires. (1973, c. 304; 1981, c. 70; 2012, c. 487)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled in the same manner as is provided herein for filling vacancies on council. (1973, c. 304; 1981, c. 70)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1973, c. 304)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as a member of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over any action of the town council, but any such action that has been vetoed by the mayor may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor for the purpose of enforcing peace and good order and executing the laws of the

State and the ordinances of the town. He shall authenticate by his signature such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1973, c. 304; 2012, c. 487)

§ 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor over the acts of the council. (1973, c. 304)

§ 3.7. Acting mayor.

If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time but shall not exercise the veto power of the mayor over the acts of the council. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1973, c. 304)

§ 3.8. Meetings of council.

The town council shall fix the time of its stated meetings and except as herein provided, the council shall establish its own rules of procedure. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided, that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. (1973, c. 304; 2012, c. 487)

§ 3.9. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected. (1973, c. 304)

Chapter 4. Town Manager.

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be designated the town manager, who shall, under the control of the council, have general charge and management of the administrative affairs and work of such town and shall perform such other duties as may be required of him by the town council. He shall receive such salary or compensation as shall be allowed him by such council and may be dismissed at any time by the council. (1973, c. 304)

§ 4.2. Acting town manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death, inability to act or resignation of the town manager, until his return to duty or the appointment of his successor. (1973, c. 304)

Chapter 5. Appointive Officers.

§ 5.1. Appointments.

The town council may appoint a town clerk, a chief of police, a town sergeant, a municipal judge, a town attorney or such other officers as they may deem necessary. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any such officers herein named. (1973, c. 304)

§ 5.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive officers as they may deem necessary. (1973, c. 304)

§ 5.3. Term of office.

Appointees hereunder shall serve at and during the pleasure of the town council. (1973, c. 304)

§ 5.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1973, c. 304)

§ 5.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1973, c. 304)

§ 5.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1973, c. 304)

§ 5.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for this purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1973, c. 304)

Chapter 6. Courts.

§ 6.1. Authority to establish municipal court. jurisdiction of court.

The town council may establish by ordinance a municipal court, which shall be known as the Municipal Court of West Point. Jurisdiction of such court in criminal matters shall be as provided in §§ 16.1-124 and 16.1-125 of the Code of Virginia, as amended, and such court shall have original jurisdiction in the trial of all cases involving the violation of town ordinances, and in the collection of town taxes or assessments, or other forms of debt owing to the town. (1973, c. 304)

§ 6.2. Judge of municipal court. substitute judge.

The judge of the municipal court shall be appointed by the town council. He shall serve at the pleasure of the town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. The municipal judge and substitute municipal judge need not be residents of the municipality. The municipal judge and the substitute municipal judge shall meet the qualifications for judges of courts not or record. (1973, c. 304)

§ 6.3. Clerk of municipal court.

A clerk of such court shall be appointed by the town council, to serve at the pleasure of the town council. (1973, c. 304)

§ 6.4. Jurisdiction of county court if municipal court not created or if municipal court abolished.

If the town council shall elect not to establish a municipal court, as provided in § 6.1 of this charter, or, if the town council shall, by ordinance, abolish such a municipal court after its having been established, the County Court of King William County, Virginia, or its successor, shall have jurisdiction within the Town of West Point as the municipal court would otherwise have had. In such instance the town council may enter into such contracts or agreements as it may deem necessary to permit the trial in said county court, or its successor, of cases or causes of action arising within the town or within the jurisdiction of said town. (1973, c. 304)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1973, c. 304)

Chapter 8. Schools.

§ 8.1. Support of schools.

So long as the Town of West Point constitutes a separate school district or school division, the town council is authorized to levy a tax on all property subject to local taxation and to appropriate funds for the support of schools, and to acquire and maintain land and facilities for school purposes, and to do all other things required and necessary for the operation of a public free school system within such district or division. (1973, c. 304)

§ 8.2. School board.

The town council shall appoint the members of the School Board of the Town of West Point as provided by State law. Present members of the Board shall continue in office until their successors are appointed and qualify. (1973, c. 304)

Chapter 9. Miscellaneous.

§ 9.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1973, c. 304)

§ 9.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1973, c. 304)

§ 9.3. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1973, c. 304)

§ 9.4. Ordinances continued in force.

All ordinances now in force in the Town of West Point, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1973, c. 304)

§ 9.5. Succession to rights and duties.

The Town of West Point shall succeed to all the rights, duties, obligations and contracts of the Town of West Point, its predecessor. (1973, c. 304)

§ 9.6. Severability of provisions.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1973, c. 304)

§ 9.7. Disclosure of interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1973, c. 304)

White Stone, Town of

County of Lancaster

History of incorporation

Incorporation, Circuit Court of Lancaster County, May 19, 1953.

Current charter

Charter, 1973, c. 96.

Amendments to current charter

1975, c. 96 (§ 4)
1976, c. 373 (§ 6 [added])
2023, c. 71 (§ 4)

§ 1. Incorporation.

The inhabitants of the territory comprised within the limits of the town of White Stone, as such limits are now, or may hereafter be altered or established by law, shall constitute and continue a body politic and corporate, to be designated as the town of White Stone, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1973, c. 96)

§ 2. The boundaries of the town shall be, unless and until changed in the manner prescribed by law, the same as set forth in an order of the Circuit Court of Lancaster County, Virginia, on May 19, 1953, and set out in the 1953 Common Law Order Book, at page 87, in the clerk's office of the Circuit Court of Lancaster County, Virginia. (1973, c. 96)

§ 3. Powers.

All of the powers set forth for municipal corporations in §§ 15.1-837 through 15.1-915 of the Code of Virginia, as in force on January 1, 1973, are hereby specifically conferred upon the town of White Stone; provided, that the power to borrow money shall not be exercised for any project unless five

members of Council, or the mayor and four members of Council, agree to the use of such power for such project. (1973, c. 96)

§ 4. Election of council and mayor.

There shall be elected by the qualified voters of the town of White Stone a mayor and seven council members. The mayor and seven council members so elected shall constitute the town council. The council members and the mayor shall be elected in even-numbered years at the time of the November general election for staggered terms of four years. The council members and the mayor whose terms would expire July 1, 2022, or July 1, 2024, shall remain in office until the first business day of January 2023 or January 2025, as applicable, following the general election in November 2022 or November 2024. The mayor and council members shall enter upon the duties of their respective offices on the first business day in January succeeding their election and shall continue in office until their successors are elected and qualified. (1973, c. 96; 1975, c. 96; 2023, c. 71)

§ 5. Ratification of ordinances and resolutions.

All ordinances and resolutions heretofore made and adopted by the town of White Stone, not in conflict with this charter or other laws of the Commonwealth shall be and remain in full force and effect until altered, amended or repealed by the Council of the town of White Stone. (1973, c. 96)

§ 6. Board of Zoning Appeals.

Notwithstanding any provision in Title 15.1, Chapter 11 of the Code of Virginia, to the contrary, the council shall have the power to appoint the members and fill vacancies of the Board of Zoning Appeals which may be established for the town. (1976, c. 373)

Williamsburg, City of

History of incorporation

Charter, 1884, c. 507; repealed 1932, c. 393.
Charter, 1932, c. 393; repealed 2009, cc. 143, 156.

Current charter

Charter, 2009, cc. 143, 156.

Amendments to current charter

2011, cc. 484, 527 (§ 10)
2017, cc. 134, 385 (§§ 28, 35)

Chapter I. In General.

§ 1. Body corporate and politic; general powers; enumeration of powers not exclusive.

The inhabitants of the City of Williamsburg, as its limits now are, or may be hereafter established, shall continue to be a body corporate and politic, and as such, shall have, and may exercise, all

powers that are now, or may be hereafter, conferred upon or delegated to cities of its class, under the Constitution and laws of Virginia, as fully and completely as if herein enumerated in detail, and no enumeration of particular powers in this charter shall be held to be exclusive. (2009, cc. 143, 156)

§ 2. Administration and government of city.

The administration and government of the said city shall be vested in the council of the City of Williamsburg, and in such other boards and officers as are hereinafter mentioned, or may be by law otherwise provided. (2009, cc. 143, 156)

§ 3. Name; seal.

The council shall be a body political and corporate, by the name of the "City of Williamsburg," shall have perpetual succession and a seal, and by that name may sue and be sued, and plead and be impleaded. (2009, cc. 143, 156)

§ 4. Effective date of ordinances, generally; emergency ordinances.

Unless another date is specified therein and except as otherwise provided in this charter, an ordinance shall take effect on the tenth day following its passage.

The council may by affirmative vote of three of its members pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department, in which the reasons for the emergency are set forth and defined. Ordinances appropriating money for such emergency may be passed as emergency measures, but no measure for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege or the regulation of the rate to be charged for its services by any public utility shall be so passed. (2009, cc. 143, 156)

§ 5. Enumeration and election of officers.

The municipal officers of said city shall consist of a commissioner of the revenue elected by the qualified voters of said city; five council members, elected as provided in § 9 of this charter; a sheriff, a treasurer, an attorney for the Commonwealth and a clerk of the circuit court of the City of Williamsburg and of the County of James City, elected conjointly for the City of Williamsburg and the County of James City, by the voters of said city and county; and such additional officers as are herein provided for or may be provided for by the council. Each city council member shall be elected on the first Tuesday in May preceding the expiration of the term of office of the incumbent council member or council members whose term(s) is/are expiring. Council members shall serve for such terms as are prescribed by this charter. All other city officers required by the laws of the state to be elected by the qualified voters of the city shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of the respective incumbents, for such terms as are prescribed by law. All such elected officers shall be nominated and elected as provided in the general

laws of the state. The officers so elected or appointed shall continue in office until their successors are elected and qualified. (2009, cc. 143, 156)

§ 6. Residency requirements for members of city council, city manager, chief of police, etc.

A. Except as otherwise provided herein, every elected officer of this city, other than officers elected jointly by the voters of the city and the County of James City, and every appointed member of any board or commission other than not more than one director of the Economic Development Authority who may be a resident of the County of James City, shall, at the time of his or her election or appointment, be a qualified voter in the city and have resided in the City of Williamsburg for at least 30 days prior to appointment or election. Except for a nonresident director of the Economic Development Authority, if any such officer or appointee ceases to reside in the city, his or her office shall thereupon be deemed vacant. In the case of a nonresident member of the Economic Development Authority, if such director ceases to reside either in the County of James City or the City of Williamsburg, then such director's office shall become vacant.

B. The city manager shall reside within the City of Williamsburg.

C. Municipal officers who are elected conjointly for the City of Williamsburg and the County of James City shall reside within one of such jurisdictions at least 30 days prior to their election and must reside in either the City of Williamsburg or the County of James City at all times during their terms of office. (2009, cc. 143, 156)

§ 7. Treasurer; duties; warrants; accounts.

The treasurer elected by the qualified voters of the County of James City and the City of Williamsburg shall perform only such duties of treasurer as prescribed by state law as may be directed in writing by the city manager. All other functions, duties and powers of treasurer as prescribed by state law shall be held and performed by the city's director of finance. No money shall be paid out by the treasurer except on a warrant of the director of finance, countersigned by the city manager; and the treasurer shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto. (2009, cc. 143, 156)

§ 8. Commissioner of the revenue; duties and compensation.

The commissioner of the revenue elected by the qualified voters of the city shall perform all of the duties in relation to the assessment of property for the purpose of levying city taxes that may be directed by the city manager and such other duties as the council may prescribe or direct. The commissioner shall keep his or her office in some convenient place in the city, and shall keep such books, schedules and records, and in such manner as the city manager and city council may direct and prescribe, which books, records and other papers, unless otherwise provided by general law of the state, shall be subject to the inspection and examination of the members of the city council, or any committee thereof, the city manager and the collector of city taxes. The commissioner shall receive for his

or her services the fees allowed by law and such other compensation, if any, as the city council may from time to time direct. (2009, cc. 143, 156)

§ 9. Election and terms of council members.

The present members of council shall continue in office until their successors are elected and qualified. On the first Tuesday in May 2010, and on the first Tuesday in May of every fourth year thereafter, there shall be a general election at which time the qualified voters of the city shall elect two members of council for terms of four years each. On the first Tuesday in May in 2012, and on the first Tuesday of May on each fourth year thereafter, there shall be a general election at which the qualified voters of the city shall elect three members of council for terms of four years each. The term of a newly elected city council member shall commence on July 1 next following such member's election.

The council shall be a continuing body and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office or the removal of the members of the body or any of them. (2009, cc. 143, 156)

§ 10. Filling council vacancies.

When a vacancy occurs in an office of member of council, from whatever cause arising, the remaining members of the body, within 45 days of the office becoming vacant, may appoint a qualified voter of the city to fill the vacancy. The person so appointed shall hold office only until the qualified voters fill the vacancy by special election pursuant to §§ 24.2-226 and 24.2-682 of the Code of Virginia and the person so elected has qualified. The election to fill such vacancy shall be held as required and provided by the general laws of the Commonwealth of Virginia; provided that nominations for any such vacancy shall be by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary convention or other party-affiliated proceedings. (2009, cc. 143, 156; 2011, cc. 484, 527)

§ 11. Clerk of council.

The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have the custody of the seal of the said city. The clerk shall keep all papers that by the provisions of this charter, or the direction of the council, are required to be filed with or kept by the clerk. Immediately after the close of each session of the city council, the clerk shall make and present to the city manager a transcript of every ordinance, resolution or order concerning any public improvement, or for the payment of money, and every ordinance, resolution, order and act of legislative character passed by the city council at such session. The clerk shall, in like manner, transmit to the finance director a transcript of all ordinances, resolutions or orders appropriating money or authorizing the payment of money, or the issue of bonds or notes, and in like manner give notice to all persons presenting communications or petitions to the city council of the final action of the council on such communications or petitions. The clerk shall publish such reports and ordinances as the city council is required by this charter to publish, and such other reports and ordinances as it may direct,

and shall in general perform such other acts and duties as the council may from time to time require of him or her. (2009, cc. 143, 156)

§ 12. School board.

The supervision of the public schools in the city shall be vested in a school board composed of not less than two when serving on a joint board with the County of James City, otherwise not less than three nor more than five trustees as determined by city council. Such trustees shall be appointed by the council. Vacancies on the said board shall be filled by the council. When serving on a joint board with the County of James City, the two city members shall receive the same annual compensation as paid to each of the County of James City members serving thereon. The compensation of trustees appointed and serving hereunder solely on the city school board shall be entitled to receipt of annual compensation as determined by city council not to exceed the highest maximum compensation then allowed for any appointed school board under subsection C of § 22.1-32 of the Code of Virginia or any other then applicable provision of the Code of Virginia. (2009, cc. 143, 156)

§ 13. Oaths and bonds of officers.

All municipal officers of the city, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the state by anyone authorized to administer oaths under this charter or the laws of the state. Notwithstanding anything in § 49-3 of the Code of Virginia to the contrary, the clerk of the city council may administer the oath to persons appointed by city council or by the judge of the circuit court of the City of Williamsburg and the County of James City to serve on any city board, commission or other collegial body. If any person elected or appointed to any office in said city shall neglect to take such oath and give such bond, if any, as may be required, on or before the day on which such person's term begins, his or her office shall be deemed vacant. However, members of city council may qualify up to and including the day of the initial meeting of the new city council. (2009, cc. 143, 156)

Chapter II. Mayor and Vice-Mayor.

§ 14. Selection of mayor; powers and duties; salary.

At its first meeting following each regular councilmanic election, the council shall choose one of its members as presiding officer who shall have the title of mayor. The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter or as may be imposed by the council, consistent with the office. The mayor shall have no power of veto but shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process and by the governor for military purposes. In time of public danger or emergency, the mayor may take command of the police, maintain order and enforce the law. Such course of action shall be subject to revision by the council.

The council may by ordinance provide for a salary, if any, to be paid the mayor in addition to the mayor's salary as council member. (2009, cc. 143, 156)

§ 15. Selection and duties of vice-mayor; death, removal or resignation of mayor.

The council shall also at its first meeting following each regular councilmanic election choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during the mayor's absence or disability. In the event of the death, removal or resignation of the mayor, the council shall choose one of its members as mayor for the unexpired term. No additional compensation shall attach to the office of vice-mayor. (2009, cc. 143, 156)

Chapter III. The Council.

§ 16. Qualification of candidates for city council; composition.

Candidates for city council shall be qualified voters of the city who meet the residency requirements prescribed by § 6 and shall file their notice of candidacy and be nominated only by petition in the manner prescribed by law for nonparty candidates and not by caucus, primary, convention or other party-affiliated proceeding. (2009, cc. 143, 156)

§ 17. Party designations on ballots in councilmanic elections; conduct of general municipal election under state law.

The ballots used in the election of council members shall be without any distinguishing party name, mark or symbol. The general laws of the state relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election. (2009, cc. 143, 156)

§ 18. Compensation of city council and mayor.

The compensation of council members and the mayor shall be established by ordinance within the salary ranges permitted by state statute. The compensation of council members as being paid on the effective date of the act of assembly granting this amended charter shall remain in effect until the appropriate ordinance setting salaries is adopted by council; however, no such ordinance shall take effect until after the next council election following enactment of such ordinance. No member of the council, during the term for which such person was elected, and one year thereafter, shall be appointed to any office of profit under the government of the city. (2009, cc. 143, 156)

§ 19. Council meetings.

The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor, the city manager or any two members of the council; no business shall be transacted at a special meeting, but that for which it shall be called, unless the council is unanimous. The meetings of the council shall be open to the public except as permitted by state law. (2009, cc. 143, 156)

§ 20. Absence from meetings; forfeiture of office.

The office of a council member shall become vacant upon such member's death, resignation, removal from office in any manner authorized by law or this charter or forfeiture of his or her office. A council member's office shall be forfeited if such member (i) lacks at any time during his or her term of office any qualification for the office prescribed by this charter or by law, (ii) violates any express prohibition of this charter, (iii) is convicted of fraud or a crime involving moral turpitude, or (iv) fails to attend three consecutive regular meetings of the council without being excused by the council. (2009, cc. 143, 156)

§ 21. Appointment of clerk; adoption of rules; officers and committees; compelling attendance; minute book.

The council shall appoint a clerk to serve at the will of the council, and shall have authority to adopt rules and appoint such officers and committees as it may deem proper for the regulation of its proceedings and for the convenient transaction of business, to compel the attendance of absent members and to enforce orderly conduct at meetings.

The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed. (2009, cc. 143, 156)

§ 22. Quorum; necessary vote for appropriation and levies; reconsideration at special meeting of vote or question.

A majority of the members of the council shall constitute a quorum for the transaction of business; but no ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least three members. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present and four of them concur. (2009, cc. 143, 156)

Chapter IV. City Manager.

§ 23. Appointment; chief executive officer; qualifications; council members disqualified; term; suspension or removal; absence or disability.

The council shall appoint a city manager, who shall be the chief executive officer of the city. The manager shall be chosen by the council solely on the basis of his or her executive and administrative qualifications and need not, when appointed, be a resident of the city or the state. No member of the council shall, during the time for which elected, be chosen as city manager. The manager shall be appointed for an indefinite term, but shall be removed at the pleasure of the council. Before the manager may be removed the manager shall, if he or she so demands, be given a written statement of the reasons alleged for removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of removal, but pending and during such hearing the council may suspend the manager from office. The action of the council in suspending or removing the manager shall

be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the manager the council may designate some qualified person to perform the duties of the office during such absence or disability. (2009, cc. 143, 156)

§ 24. Responsible to council; appointment and removal of officers and employees.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in the manager's charge, and to that end, except as otherwise provided herein, he or she shall have the power to appoint and remove all officers and employees in the administrative service of the city, other than elective officials and the city attorney, but the manager may authorize the head of a department or office responsible to the manager to appoint and remove subordinates in such department or office. Appointments made by, or under the authority of, the city manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work that they are to perform. All such appointments shall be without definite term unless for temporary service as defined in the city personnel manual. Neither the council, nor any of its members, shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager, or prevent him or her from exercising his or her own judgment in the appointment of officers or employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager either publicly or privately. Any such dictation, prevention, orders or other interferences on the part of a member of the council with the administration of the city shall be deemed a misdemeanor, and upon conviction thereof the member so convicted shall be fined not more than $100 and may, in the discretion of the court, be removed from office. (2009, cc. 143, 156)

§ 25. Term of appointive officers and employees; finality and review of decision to remove.

Officers and employees appointed by the city manager, or under his or her authorization, may be removed by the city manager, or by the officer by whom appointed, at any time. The decision of the manager, or other officer, in any such case, shall be final, subject to review by the council. (2009, cc. 143, 156)

§ 26. Powers and duties of city manager.

It shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that the ordinances of the city and the laws of the state are enforced; to make such recommendations to the council concerning the affairs of the city as the city manager may deem desirable; to keep the council advised of the financial conditions and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other

duties as may be prescribed by this charter or required of him or her by the council. (2009, cc. 143, 156)

§ 27. Manager and other officers to have seats in council without vote; right to take part in discussions.

The city manager, and such other officers of the city as may be designated by vote of the council, shall be entitled to sit with the council, but shall have no vote therein. The manager shall have the right to take part in the discussion of all matters coming before the council. (2009, cc. 143, 156)

Chapter V. Powers of Council.

§ 28. Power and authority of council members generally.

All powers of the city as a body politic and corporate shall be vested in the council except as otherwise provided in this charter. The council shall be the policy-determining body of the city and shall be vested with all the rights and powers conferred on councils of cities, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

1. To inquire into the official conduct of any office or officer under its control, and investigate the accounts, receipts, disbursements and expenses of any city employee that are required to be maintained in the normal course of the city's business; for these purposes the council may subpoena witnesses, administer oaths and require the production of books, papers and other evidence maintained in the normal course of business; subpoenas issued by the council shall be enforced by the circuit court of the city in the manner provided by general law.

2. To provide for the performance of all governmental functions of the city; and to that end, provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated by law or by ordinance what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city, or any officer thereof, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by the city manager. Any activity that is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer or combine any city functions, activities or departments.

3. To order an independent audit of the accounts, books, records and financial transactions of the city by the Auditor of Public Accounts of the Commonwealth of Virginia, or by a firm of independent certified public accountants to be selected by council after the close of each fiscal year. The report of the audit shall be filed within such time as the council shall specify and one copy of the report shall be always available for public inspection in the office of the city manager during regular business hours. Either the council or the city manager may at any time order an examination or audit of

the accounts of any officer or department of the city government. Upon the death, resignation, removal or expiration of the term of any officer of the city, the director of finance shall cause an audit and investigation of the accounts of such officer to be made and shall report the results to the city manager and the council. If, as a result of any such audit, an officer is found to be indebted to the city, the council shall proceed immediately to collect such indebtedness.

4. To fix a schedule of compensation for all city officers and employees that shall provide uniform compensation for like service. The council may define certain classes of city officers and employees whose salaries shall be set by the city manager, except that this provision shall not apply to the constitutional officers, the heads of city departments and judges.

5. To prescribe the amount and condition of surety bonds required of such officers and employees of the city as the council may prescribe.

6. City council may by ordinance enacted in accordance with § 35 herein below remove some or all currently serving commissioners of the city's redevelopment and housing authority and appoint one or more of themselves to serve as commissioners of the authority in the place and stead of the commissioners so removed.

7. Designate one or more areas within the city as underground utility districts if, in the opinion of city council, after holding a duly advertised public hearing pursuant to the petition of at least three-fourths of the landowners within the proposed district, the undergrounding of existing lines for the distribution of one or more of electricity, telephone or cable television within the proposed district is in the best interests of the city and of the residents of the district. After defining the boundaries thereof, and notwithstanding any provision to the contrary in § 15.2-2404 of the Code of Virginia, to impose, without unanimous consent of the property owners in the district, taxes and assessments upon all parcels of real property within the bounds of such district in an amount not exceeding three-fourths of the total cost of the undergrounding of overhead utility lines located in such district for the provision of one or more of electricity, telephone and cable television services within the district. Except as here modified, all other provisions of Article 2 (§ 15.2-2404 et seq.) of Chapter 24 of Title 15.2 of the Code of Virginia shall apply.

8. Make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations.

9. Do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city and its inhabitants. Among such powers, and not in limitation thereof, shall be the power to compel the abatement and removal of all nuisances within the city or upon property owned by or lying adjacent to property owned by the city beyond its limits at the expense of the person or persons

causing the same, or of the owner or occupant of the ground or premises whereon the same may be. (2009, cc. 143, 156; 2017, cc. 134, 385)

§ 29. Confirmation of uniform charter provisions.

In addition the powers specifically provided in this charter, the powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia are vested in the City of Williamsburg. (2009, cc. 143, 156)

§ 30. City cemeteries exempt from taxation.

Any cemetery established and maintained by the city shall be exempt from all state, county and municipal taxation. (2009, cc. 143, 156)

§ 31. Police force.

The police force shall be under the control of the city manager for the purpose of enforcing peace and order, and executing the laws of the state and ordinances of the city. The city manager shall appoint a chief of police and such police officers as the city manager shall deem necessary to carry out the above duties effectively. The police force shall also perform such other duties as the city manager may prescribe. The police chief shall be in charge of and have supervision of the police force. For the purposes of enabling the police force to execute its duties and powers, each police officer is hereby made a conservator of the peace, and endowed with all the powers of a constable in criminal cases, and all other powers that, under the laws of the state, may be necessary to enable the police officer to discharge the duties of his or her office. The pay, uniform, rules and regulations for said police shall be prescribed by the city manager, subject to approval by the council. (2009, cc. 143, 156)

§ 32. Fire department.

The fire department shall be under the control of the city manager, who shall appoint a fire chief and such assistants as he or she shall deem necessary to carry out fire prevention, fire fighting, emergency medical and any and all powers and duties that have been or may be vested by law in such officers. The fire chief shall be in charge of and have supervision of the fire department. The pay, uniform, rules and regulations for the fire department shall be prescribed by the city manager, subject to approval by the council. (2009, cc. 143, 156)

§ 33. Power of council to prescribe penalties.

Where, by the provisions of this charter, the council has authority to pass ordinances of any subject, it may prescribe any penalty not exceeding twelve months in jail or a fine not exceeding $2,500, or both, for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered and costs, shall be imprisoned in the Peninsula Regional Jail or other appropriate penal facility for a term not exceeding 90 days, which penalties may be prosecuted and recovered with costs in the name of the City of Williamsburg. (2009, cc. 143, 156)

§ 34. Interference with city officers and employees.

Any person who knowingly and willfully interferes with any officer, employee or agent of the city in the course of enforcing or otherwise performing specifically prescribed functions under any city ordinance or law of the state shall be guilty of a Class 1 misdemeanor. (2009, cc. 143, 156)

§ 35. Redevelopment and housing authority.

Notwithstanding any provision of law to the contrary, there shall be not more than seven commissioners of the Williamsburg Redevelopment and Housing Authority, all of whom must be residents of the city and not more than five of whom may be members of Williamsburg City Council. Commissioners, other than commissioners who are also members of City Council, shall hold their offices at the pleasure of the council for a term not to exceed four years; provided, however, that unless sooner terminated, the term of each commissioner who is also a council member shall coincide with his or her term as a member of the council. A council member shall receive no compensation for serving as a commissioner. The establishment and organization of the Williamsburg Redevelopment and Housing Authority heretofore established under the provisions of this charter, together with all proceedings, acts and things heretofore undertaken are hereby validated, ratified and confirmed. (2009, cc. 143, 156; 2017, cc. 134, 385)

§ 36. Dedication of streets.

Whenever any street, alley or lane in said city shall have been used as such by the public with the knowledge and consent of the owner for the period of five years, the same may at the election of the council by resolution entered in its minutes thereby become a public street, alley or lane, and the council shall have the same authority and jurisdiction over and right and interest therein as it has by law over the streets, alleys and lanes laid out by it. Actual dedication may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said city, by a plan or plot of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designed for private use. The council shall have the right to elect, by resolution entered on its minutes, whether it will, or will not accept the dedication of any street or alley. (2009, cc. 143, 156)

§ 37. Delivery of property, books and papers to successor in office; books, records and documents deemed property of city.

If any person, having been an officer of such city, shall not within ten days after having vacated or been removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the city council shall allow, deliver over to his or her successor in office all property, books and papers belonging to the city, or appertaining to such office in the possession or under control of such officer, he or she shall forfeit and pay to the city the sum of $1,000, to be sued for and recovered with costs; and all books, records and documents used in any such office by virtue of any provision of this charter, or of any ordinance or order of the city council, or any superior officer of the

said city, shall be deemed the property of the said city and appertaining to said office, and the chief officer thereof shall be responsible therefor. (2009, cc. 143, 156)

Chapter VI. City Departments.

§ 38. Enumeration of standing departments; additional departments and officers.

The city shall have the following standing departments: (i) the Department of Finance, (ii) the Department of Human Services, and (iii) the Law Department. In addition to such departments, the council may create or authorize the city manager to create such other departments and may further appoint or permit the city manager to appoint, in addition to those herein provided for, such officers and clerks as they may deem necessary, and define their powers, prescribe their duties and fix their compensation. The council may take from any officer, whether elected or appointed by the council, a bond, with surety, to be approved by the council, in such penalty as the council may deem proper, payable to the city, with condition for the faithful discharge by the said officer of the duties of his or her office. The city council may combine offices where not expressly prohibited, excepting that the assessing and collecting officers shall not be the same person. (2009, cc. 143, 156)

§ 39. Department of finance; divisions; transfer of powers and duties of treasurer.

A. There shall be a department of finance that shall be under the supervision of a director of finance, appointed by the city manager. The department of finance shall include a division of accounting and control, a purchasing division, a collection division, a real estate assessment division, and such other divisions and units as may be provided by ordinance. Except as otherwise agreed by written memorandum signed by the city manager and the city treasurer, all powers and duties of the city treasurer with respect to the collection, receipt and disbursement of city taxes, moneys and funds shall be vested in the department of finance and director thereof together with all records thereto appertaining.

B. The head of the department of finance shall be a person skilled in municipal accounting and financial control and shall be known as the director of finance. The director of finance shall give bond in such sum as the council may prescribe, with surety to be approved by the council, conditioned for the faithful discharge of his or her official duties in relation to the revenue of the city and of such other official duties as may be imposed upon the director of finance by this charter and the ordinances of the city.

C. The director of finance shall have general management and control of the several divisions and other units of the department, shall appoint and remove all officers and employees of the department and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. The director of finance shall have charge, subject to the direction and control of the city manager, of the administration of the financial affairs of the city and to that end shall have authority and be required to do the following (unless otherwise indicated, references to the "school board" shall apply only at such time as the city operates a separate school system):

1. Cooperate with the city manager in compiling estimates for the budgets.

2. Supervise and control all encumbrances, expenditures and disbursements to ensure that budget appropriations are not exceeded.

3. Prescribe the form of receipts, vouchers, bills or claims to be used and of accounts to be kept by all departments, boards, commissions, offices and agencies of the city, including the school board except for such accounts as are kept by employees of the school board.

4. Require daily, or at such other intervals as he or she may deem expedient, a report of receipts from each of such departments, boards, commissions, offices and agencies, including the school board, and prescribe the times at and the manner in which moneys received by them shall be paid to the office of the director of finance or deposited in a city bank account under the director's control.

5. Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that funds have been appropriated and will be available when the obligation shall become due and payable; provided that the director of finance may give advance authorization for the expenditure from any appropriation for the purchase of supplies, materials or equipment of such sum, within the current allotment of such appropriation, as he or she may deem necessary.

6. Have custody of all funds belonging to the city and the school board and deposit funds coming into his or her hands to the account of the city or the school board (whether at the time the city is participating in a joint school system or operating a separate school system), as the case may be, in such banks as may be designated for the purpose by the council and the school board, respectively, subject to the laws of the state applicable to the city and school board relative to the deposit of public funds.

7. Audit before payment, for legality and correctness, all accounts, claims and demands against the city, and no money shall be drawn from any bank account of the city or school board except by warrant or check, signed by the director of finance, based upon a voucher duly approved by him as above provided.

8. Have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this charter or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange.

9. Submit to the city manager for presentation to the council and to the superintendent of schools for presentation to the school board, not later than the tenth day of each month, a statement concerning the financial transactions of the city and each utility and of the school board, respectively, prepared

in accordance with accepted principles of municipal accounting and budgetary procedure, and showing:

a. The amount of each appropriation with transfers to and from the same, the allotments thereof to the end of the preceding month, the encumbrances and expenditures charged against such appropriation and the allotments thereof during the preceding month, the total of such charges for the fiscal year to the end of the preceding month, and the encumbered balance remaining in such appropriation and the allotments thereof;

b. The revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected.

10. Furnish to the head of each department, board, commission, office and agency of the city a copy of that portion of the statement relating to such department, board, commission, office or agency.

11. Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city, and to the school board a complete financial statement and report of the financial transactions of the school board.

12. Designate, with the approval of the city manager, an employee of the department of finance as deputy director of finance, who during the temporary absence or incapacity of the director of finance shall have and perform all the powers and duties conferred or imposed upon the director of finance.

13. Authorize the deputy director of finance and such other employees as the director of finance may deem necessary, and under such rules and regulations as he or she may establish, to affix the director of finance's signature to checks and other documents.

14. Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted. (2009, cc. 143, 156)

§ 40. Division of accounting and control.

There shall be a division of accounting and control of which the director of finance shall act as the head unless and until the council shall authorize by ordinance the director of finance to appoint another head. It shall be the duty of this division to maintain a general accounting system for the city government and each of its departments, boards, commissions, offices and agencies, including the school board, in conformity with the best recognized practices in governmental accounting; and to encumber each item of appropriation and the allotments thereof with the amount of each purchase order, payroll or contract approved by the director of finance immediately upon such approval, including each advance authorization as provided in subsection C of § 39. (2009, cc. 143, 156)

§ 41. Purchasing division.

There shall be a purchasing department headed by the purchasing agent. The purchasing agent shall be appointed by the city manager and under the supervision of the director of finance.

The purchasing agent shall oversee the purchase of all goods and services for the city, and the sale of all personal property of the city that may have been condemned as useless by the director of a department of the city, except the purchase of such goods and services and the sale of such personal property for which the council may make other provisions. The purchasing agent may require from the director of each department, at such times as contracts for goods and services are to be let, a requisition for the quantity and kind of goods and services to be paid for from the appropriations of the department. Upon certification that funds are available in the proper appropriations, such goods and services shall be purchased and shall be paid for from funds in the proper department for that purpose. The purchasing agent shall not approve the purchase of any goods and services for any department unless there is to the credit of such department an available appropriation balance sufficient to pay for such goods and services. However, this procedure shall not prevent the purchasing agent from purchasing goods and services for cash on account of storehouse stock for future use by the various departments under such regulations as the director of finance may prescribe.

Before making any purchase or sale, the purchasing agent shall give opportunity for competition under such rules and regulations as may be established by the director of finance. The purchasing agent shall perform such other duties in connection with the purchase of goods and services and the sale of personal property of the city as may be from time to time prescribed by the council. (2009, cc. 143, 156)

§ 42. Collection division; city tax collector; tax liens; distraint and sale of goods and chattels.

There may be a collection division, the head of which shall be the city tax collector, who shall work under the supervision of the director of finance. The city tax collector shall give bond in such sum as the council may prescribe, with surety to be approved by the council, conditioned for the faithful discharge of his or her official duties in relation to the revenue of the city, and of such other official duties as may be imposed upon the collection division by this charter and the ordinances of the city. It shall be the duty of the city tax collector to collect and receive all moneys due the city for taxes whether current or delinquent, assessments or fees or charges of every kind and except as otherwise provided by this charter or the general laws of the state as the same may relate to the city. In so doing the city tax collector shall have power to employ any procedure that is now or may hereafter be prescribed by law for the collection of state taxes or local taxes. There shall be a lien, which shall have precedence over any other lien or encumbrance thereon, on all real estate and on each and every interest therein, for the city taxes assessed thereon, from the commencement of the year for which they are assessed, including penalties and interest on such taxes, which may be enforced by the city tax collector on behalf of the city in any manner provided by law. All goods and chattels wheresoever found may be distrained and sold for taxes, interest and penalties assessed and due thereon and for taxes, interest

and penalties assessed against the owner thereof, and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes or levies assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes or levies assessed thereon, no matter in whose possession they may be found. (2009, cc. 143, 156)

§ 43. Real estate assessment division; assessor of real estate; board of review of real estate assessments; real estate assessment and reassessment generally.

There shall be an annual assessment and reassessment and equalization of assessments of real estate for local taxation. Such assessments and reassessments shall be performed by the real estate assessment division. The city manager shall appoint the city assessor, who shall be the head of such division and who shall be under the supervision of the director of finance. The real estate assessor shall assess all real estate for taxation and equalize the assessments. The budget for the city real estate assessment division shall be as provided by the city council.

All duties imposed on and all powers conferred by law on the commissioner of the revenue with respect to the assessment of real estate, including but not limited to the preparation of the land book, shall be performed by the real estate assessment division.

All real estate shall be assessed at its fair market value as of July 1 of each year, and taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to changes as may have been lawfully made.

Nothing contained herein shall be construed as authorizing the assessment of property required to be assessed by the State Corporation Commission by the Constitution of Virginia. The members of the present board shall continue to serve their appointed terms. (2009, cc. 143, 156)

§ 44. Department of human services.

There shall be a department of human services, which shall consist of a director of human services appointed by the city manager and such other officers and employees as may be assigned to this department in accordance with the provisions of this charter. The director of human services shall have charge of the social service functions of the city and such other functions and activities as may be assigned to him or her in accordance with the provisions of this charter. The director of human services shall, subject to the provisions of this charter, act as the local board of human services in accordance with the provisions of general law relating to the administration of social services and/or public welfare in cities. However, the council may by ordinance establish a local board of human services to consist of not less than three nor more than five citizens of the city that shall, except as otherwise provided in this charter, have the same powers and functions as local human service and/or public welfare boards in cities, or which may be created to serve in a purely advisory capacity to the director of human services. (2009, cc. 143, 156)

§ 45. Law department.

A. There shall be a law department, which shall consist of the city attorney and such deputy or assistant city attorneys and other employees as may be authorized by the city manager. The head of the law department shall be the city attorney, who shall be an attorney-at-law licensed to practice law in Virginia. The city attorney shall be appointed by the council, shall serve at the pleasure of the council and shall not engage in the private practice of law. The city attorney shall have the management and control of all the law business of the city and the departments, boards, commissions and agencies thereof or in which the city has an interest and shall have such other powers and duties as may be assigned to him or her by ordinance.

B. The city attorney shall:

1. Be the legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties; provided, however, that neither the city attorney nor other law department attorneys shall act as legal advisor to the board of zoning appeals as to any variance request or appeal of any administrative decision brought before the board and shall not represent the board of zoning appeals on any writ of certiorari unless jointly authorized by city council and the board;

2. Upon concurrence of council and the affected body, and subject to applicable rules of legal ethics, provide general legal representation to the redevelopment and housing authority and the economic development authority;

3. At the request of the city manager or any member of the council, prepare ordinances for introduction to city council and upon the request of the council or any member thereof, examine any ordinance after introduction and render an opinion as to the form and legality thereof;

4. Draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest;

5. Institute and prosecute all legal proceedings he or she shall deem necessary or proper to protect the interests of the city;

6. Represent the city as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue;

7. Attend all meetings of the council; and

8. With concurrence of the city manager, appoint and remove such deputy and assistant city attorneys and other employees as shall be provided by the council, and authorize the deputy or assistant city attorney or any of them or special counsel to perform any of the duties imposed upon the city attorney in this charter.

§ 46. Application of general state laws to city and officers.

The City of Williamsburg and the officers thereof, elected or appointed in accordance with the provisions of this charter, shall be clothed with all the powers and be subject to all the provisions of the general laws of this state, except insofar as the same are in express conflict with the provisions of this charter. (2009, cc. 143, 156)

Chapter VII. Finances.

§ 47. Fiscal year.

The fiscal year of the city government shall begin on July 1 and shall end on June 30 of each calendar year. The fiscal year shall also constitute the budget and accounting year. (2009, cc. 143, 156)

§ 48. Taxation.

In addition to the powers granted by other sections of this charter, the city shall have the power to raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient; provided, such taxes and assessments are not prohibited by the laws of the state. In addition to, but not as a limitation upon, this general grant of power, insofar as not prohibited by general law, the city shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to levy on and collect taxes upon the purchase of meals, which taxes may be added to and collected with the price of such meals; to levy on and collect taxes upon the purchase of transient lodging (lodging for not more than 90 consecutive days), which taxes may be added to and collected with the price of such lodging; to levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service; to establish, classify, impose and enforce sewerage rates, garbage collection rates and water rates, or other services, products or conveniences, operated, rendered or furnished by the city; to require licenses for the conduct of any business or profession and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city; to require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license and to require licenses of operators of trailer camps or sites in the city. (2009, cc. 143, 156)

§ 49. Budget and appropriations.

The city manager, on or before April 15 of each year, shall prepare and submit to the council a budget. The budget shall serve as a financial plan for the city, and the city manager in the budget message shall describe the important features of the budget, indicate any major changes from the current financial and expenditure policies and include such other material as the city manager deems desirable

or as the council may from time to time require. The budget shall show all estimated income, indicating the property tax levy, and all proposed expenditures, including debt service and capital program, and shall be in a form the manager deems desirable or the council may require. The total of proposed general fund expenditures shall not exceed the total of estimated general fund income. (2009, cc. 143, 156)

§ 50. Approval and adoption of budget.

Following the public hearing required by general law, and before the annual tax levy is made, the council shall approve its final budget for the next ensuing fiscal year by means of an annual appropriation ordinance. The budget shall be adopted by the votes of at least a majority of all members of the council. The budget shall be formally adopted not later than June 1 of each year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council. (2009, cc. 143, 156)

§ 51. General appropriations.

In implementation of the fiscal year budget the council shall appropriate moneys for the support and operation of the city government and any other purposes authorized by this charter and not prohibited by the laws of the state. All operating fund appropriations will lapse at fiscal year-end; however, any encumbered appropriations that remain unspent at year-end shall be included in the proposed budget for reappropriation by the council in the subsequent fiscal year. Further, at the discretion of the city manager, unspent appropriations for multiyear capital improvement projects shall also be included in the proposed budget for the next fiscal year. (2009, cc. 143, 156)

§ 52. Supplemental appropriations.

If available from surplus from the previous year's operations or from planned fund balance in the current budget as adopted, the council by resolution may make supplemental appropriations for the year not to exceed the amount of such balance. Supplemental appropriations may also be made by council by resolution not to exceed the unanticipated revenue from the state or federal sources where council has previously or currently approved the city's participation in such programs. (2009, cc. 143, 156)

§ 53. Emergency appropriations.

To meet a public emergency affecting the life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by the emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid no later than June 30 next succeeding that in which the emergency appropriation was made. The appropriations shall not exceed limits established by the Constitution of Virginia. (2009, cc. 143, 156)

§ 54. Reduction of appropriations.

If at any time during the fiscal year it appears possible to the city manager that the revenues available will be insufficient to the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of deficit and any remedial action taken by him or her, and shall make recommendations as to any other steps to be taken. The council shall then by resolution take such further action as it deems necessary to prevent any deficit. (2009, cc. 143, 156)

§ 55. Transfer of appropriations.

At any time during the fiscal year, the city manager may transfer part or all of any unencumbered appropriation balance within a department, office or agency, and such transfers shall be reported to the council at least quarterly. Upon recommendation by the city manager, the council may by resolution transfer part or all of any unencumbered appropriation from one department, office or agency to another. (2009, cc. 143, 156)

Chapter VIII. Borrowing.

§ 56. Borrowing.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner, and to the extent provided for in the following sections of this chapter. (2009, cc. 143, 156)

§ 57. Purpose for which bonds or notes may be issued; manner of issuing bonds and notes; limitation of indebtedness.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the constitution or general laws of the state. All bonds shall be in serial form payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than one year from the date of issue of such bonds. (2009, cc. 143, 156)

§ 58. Notes in anticipation of revenue.

Notes in anticipation of collection of revenue may be issued, when authorized by the council, at any time during the fiscal year, provided the notes shall mature not later than 12 months after date of issue, and in an amount not in excess of the revenues anticipated. (2009, cc. 143, 156)

§ 59. Manner of issuance.

Bonds and notes of the city shall be issued in the manner provided by general law. In the issuance of bonds and notes, the city shall be subject to the limitations as to amounts that are contained in Article VII, Section 10 of the Constitution of Virginia. (2009, cc. 143, 156)

Chapter IX. Zoning.

§ 60. Enumeration of powers.

For the purposes stated in Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia, the city council is hereby empowered to pass zoning ordinances in conformity with provisions of Article 7 of said chapter, as amended from time to time, except as herein otherwise provided in this chapter. (2009, cc. 143, 156)

§ 61. Rezoning protests.

If a protest or protests be filed with the council, signed by the owners of 20 percent or more of the area of the land, exclusive of public rights of way and other publicly owned property, included in a rezoning; or by the owners of 20 percent or more of the area of the land immediately adjacent to the land included in a proposed rezoning or by the owners of 20 percent or more of the land exclusive of public rights of way and other publicly owned property within 100 feet from the land in a proposed rezoning; or by the owners of 20 percent or more of the area of the land exclusive of public rights of way and other publicly owned property, directly opposite across any street or streets from the land included in a proposed rezoning, within a distance of 100 feet from the street lines directly opposite the land to be rezoned, then no such rezoning shall be made except by the favorable vote of four-fifths of all the members of the council; or in the event that one or more members of the council do not vote, then by the unanimous vote of all members voting but in no event less than three. The current City of Williamsburg real estate tax maps shall be the determining authority for ascertaining the boundaries and areas of properties in the application of this provision. (2009, cc. 143, 156)

§ 62. Board of zoning appeals.

The council shall appoint a board of zoning appeals, consisting of five members, none of whom shall hold any other position with the city, except that one may be a member of the local planning commission. All members shall be residents of the city. Their terms of office shall be for five years each, except that, if necessary, appointments made after this charter amendment shall be for such terms that the term of one member shall expire each year. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his or her successor is appointed and qualifies. Such board shall have the powers and duties imposed upon boards of zoning appeals by Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia. (2009, cc. 143, 156)

§ 63. Removal for cause.

The council may remove any member of the board for cause, after a public hearing. If a vacancy occurs otherwise than by the expiration of the term of the different members, it shall be filled by the council for the unexpired term. (2009, c. 143, 156)

§ 64. Chairperson, other officers, etc.

Unless the council designates some member of the board as chairperson, the board shall select a chairperson from among its own members and may create and fill such other offices as it may choose.

The board may employ such persons as the council may approve, and expend such sums as are appropriated by the council for its work. (2009, cc. 143, 156)

Chapter X. Transitional Provisions.

§ 65. Change of plan of government.

The plan of government provided by this charter may be changed to any other plans provided for government of cities at any time by the submission of such proposed change to a special election in the manner provided by general law for the submission of the same. (2009, cc. 143, 156)

§ 66. Land of College of William and Mary not to be taken.

Nothing in this charter shall permit the council of the City of Williamsburg to take any part of the land belonging to the College of William and Mary for any purpose herein named. (2009, cc. 143, 156)

§ 67. Repeal of conflicting acts.

All acts and parts of acts in conflict with any of the provisions of this charter are hereby repealed. (2009, cc. 143, 156)

Winchester, City of

History of incorporation

Originally known as Opequon, then as Frederick's Town (Fredericktown).
Established as a town in 1752 (c. 26), named Winchester.
Tradition holds that the name was given by a founder, James Wood, in honor of his birthplace in England.
Incorporated as a town in 1779 (c. 25) and as a City of Second Class in 1874.
Charter, 1874, c. 150; repealed 1932, c. 39.

Current charter

Charter, 1932, c. 39.

Editor's note: Amendments to the current charter are numerous; see amendment listing at the end of the document.

§ 1. The inhabitants of the city of Winchester, within the boundaries as now established or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by the name of the city of Winchester for all purposes for which cities and towns are incorporated in this Commonwealth; shall continue to be a body politic in fact and in name, under the style and name of the city of Winchester, and as such shall have, exercise and enjoy all of the rights, immunities, powers, and privileges, and be subject to all the duties and obligations incumbent upon and pertaining to said city as a municipal corporation; provided, that:

1. The said City of Winchester shall be and continue liable for all the existing indebtedness, whether funded or floating, outstanding in the name of the city; and

2. The said City of Winchester may sue in its corporate name on all bonds, notes, accounts or contracts payable to the city; and

3. The said City of Winchester shall have perpetual succession; and

4. The said City of Winchester may use a corporate seal; and

5. The said City of Winchester may sue and be sued; and

6. The said City of Winchester may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation; and

7. The said City of Winchester may sell, lease, hold, manage and control such property as its interest may require; and

8. Except as prohibited by the Constitution of Virginia or restricted by this charter, the City of Winchester shall have all municipal powers, functions, rights, privileges and immunities of any name or nature whatsoever, and it now appearing that the City of Winchester, having a population in excess of 10,000, is, under the laws now existing in the Commonwealth of Virginia, a city of the first class, it shall enjoy all of the rights, privileges and immunities of a city of that class now authorized under the Constitution and statutes of the Commonwealth of Virginia or that might hereafter be authorized by any amendment thereto. (1932, c. 39; 2012, c. 350)

§ 1.01. Assessment and collection of licenses and taxes.

In addition to the powers granted by other sections of this charter the city shall have the power to raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall, when not prohibited by the laws of the Commonwealth, have power:

1. To levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools, and a capitation tax not exceeding one dollar per annum on each resident of the Commonwealth within the limits of the city;

2. To levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge;

3. To levy on and collect taxes from purchasers of any public utility service used within the city, which taxes may be added to and collected with the bills rendered purchasers of such service;

4. To require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions which cannot, in the opinion of the council, be reached by the ad valorem system; and

5. To require licenses of resident owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license.

Nothing herein contained shall be construed as permitting the city to levy and collect directly or indirectly a tax on payrolls. (1954, c. 85; 2012, c. 350)

§ 1.02. Acquisition of property for public purposes.

(a) Eminent domain. The city is hereby authorized to acquire within the city by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein, of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the Commonwealth and cannot with reasonable diligence be found in the Commonwealth or is unknown.

Such proceedings may be instituted in the corporation court of the city of Winchester. The court or the judge thereof, shall appoint five disinterested freeholders any three of whom may act as commissioners as provided by law.

(b) Alternative procedures in condemnation. The city may, in exercising the right of eminent domain conferred by subsection (a) make use of the procedure prescribed by the general law of the Commonwealth as modified by subsection (a) or may elect to proceed as hereinafter provided. In the latter event, the resolution or ordinance directing acquisition of any property, as set forth in the preceding section, shall provide therein a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners

of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenants of the freehold be unknown or a nonresident of the Commonwealth or cannot with reasonable diligence be found in the Commonwealth, or if the residence of the owner or tenant be unknown, he may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted as a main entrance to the courthouse. The publication shall in all respects conform to §§ 8-71, 8-72 and 8-76 of the Code of Virginia.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor, the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceeding is instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given to the making of such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in § 25-12 of the Code of Virginia or as provided for in subsection (a) hereof, and all proceedings thereafter shall be had as provided in §§ 25-12 through 25-38 or §§ 33-59 through 33-67 of the Code of Virginia insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and

the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award.

(c) Enhancement in value when considered. In all cases under the provisions of subsection (b) hereof, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the city, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage there shall be no recovery over against the owner for such excess.

(d) Unclaimed funds in condemnation cases. Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in subsection (a) hereof, in any condemnation proceeding instituted therein by the city, without any claim having been asserted thereto such court shall act in accordance with §§ 8-746 and 8-747 of the Code of Virginia. (1954, c. 85)

§ 1.03. Police and welfare powers.

The city shall have power to exercise full police powers and to enact any ordinances and regulations to preserve and further the public peace, order, health, morality, safety, security and welfare of its inhabitants, provided such ordinances and regulations are not inconsistent with this charter or prohibited by the general laws of the Commonwealth. (1954, c. 85)

Enumerated Powers Not Exclusive.

§ 2. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein, employed thereby, or appropriated to the exercise thereof, it is intended that the city of Winchester shall have, and may exercise, all powers which, under the Constitution of Virginia, it would be competent for this charter specifically to enumerate. All powers of the city, whether express or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinances or resolutions of the council. (1932, c. 39)

Administration of the City.

§ 3. The administration and government of said city shall be vested in a mayor and a board called the Common Council of Winchester, and such other boards and offices as are now, or hereafter may be

provided for. Council may appoint: (1) a City Manager to whom shall be delegated the responsibility for administration of the City's affairs including management, appointment, and supervision of officers, directors, and department heads; (2) a City Attorney who shall be responsible for handling all legal matters on behalf of the City of Winchester; (3) a City Clerk who shall be responsible for creating and maintaining all official records of acts of Council; and (4) such other offices as prescribed by this Charter, general ordinances of the City of Winchester, and other applicable law. In addition to the foregoing, the offices of said corporation shall include a mayor, eight councilmen, and such other offices as are now provided by general ordinances of the City of Winchester and as hereafter may be provided for and elected by the Common Council. (1932, c. 39; 2012, c. 350)

§ 3.01. Office of vice-mayor.

The common council may by ordinance create the office of vice-mayor who shall act in all official matters of the city in the absence of the mayor. The vice-mayor shall be a member of the common council and shall be elected by the common council for a term of one year. In the absence of the mayor the vice-mayor shall have, possess and exercise the same rights and powers and be subject to the same duties and limitations as are provided by law for the office of mayor, provided, however, that, in the event the office of mayor becomes vacant, the vice-mayor shall only act during the interim until a new mayor is elected in the manner provided by § 23 of this charter. (1954, c. 85)

The Council.

§ 4. Composition, election, terms, etc. of council.

Except as otherwise provided in this charter, all powers of the city shall be vested in a mayor and city council. The general election held in the city in 2006 shall be held on the first Tuesday after the first Monday in November 2006, and every two years thereafter. Beginning in the 2006 general elections, there shall be four wards in the city with each ward electing two members from the territory of the ward in the manner provided in this section, and the mayor elected at-large. In the November 2006 general elections, four members shall be elected to the council, one from each of four wards described in §§ 7-2, 7-3, 7-3A, and 7-3B of the Code of the City of Winchester. Each of the four city council members elected in 2006 shall be elected to a term of office of four years, and that term of office shall begin on the first day of January following their election. Thereafter, in the 2008 elections, four members shall be elected to the city council, one from each of the four wards described in §§ 7-2, 7-3, 7-3A, and 7-3B of the Code of the City of Winchester. The term of office of the members of the council and the mayor shall be for a period of four years, with council positions staggered such that four members of the council shall be elected every two years beginning in 2006. Council members elected in the 2002 elections whose terms expire in 2006 shall serve until their successors in office have been elected in the November 2006 general election and until their successors in office begin their term of office. Council members elected in the 2004 elections whose terms expire in 2008 shall serve until their successors

in office have been elected in the November 2008 general elections and until their successors in office begin their term of office. If a vacancy occurs in the council, it shall be filled in accordance with § 23 of this charter. Members of the council shall be qualified electors of the city and shall not hold any other public office. A member of the council ceasing to possess any of the qualifications specified in this section, or convicted of a felony or of a misdemeanor involving moral turpitude while in office, shall immediately forfeit such office. The mayor, council members and all other officials elected by the vote of the people shall serve out the present term for which they have been elected as specified above, and no change shall be made in the compensation of salaried and fee officials during their present term of office. The mayor shall be a member of the council, with voting powers of a council member, but the mayor shall have no veto powers. (1932, c. 39; 1975, c. 4; 2005, c. 626)

Powers and Duties of Council.

§ 5. (a) Council shall have, possess and exercise the general management of the affairs of the city, and shall exercise and perform all the powers and duties now authorized or imposed by law or special act, insofar as they are not inconsistent with this charter.

(b) Council shall at its first meeting, or as soon thereafter as practicable, determine what appointive officers, in addition to any specifically provided for in this charter, are necessary for the proper and efficient administration of the city, and shall prescribe the qualifications, powers and duties of such officers and fix their compensation; and shall forthwith, or as soon as desirable, make appointments to fill such offices.

(c) Council shall have the right to elect or appoint the chiefs or heads of departments, and all such other officials and employees authorized by this charter or general law, and remove the same at pleasure; except as to those officers provided for by the general law of Virginia, or by any special act, and shall have the right to abolish any office created by them. Council may, by a majority vote of all members elected to the council, abolish any board or boards and perform all of the duties now performed by them.

(d) Council is hereby empowered to employ a person, who may or may not be a resident or qualified voter of this city or this Commonwealth, to be known as "city manager," and who shall, under the control of the council, have the general charge and management of the administrative affairs and work of the city and who shall perform such other duties as may be required of him. He shall receive such salary as shall be allowed him by such council. Council and its members shall deal with that portion of the administrative service for which the manager is responsible, solely through the manager, except for purposes of inquiry.

The city manager shall be appointed for such time as the council shall provide.

(e) Council is hereby empowered to employ a city attorney, and may employ or contract for the services of one or more assistants to the city attorney. Each such person shall be an attorney at law licensed to practice under the laws of the Commonwealth. The city attorney shall be the legal adviser of the council, the city manager, the departments, boards, commissions, and agencies of the city, including the school board, in all matters affecting the interest of the city, and shall perform such other duties as may be required of him by the council. He shall be authorized to represent the city in all legal proceedings, including the prosecution of violations of city ordinances. The city attorney may authorize any assistant city attorney or special counsel to perform any of the duties imposed upon him in this charter. (1932, c. 39; 1988, c. 137)

§ 5.01. (1994, c. 494; 2005, c. 626; repealed 2008, c. 307)

§ 5.02. Annual budget.

(A) Fiscal year. The fiscal year of the city shall begin on the first day of July and shall end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

(B) Submission. The city manager shall submit to the council a budget and a budget message at least 60 days prior to the beginning of each fiscal year.

(C) Preparation. It shall be the duty of the head of each department, the judges of the courts not of record, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, to file at such time as the city manager may prescribe estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. The city manager shall hold such hearings as he may deem advisable and shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board he may recommend a revision only in its total estimated expenditure. The budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques.

(D) Budget to be balanced. In no event shall the expenditures recommended by the city manager in the budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year, the receipts from which are estimated on the basis of the average experienced with the same or similar taxes during the previous three tax years will make up the difference. If estimated receipts exceed estimated expenditures, the city manager may recommend revisions in the tax and license ordinances of the city in order to bring the budget into balance.

(E) Message. The budget message shall contain the recommendations of the city manager concerning the fiscal policy of the city, a description of the important features of the budget and an explanation of all significant changes in the budget as to estimated receipts and recommended expenditures as compared with the current and last preceding fiscal years.

(F) Appropriation and additional tax ordinances. At the same time that he submits the budget, the city manager shall introduce and recommend to the council an appropriation ordinance that shall be based on the budget. He shall also introduce at the same time any ordinances levying a new tax or altering the rate on any existing tax necessary to balance the budget as provided in this charter. In levying taxes, the council may provide that any tax so levied shall continue from year to year unless otherwise changed by the council.

(G) Public hearing. The council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard. The council shall cause to be published a notice of the time and place of the hearing not less than seven days prior to the date of the hearing. One copy of the budget and budget message shall always be available for public inspection in the office of the city clerk during regular business hours.

(H) Adoption. After the public hearing, the council may make such changes in the budget as it may determine, except that no item of expenditure for debt service shall be reduced or omitted. The budget shall be adopted by the vote of at least a majority of all members of the council not later than the end of the current fiscal year. Should the council fail to adopt a budget prior to such day, the budget shall be deemed to have been finally adopted as submitted. In no event shall the council adopt a budget in which the estimated total of expenditures exceeds receipts, unless at the same time it adopts measures to provide additional revenue estimated to be sufficient to make up the difference.

(I) Additional appropriations. Appropriations in addition to those contained in the general appropriation ordinance may be made by the council only if there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations.

(J) Lapse of appropriations. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully obligated or encumbered. (2008, c. 307)

Powers and Duties of Mayor.

§ 6. The mayor shall have, possess and exercise the same rights and powers given him by general law or by special act, except insofar as the same may be amended or modified by the provision of this charter, and in addition thereto, he shall sit as a member of the city council, with the right to vote as such, but the mayor shall not be clothed with any veto authority. (1932, c. 39)

Investigations.

§ 7. The council, or the city manager, if so authorized by the council, shall have the right to make such investigations relating to municipal affairs as it may deem necessary, and shall have the power to summon and enforce attending of witnesses, et cetera. (1932, c. 39)

Change of Charter.

§ 8. This charter may be changed by a special act of the General Assembly of Virginia, by the presentation to the General Assembly of an ordinance, regularly passed by the city council by the vote of at least three-fourths of the members elected to the council. (1932, c. 39; 2012, c. 350)

Utilities.

§ 9. The city shall have the power to furnish all local public service; to purchase, hire, construct, maintain and operate or lease public utilities; to acquire by condemnation or otherwise, within or without the city limits, land and property necessary for such purposes; provided, that the power of condemnation shall not extend to the properties of existing public utilities. And the city shall have full and complete powers to operate any such public utility so acquired so as to enjoy for its citizens fully and completely all benefits to be derived therefrom. (1932, c. 39)

Quarries.

§ 10. The city shall have authority, through its council or other governing body, to acquire and own land suitable for stone quarries, or the quarry rights in such lands; to take stone therefrom and to manufacture the same into crushed stone for its own use, and shall have further authority to furnish said stone, mix the same with approved material for laying pavements in the city of Winchester, on its own account. (1932, c. 39)

Transfer of Appropriations.

§ 11. Upon the written recommendation of the city manager, the council may at any time transfer any portion of an unexpended balance of any appropriation to any other purpose or object. (1932, c. 39)

City Planning and Zoning.

§ 12. The city shall have full and complete powers to pass any ordinances not in conflict with the state laws for planning and zoning the city for any purpose deemed advisable by the city council, as completely as if all such purposes are fully set forth specifically herein. (1932, c. 39)

Floating Indebtedness.

§ 13. The city council is authorized to borrow, during each calendar year, to be repaid during said calendar year, not exceeding fifty per centum of the anticipated general revenue for that calendar year for which said borrowing is made. And in this connection, it shall execute its note or notes, payable within the calendar year, signed by the mayor, the president of the city council and the city treasurer. (1932, c. 39)

Advisory Committee.

§ 14. The council or the city manager, when so authorized by the council, may appoint a board or committee of citizens to act in an advisory capacity, to act in connection with any municipal activity. (1932, c. 39)

Appointment and Term of School Board Members.

§ 14.01. Appointment and term of school board members.

A. The School Board of the City of Winchester shall consist of seven members, who shall be elected to serve four-year terms. One member shall be elected for each of the four districts (wards) in the City, and three members shall be elected at-large.

B. In the event that any vacancy occurs on the School Board, the vacancy for the unexpired term shall be filled in accordance with general law.

C. The School Board shall be a continuing body, and no measure pending before the School Board shall abate or be discontinued by reason of the change in terms of the School Board members or change in membership of the School Board as provided herein. (1972, c. 106; 2004, c. 31; 2007, c. 936; 2008, c. 6; 2012, c. 350; 2020, c. 598)

Buying from Council Members.

§ 15. Buying from council members.

Neither the city nor any of its departments shall make any purchases from a city council member unless as a result of competitive sealed bidding where the city council has established a need for the same or substantially similar goods and services through purchases prior to the election of the council member. However, the council member shall have no involvement in the preparation of the specifications for the contract, and the remaining members of the city council, by written resolution, shall state that it is in the public interest for the council member to bid on the contract. (1932, c. 39; 2005, c. 626)

Terminals.

§ 16. The council shall have full and complete powers to prescribe ordinances for traffic regulations upon the streets and alleys of the city and it shall have full authority by ordinance to require all public conveyances, cabs, buses and trucks, operated by motor or other power, within the city or in and out of the city, to provide terminals at such points as shall meet with the approval of the council and to provide all reasonable regulations governing the same and to pass all regulations deemed necessary and expedient by the city council for the general welfare of the city and its citizens. (1932, c. 39)

Laying Out Streets.

§ 17. Laying out streets; pavement and repair of sidewalks upon existing streets.

(a) The council may establish, open, widen, extend, grade, improve, construct, maintain, alter or close public highways and streets and regulate the use thereof. No property within the corporate limits of the city or within three miles of the limits, as now or hereafter established, shall be laid out with streets or alleys thereon, except upon a plan or plat to be submitted to the city manager and approved by the council; provided, however, that any such plans affecting territory more than two miles beyond such corporate limits must be approved by the governing body of the county in which the same is located. Said plat or plan shall, if so approved by the council, be recorded in the clerk's office of the corporation court of the city within sixty days after approval. The council may, after said approval, require the owner to lay out and establish proper building lines on the platted land and to show on the plat that all conveyances of lots shown on the plat are to be made with reference to such building lines, for the benefit of the respective lot owners of the city. The city shall not be liable for any accidents or damages which may occur or be sustained upon any such street, alley, boulevard or way, heretofore or hereafter laid out, until the same has been finally accepted by the council by proper ordinance.

(b) The council shall have the power to cause the footways or sidewalks upon the existing streets of the city to be paved, repaved and repaired, at the expense of the abutting owners or occupiers of the lots or parts of lots; provided the assessment so imposed shall not be in excess of the peculiar benefits resulting therefrom to such abutting landowners; and in case they or either of them shall neglect or refuse to pave, repave or repair the sidewalks when required, it shall be lawful for the council to have the same paved, repaved or repaired, and recover the expense thereof before the trial justice or the corporation court, and in all cases where a tenant is required to pave in front of the property in his or her occupation, the expense of the paving so done shall be a good offset against so much of the rent as he or she shall have paid toward such paving, but no tenant shall be required to pay more for or on account of such paving than such tenant may owe at the time of the commencement of said work, or as may become due to the end or his or her tenancy, provided that no owner, or occupier of a lot or lots in front of which paving is laid shall be required to repave or repair said footways or sidewalks, in whole or in part, at his own expense oftener than once in five years. (1932, c. 39; 1954, c. 85; 1958, c. 137)

Bond Issues.

§ 18. Certificates of debt and bonds.

(a) The Council may, in the name and for the use of the city, cause to be issued certificates of debt or bonds for any purpose or project set forth in the Public Finance Act (§ 15.2-2600 et seq) of the Code of Virginia, and in compliance with the provisions thereof. All bonds issued pursuant to this section shall be signed by the president of council and the treasurer of the city, and the seal of the city shall be affixed and attested by the clerk of council. Such bonds shall be sold in the manner provided for in the Public Finance Act and the proceeds used for purposes for which issued, under the direction of council. Every such bond or other obligation issued by the council hereunder shall state on its face for what purpose or purposes it is issued, and the proceeds shall be applied exclusively to the purpose or purposes for which the same are issued. In the issuance of bonds and other interest bearing obligations the city shall be subject to the limitations as to amount and the manner of ascertaining such amount limitations as provided in the applicable provisions of Article VII, Section 10 of the Constitution of the Commonwealth of Virginia.

(b) Council may provide by resolution adopted upon the affirmative vote of at least three-fourths of the elected members of council for the submission of the question of the issuance of any such debt to the vote of the qualified voters of the city. The vote of council on a resolution providing for such referendum shall be held, if at all, prior to the adoption by council of the ordinance providing for the issuance of such debt, and no such resolution shall be considered after the adoption of such ordinance. At such election the ordinance of council providing for the issuance of such debt shall be submitted to such voters at an election for such purpose to be called and held and conducted in accordance with the general laws of the Commonwealth of Virginia. If approved by the voters, the issuance of such debt shall be done in accordance with subsection (a) of this section. (1932, c. 39; 1954, c. 85; 1968, c. 54; 1989, c. 127; 2012, c. 350)

Refunding Bonds.

§ 19. The council shall have authority to issue bonds for the purpose of refunding any bonds of the city pursuant to and in compliance with Article 4 of the Public Finance Act, Title 15.1, Chapter 5 (§ 15.1-192 et seq) of the Code of Virginia, as amended from time to time. (1932, c. 39; 1989, c. 127)

Working Prisoners.

§ 20. Subject to the general laws of the Commonwealth regulating the working of those convicted of offenses against the Commonwealth, the council shall have the power to provide by ordinance for the employment or the working, either within or without the city limits, or within or without any city prison or

jail, of all persons sentenced to confinement in said prison or jail for the violation of the laws of the Commonwealth of Virginia, or the ordinances of the city of Winchester. (1932, c. 39)

Pension Funds.

§ 21. The council of said city shall have authority to establish a fund or funds for the relief or pensions of persons in the service of said city; to receive gifts, devises and bequests or money or property for the benefit of such fund or funds; to make contributions of public monies thereto on such terms and conditions as it may see fit; and to make rules and regulations for the management, investment and administration of such fund or funds. (1932, c. 39)

City Treasurer. (Repealed)

§ 22. (1932, c. 39; 1975, c. 4; repealed 2012, c. 350)

Vacancies in Council.

§ 23. Vacancies in the council shall be filled within thirty days from the unexpired term by a majority vote of the remaining members, provided, however, that if the term of office to be filled does not expire for two years or more after the next regular election following such vacancy and such vacancy occurs in time to permit it, a qualified person shall be elected by the qualified voters of the ward in which the vacancy occurs and shall from and after the date of his qualification succeed such appointee and serve the unexpired term. (1932, c. 39)

Police Justice. (Repealed)

§ 24. (1932, c. 39; 1940, c. 405; 1942, c. 474; 1954, c. 85; repealed 2012, c. 350)

Judge of the Corporation Court. (Repealed)

§ 25. (1932, c. 39; repealed 2012, c. 350)

General Provisions.

§ 26. All ordinances of the city of Winchester and all acts of the general assembly applicable to cities of the first class and not inconsistent with this charter shall remain in full force and virtue and all general laws applicable to cities of the first class and not inconsistent with any of the provisions of this charter or of any ordinances of the city shall be applicable to the city of Winchester, and all general laws of the Commonwealth of Virginia applicable to cities of the first class shall apply to the city of Winchester as if fully set forth in this charter, except where the same may be inconsistent with the specific provisions of this charter. (1932, c. 39)

Editor's note: Complete amendments listing for the City of Winchester:

Current charter
Charter, 1932, c. 39.

Amendments to current charter
1940, c. 405 (§ 24)
1942, c. 474 (§ 24)
1954, c. 85 (§§ 1.01, 1.02 and 1.03 [added], 3.01 [added], 17, 18, 24)
1958, c. 137 (§ 17)
1968, c. 54 (§ 18)
1972, c. 106 (§ 14.01 [added])
1975, c. 4 (§§ 4, 22)
1988, c. 137 (§ 5)
1989, c. 127 (§§ 18, 19)
1994, c. 494 (§ 5.01 [added])
2004, c. 31 (§ 14.01)
2005, c. 626 (§§ 4, 5.01, 15)
2007, c. 936 (§ 14.01)
2008, c. 6 (§ 14.01)
2008, c. 307 (§§ 5.01 [repealed], 5.02 [added])
2012, c. 350 (§§ 1, 1.01, 3, 8, 14.01, 18, 22 [repealed], 24 [repealed], 25 [repealed])
2020, c. 1734 (§ 14.01)

Windsor, Town of

County of Isle of Wight

History of incorporation
Incorporation and charter, 1902, c. 237; repealed 2010, cc. 219, 842.

Current charter
Charter, 2010, cc. 219, 842.

Amendments to current charter
2012, c. 438 (§§ 3.4, 4.2)

Article 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the Town of Windsor, as the same are now or may hereafter be established by law, shall constitute and continue to be a body politic and corporate under the name of the Town of Windsor (the town), and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal that it may alter, renew, or amend at its pleasure. (2010, cc. 219, 842)

§ 1.2. Boundaries.

The corporate limits or boundaries of the town, unless and until changed in the manner prescribed by law, shall be the same as set forth in Chapter 84 of the Acts of Assembly of 1973 and as set forth in an annexation order dated May 11, 2001, entered by the Circuit Court of Isle of Wight County. (2010, cc. 219, 842)

Article 2. Powers.

§ 2.1. General grant of powers.

The town shall have and may exercise all powers that are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers that, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive but shall be held to be in addition to this general grant. (2010, cc. 219, 842)

§ 2.2. Construction.

The powers that are now or may hereafter be conferred upon or delegated to the town under the Constitution and general laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by the town. (2010, cc. 219, 842)

§ 2.3. Adoption of certain sections of the Code of Virginia.

The powers set forth in Chapter 11 (§ 15.2-1100 et seq.) and Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 of the Code of Virginia (1950), and any acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the town. (2010, cc. 219, 842)

§ 2.4. Eminent domain.

The town shall also have all powers of eminent domain that are now or may be granted to a municipal corporation under the laws of the Commonwealth. (2010, cc. 219, 842)

Article 3.The Council.

§ 3.1. Definitions.

As used in this charter, the term "officer" refers to council members and persons appointed by and responsible to the council, such as the town clerk, the town manager, the town attorney, and the town treasurer; the term "officials" refers to administrative department heads; and all other persons employed by the town are designated "employees." (2010, cc. 219, 842)

§ 3.2. General powers and duties of the council.

The government of the town shall be vested in the council, which shall have the power to enact and enforce ordinances and resolutions to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the town and for

ensuring the implementation thereof by the town manager and town administration. (2010, cc. 219, 842)

§ 3.3. Composition and qualifications.

The council shall be composed of a mayor, who shall be elected from the town at large, and six council members to be elected from the town at large. The mayor shall be a member of the council. The council members shall be qualified voters of the town. (2010, cc. 219, 842)

§ 3.4. Election and term of office.

The council shall be elected in the manner provided by Virginia elections laws. Four council members, including the mayor, shall be elected on the first Tuesday in May of the year 2010 and every four years thereafter. The three other council members shall be elected on the first Tuesday in May of the year 2012 and every four years thereafter. However, beginning in 2014, four council members, including the mayor, shall be elected on the first Tuesday following the first Monday in November and every four years thereafter. The three other council members shall be elected on the first Tuesday following the first Monday in November 2016 and every four years thereafter.

The term of office for all council members shall begin on the first day of July next following their election, and they shall serve for terms of four years or until their successors shall have been elected and qualified. However, those members elected in 2010 and 2012 shall serve six additional months as the town transitions to November elections. Thereafter, the term of office for all council members shall begin on the first day of January next following their election, and they shall serve for terms of four years or until their successors shall have been elected and qualified. The council members may succeed themselves as often as the voters may choose. (2010, cc. 219, 842; 2012, c. 438)

§ 3.5. Voters of the town.

The voters of the town shall be the actual residents of the town who are qualified to vote for members of the General Assembly. (2010, cc. 219, 842)

§ 3.6. Compensation; expenses.

The council may determine the annual salary of its members by ordinance or resolution. (2010, cc. 219, 842)

§ 3.7. Mayor and vice-mayor.

The mayor shall preside at meetings of the council and shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes but shall have no administrative or judicial duties. The mayor shall not have the authority to veto any action of the council. The mayor shall give no vote in the council except in case of a tie, when he shall give the casting vote.

At the first meeting of the council in July of each even-numbered year, the council shall elect from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as mayor during the absence or disability of the mayor. (2010, cc. 219, 842)

§ 3.8. Absence or disability of mayor and vice-mayor.

If both the mayor and vice-mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the council to order and shall preside during the meeting until council elects an acting mayor. This shall not be construed to vest in the clerk any of the powers and duties of the mayor, except as expressly stated in this section. (2010, cc. 219, 842)

§ 3.9. Prohibitions.

Except as otherwise authorized by law, a member of council shall not be eligible as such member during his tenure of office, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, a member of council may be compensated as a member of the board or commission.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative official or employee whom the town manager or any of his subordinates are empowered to appoint or prevent the town manager from exercising his own judgment in the appointment of officials or employees in the town's administrative service.

Except for the purpose of discussions, inquiries, and official investigations, the council and its members shall deal with and communicate with the town's administrative service, officials, and employees who are subject to the direction and supervision of the town manager solely through the town manager, and neither the council nor its members shall give orders to any such official or employee, either publicly or privately. (2010, cc. 219, 842)

§ 3.10. Vacancies.

The office of a council member shall become vacant upon his death, resignation, or removal from office in a manner authorized by law. If the vacancy is the mayor's position, the vice-mayor shall then become the mayor, and council shall, at the next meeting of council, elect a new vice-mayor to fill the unexpired term of the former vice-mayor.

A vacancy on the council shall be filled within 45 days by a majority vote of the remaining members. The person appointed by council shall hold office until the qualified voters fill the vacancy by special election pursuant to Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2 of the Code of Virginia (1950), and the person so elected has qualified.

If a vacancy is being filled by voters at the next councilmanic election, the candidates receiving the highest number of votes shall be entitled to full terms and the candidate receiving the next highest number shall be entitled to the unexpired term caused by the vacancy. (2010, cc. 219, 842)

§ 3.11. Town clerk and town treasurer.

The council shall appoint a town clerk who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to council members and the public; keep the journal of council proceedings; keep all papers, documents, and records pertaining to the town; keep and attest the town seal; and perform such duties as are assigned to the clerk by this charter or by the council. The council shall appoint a town treasurer who shall serve at the pleasure of council and shall perform such duties as are assigned to the treasurer by the council. The town clerk and the town treasurer may, at council's option, be the same person. (2010, cc. 219, 842)

§ 3.12. Independent audit.

The council shall provide for an annual independent audit of all the town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers. (2010, cc. 219, 842)

§ 3.13. Procedure.

The council shall meet regularly at least once in every month, at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor or of any two members upon no less than 24 hours notice to each member, except in cases of an emergency when the time limit may be waived. No business shall be transacted by the council in such special meeting that has not been stated in the notice unless all members of the council are present and give their unanimous consent to the consideration of such business.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Council may elect to install electronic equipment in its council chambers so as to provide for an electronic roll call and voting. Each member shall cast either an aye vote or a nay vote, except in those situations in which a member must abstain from voting due to a conflict of interest. Four members of the council shall constitute a quorum. No action of the council, except as provided in the preceding sentence, shall be valid or binding unless adopted by the affirmative vote of four or more members of the council. (2010, cc. 219, 842)

§ 3.14. Town attorney.

A town attorney shall be appointed by and serve at the pleasure of the council. He shall be qualified to practice law in the Commonwealth of Virginia. He shall serve as chief legal advisor to the council and to the town administration. He need not be a resident of the town at the time of his appointment or while in office. (2010, cc. 219, 842)

§ 3.15. Committees, boards, and commissions.

The council may create committees, boards, and commissions to be composed of such numbers of citizens, or persons, as the council may deem expedient as authorized by law. The council shall appoint the members and prescribe the compensation, if any, and the powers and duties of such committees, boards, and commissions consistent with the general law.

All members of committees, boards, and commissions appointed by the council may be removed by the council unless otherwise provided by the general law. (2010, cc. 219, 842)

Article 4. The Town Manager.

§ 4.1. Appointment, qualifications, and compensation.

A town manager shall be appointed by and serve at the pleasure of the council. The amount of compensation shall be fixed by the council. The manager shall be appointed solely on the basis of executive and administrative qualifications in the profession of management and administration. The manager need not be a resident of the town or the Commonwealth at the time of appointment but may reside outside of the town while in office only with the prior approval of the council. Council may enter into a multi-year employment agreement with the manager. (2010, cc. 219, 842)

§ 4.2. Powers and duties of the town manager.

The town manager shall be the chief executive officer of the town. The manager shall be responsible to the council for the proper management and administration of all town affairs placed in his charge by or under this charter. The manager shall have the following powers and duties. The manager shall:

1. Appoint and, when deemed necessary for the good of the service, suspend or remove any town employee or appointive administrative official provided for, by, or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The manager may authorize any administrative official who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that official's department, office, or agency;

2. Direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this charter or by other law;

3. Attend all council meetings and shall have the right to take part in discussion but may not vote;

4. See that all laws, provisions of this charter, and acts of the council subject to enforcement by the manager or by officials subject to the manager's direction and supervision are faithfully executed;

5. Prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget;

6. Examine regularly the books and papers of every official and department of the town and report to the council the condition in which he finds them;

7. Make such other reports as the council may require concerning the operations of town departments, offices, and agencies subject to the manager's direction and supervision;

8. Keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the manager deems desirable; and

9. Perform such other duties as are specified in this charter or may be prescribed by the council. (2010, cc. 219, 842; 2012, c. 438)

§ 4.3. Removal.

The council may remove the manager at any time at the pleasure of the council. The action of the council in suspending or removing the manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council. (2010, cc. 219, 842)

Article 5. Administrative Departments.

§ 5.1. Creation of departments.

The council may establish all departments, offices, and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth. (2010, cc. 219, 842)

§ 5.2. Direction by town manager.

All departments, offices, and agencies except as otherwise provided by this charter or by general law shall be under the direction of the town manager and shall be administered by an official appointed by and subject to the direction and supervision of the manager. (2010, cc. 219, 842)

Article 6. Financial Procedures.

§ 6.1. Fiscal year.

The fiscal year of the town shall begin on the first day of July and end on the last day of June. (2010, cc. 219, 842)

§ 6.2. Submission of budget and budget message.

On or before the first day of May of each year, the town manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. (2010, cc. 219, 842)

§ 6.3. Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall explain the proposed financial policies of the town for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; summarize the town's debt position; and include such other material as the manager deems desirable. (2010, cc. 219, 842)

§ 6.4. Budget.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the town manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall begin with a clear, general summary of its contents; shall show in detail all estimated income, indicating the proposed tax levies, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual income and expenditures of the preceding fiscal year. The budget shall indicate in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the method of financing such expenditures;

2. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each such capital expenditure; and

3. Anticipated net income or net loss for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; the manager shall include in the budget subsidiary budgets for each such utility giving detailed income and expenditure information and proposed utility rates.

The total of proposed expenditures shall not exceed the total of estimated available funds. (2010, cc. 219, 842)

§ 6.5. Council action on budget.

Pursuant to the provisions of general law, the council shall publish a brief synopsis of the budget and the time and place of a public hearing on the budget in one or more newspapers having general circulation in the town.

After the public hearing, the council may adopt the budget with or without any amendment to increase, decrease, or change expenditures, revenues, programs, tax levies, or any other amendment that council deems necessary. In amending the budget, council may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to any amount greater than the total of estimated available funds.

The council shall, by ordinance or resolution, adopt the budget before the first day of the fiscal year for which it is adopted, and said ordinance or resolution shall appropriate the amounts specified in the budget as expenditures from the funds indicated in the budget. (2010, cc. 219, 842)

§ 6.6. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town. (2010, cc. 219, 842)

§ 6.7. Amendments after adoption.

The council may amend the budget during the fiscal year pursuant to the provisions of general law by the adoption of an ordinance or resolution.

To meet a public emergency affecting life, health, property, or the public peace, the council may make emergency appropriations. Such appropriations may be made by ordinance or resolution. To the extent that there are no available unappropriated funds to meet such appropriations, the council may, with the adoption of such ordinances or resolutions, authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

If at any time during the fiscal year it appears probable to the town manager that the funds available will be insufficient to meet the amount appropriated, then the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance or resolution reduce one or more appropriations. (2010, cc. 219, 842)

§ 6.8. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered by the town manager. An appro-

priation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. (2010, cc. 219, 842)

§ 6.9. Debts and bonds.

The council shall be empowered to borrow such sum or sums of money as may be necessary or convenient, subject to such limitations that are now or may be imposed by the Constitution and the laws of the Commonwealth of Virginia. The council shall be empowered to issue revenue bonds as may be necessary or convenient in the manner prescribed by law. (2010, cc. 219, 842)

§ 6.10. Assessments of local improvements.

The council may impose special assessments for local improvements and force payment thereof, subject to such limitations prescribed by the laws of the Commonwealth as may be in force at the time of the imposition of such special assessments.

The council may provide that the persons, firms, and corporations against whom the special assessments have been made may pay such assessments in equal installments over a period not exceeding 10 years, together with interest on the unpaid balances as allowed by the Constitution and the general laws of the Commonwealth. (2010, cc. 219, 842)

Article 7. General Provisions.

§ 7.1. Charter amendment.

Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth. (2010, cc. 219, 842)

§ 7.2. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (2010, cc. 219, 842)

§ 7.3. Oaths of office and official bonds.

All elected officers of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the town clerk and the clerk of the Circuit Court of Isle of Wight County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer within 30 days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant unless general law otherwise provides, in which event general law shall prevail. (2010, cc. 219, 842)

§ 7.4. Books, records, etc.

All books, records, and documents used by any elected or appointed town officer, official, or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this charter, the general laws of the Commonwealth, or the Windsor Town Code as responsible for the keeping of such books, records, and documents shall, within 10 days after the end of his term of office or within 10 days after the date of his resignation or removal from office, deliver to the town clerk all such books, records, documents, and town property. Upon the end of any such person's term of office, or upon the resignation or removal from office of any such person, the town clerk shall provide all such persons written notice of the requirements of this provision of this charter. Any person failing to deliver such books, records, documents, and property shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 and not more than $500, or imprisoned for not more than six months, or both, at the direction of the court or jury before whom the case is tried. (2010, cc. 219, 842)

Article 8. Transitional Provisions.

§ 8.1. Ordinances.

All ordinances, resolutions, orders, and regulations of the town not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. Ordinances, resolutions, orders, and regulations that are in force when this charter becomes effective and that are inconsistent with this charter are repealed. (2010, cc. 219, 842)

§ 8.2. Continuity of terms of officers.

The officers of the town who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms or until their successors have been duly elected and qualified. (2010, cc. 219, 842)

§ 8.3. Citation of act.

This act may for all purposes be referred to or cited as the charter for the Town of Windsor, Virginia, of the year 2010. (2010, cc. 219, 842)

Wise, Town of

County of Wise

History of incorporation

Formerly Town of Gladesville.
Name changed from Gladesville to Wise by a 1924 Act of Assembly.
Gladesville charter, 1874, c. 62; repealed 1924, c. 228.
Charter, 1924, c. 228; repealed 1940, c. 57.
Charter, 1940, c. 57; repealed 1975, c. 462.
Charter, 1975, c. 462; repealed, 2001, cc. 346, 378.

Charter, 1990, c. 542, retaining § 3 of 1920 Charter.

Current charter
Charter, 2001, cc. 346, 378.

Amendments to current charter
2003, c. 660 (§ 3.9)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Wise as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Wise. The Town shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal that it may alter, renew, or amend at its pleasure by proper ordinance. (2001, cc. 346, 378)

§ 1.2. Boundaries.

The territory embraced within the Town of Wise is that territory in the County of Wise, Virginia, as set forth in Common Law Order Book 25, pages 483 through 488 in the clerk's office for the Circuit Court of Wise County, Virginia; Chancery Order Book 68, pages 328 through 329 (Deed Book 576, pages 262 through 263) in said office; and Chancery Order Book 7, pages 413 through 417A (Deed Book - Instrument Number 20004713) in said office. (2001, cc. 346, 378)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive. The Town shall have, exercise, and enjoy all rights, immunities, powers, and privileges and be subject to all the duties and obligations now pertaining to and incumbent on the Town as a municipal corporation. (2001, cc. 346, 378)

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of the charter include specifically, but are not limited to, all powers set forth in §§ 15.2-1100 through 15.2-1131 of the Code of Virginia, including subsequent amendments thereof. (2001, cc. 346, 378)

Chapter 3. Mayor and Town Council.

§ 3.1. Definitions.

As used in this charter, the term "officer" refers to council members and persons appointed by and responsible to the council, such as the town manager, the clerk/treasurer, the town attorney, the chief of police, and the fire chief. "Officials" refers to administrative department heads hired by the town manager. "Employees" refers to all other persons employed by the Town. Subject to the prohibition against compensation contained in § 3.9 of this charter, an officer may be appointed to more than one office. (2001, cc. 346, 378)

§ 3.2. General powers and duties of council.

The government of the Town shall be vested in the council, which shall have the power to adopt ordinances, resolutions, and motions and enforce same and carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the Town and for ensuring the implementation thereof by the town administration. Council shall also have the power in its discretion to appoint a town manager, chief of police, clerk/treasurer, fire chief and town attorney who shall serve at the will and pleasure of council and shall have such duties and such compensation as council may determine. (2001, cc. 346, 378)

§ 3.3. Composition and qualifications.

The Town of Wise shall be governed by a town council composed of five council members elected from the Town at large. Any person qualified to vote in the Town, who is not an employee of the Town, shall be eligible for the office of councilman or mayor. (2001, cc. 346, 378)

§ 3.4. Election and term of office.

The mayor and members of council in office at the time of passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are elected and qualified. Thereafter, the council shall be elected in a manner provided by Virginia election laws. Three council members shall be elected on the first Tuesday in May of 2002 and every four years thereafter. Two council members shall be elected on the first Tuesday in May of 2004 and every four years thereafter.

The term of office for all council members shall begin on the first day of July following their election, and each shall serve for a term of four years or until a successor shall have been elected and qualified. Council members may succeed themselves as often as the voters may choose. (2001, cc. 346, 378)

§ 3.5. Voters of the town.

The voters of the Town shall be the actual residents of the Town who are qualified to vote for members of the General Assembly. (2001, cc. 346, 378)

§ 3.6. Mayor.

At the first meeting in July 2002, and biennially thereafter, following the regular municipal election in May, the council shall choose one of its members to serve as presiding officer who shall have the title of mayor. The mayor as a member of council shall have the same powers and duties as other

members of council, with a vote, but no veto. In addition, the mayor shall preside over all meetings of council, shall be recognized as the head of town government for all ceremonial purposes and for purposes of military law, but shall have no administrative duties. (2001, cc. 346, 378)

§ 3.7. Vice mayor.

At the first meeting in July 2002, and biennially thereafter, following the regular municipal election in May, the council shall choose one of its members to serve as vice mayor. The vice mayor shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor until the next regular councilmanic election. (2001, cc. 346, 378)

§ 3.8. Absence or disability of mayor and vice mayor.

If both the mayor and vice mayor are unable to act, the council shall, by a majority vote of the members present, elect from its members, a person to serve as acting mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, the town clerk shall call the meeting to order and preside until an acting mayor is elected. This shall not be construed to vest in the clerk any of the powers and duties of mayor except as expressly stated in this section. (2001, cc. 346, 378)

§ 3.9. Prohibitions.

A member of council shall not be eligible during his or her tenure of office as such member, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, a member of council may be compensated as a member of the board or commission.

When the Town has a town manager, neither the council nor any of its members shall in any manner dictate appointment or removal of any town administrative officials or employees whom the manager or any of his subordinates are empowered to appoint, but council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

No candidate for election to town council shall be identified by political affiliation on the ballot for any election. (2001, cc. 346, 378; 2003, c. 660)

§ 3.10. Compensation.

The council may determine the annual salary of its members by ordinance or resolution during its biennial organizational meeting. (2001, cc. 346, 378)

§ 3.11. Vacancies.

The office of a council member shall become vacant upon death, resignation, or removal from office in any manner authorized by law. A vacancy on council shall be filled for the unexpired term by a majority vote of the remaining members in accordance with the provisions of Title 24.2 of the Code of Virginia. (2001, cc. 346, 378)

Chapter 4. Miscellaneous.

§ 4.1. Eminent domain.

The powers of eminent domain, as set forth in Titles 15.2 and 25 of the Code of Virginia, are hereby conferred upon the Town of Wise, including the power to issue certificates pursuant to the procedures of §§ 33.1-119 through 33.1-132 of the Code of Virginia. (2001, cc. 346, 378)

§ 4.2. Fiscal year.

The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the following year. (2001, cc. 346, 378)

§ 4.3. Ordinances continuing.

All ordinances now in force in the Town of Wise, not inconsistent with this charter, shall remain in force until altered, amended, or repealed by the council. All ordinances of the Town, so far as they are applicable, shall also apply on, in, and to all land, buildings, and structures owned by or leased or rented to the Town and located outside the Town. (2001, cc. 346, 378)

§ 4.4. Legislative procedure.

Except in dealing with parliamentary procedure the council shall act only by ordinance, resolution, and motion, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (2001, cc. 346, 378)

§ 4.5. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (2001, cc. 346, 378)

Woodstock, Town of

County of Shenandoah

History of incorporation

Established 1761, c. 12, in the County of Frederick.
Incorporated as the Town of Woodstock in the County of Shenandoah, 1872, c. 97.
Charter, 1874, c. 63; repealed 1922, c. 412.

Current charter

Charter, 1922, c. 412.

Amendments to current charter

1924, c. 361 (§ 4)
1926, c. 29 (§ 4)
1928, c. 354 (§ 4)

1940, c. 61 (§ 4)
1960, c. 431 (§§ 4, 4a [added], 4b [added], 4c [added], 4d [added])
1962, c. 22 (§ 4a)
1972, c. 40 (§ 4a (1) [added])
1978, c. 112 (§ 4c)
1983, c. 10 (§ 4b (1) [added])

§ 1. Be it enacted by the general assembly of Virginia, That all contracts and obligations of the Town of Woodstock heretofore and hereafter made by the present council and government by them while in office, and former councils in the corporate name of the council of the Town of Woodstock, not inconsistent with this charter and the general laws and Constitution of the State, shall be and are hereby declared to be valid and legal. (1922, c. 412)

§ 2. The town corporate.

The inhabitants of the Town of Woodstock, Virginia, as its limits are or hereafter may be established, shall be a body, politic and corporate, to be known and designated as the Town of Woodstock, and as such shall have and may exercise all power as now or hereafter may be conferred upon or delegated to town under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein and no enumeration of particular powers by this charter shall be held to be exclusive. (1922, c. 412)

§ 3. The town boundaries.

The outside boundaries or corporate limits of the said town are as follows:

Beginning at a planted stone at the north end of Water street and at the east edge thereof, one of the old corners to the original town, and extending thence along the line of M. V. French's estate, and with the boundaries of that part annexed to the said town in 1908, south forty-six and three-quarters east three poles to a planted stone in said French's line; thence north twenty-three degrees ten feet east ninety-seven poles to a marked gate post at the east side of the gate and on the south side of the road called Mill road; thence along the south side of the said road north sixty-four and one-quarter west twenty-six and nine-tenth poles to a small marked cedar tree on the south side of the said road; thence north forty-nine and one-half west seventeen poles to a marked telephone pole on the west edge of the Valley turnpike; thence over the land of Peter Supinger's estate north forty-nine and one-half west nineteen poles to a planted stone on the west side of the railroad, in George K. Logan's line; thence along the west limits of the railroad south forty-eight west sixteen poles to an anchor post a corner to said Logan and to the Supinger land; thence along the said Supinger land north forty-five and one-half west fifty-five and six-tenths poles to a planted stone on the east edge of the Middle road; thence along the east edge of the said Middle road south forty-nine west fifty-four poles to a planted stone at the old corner of the original town; thence with the original lines north forty-five and one-quarter west one hundred and thirty-four and four-tenths poles, along the

south edge of the Fairview road most of the way, to a planted stone near a large oak tree at the north corner of the original town and on the south side of the Fairview road and on the west edge of the west alley of the said town, thence with the western limits of the said town, being the original line, and on the west side of the said alley or street, south forty-four and three-quarters west six hundred seventy-six and one-half poles to a planted stone at the south end of the said West street or alley, and on the south side of the South street or alley and near the bank of a small pond by a small white oak; thence with the lines of several tracts of farm land, south forty-five and one-quarter east two hundred twenty-eight and six-tenth poles to a planted stone near a pine stump one of the old corners of the town; thence north forty-four and three-quarters east three hundred thirty-seven and seven-tenths poles to a planted stone near the west edge of the railroad limits; thence crossing the railroad, the Valley turnpike and running with various farm lines, south forty-six east two hundred and thirty-one poles to a planted stone by a large stump at the corner of the fence; thence north forty-four east one hundred twenty-one and two-tenths poles to a planted stone by a large white oak tree at the junction of the two roads leading from the river section towards the said town; thence along the south edge of the said main road leading to the town, north forty-seven west one hundred twenty-three and six-tenths poles to a planted stone at the angle of the said road and at the south side thereof and at the mouth of the street leading to the Indian spring; thence along the west side of the said main road north twenty-eight and three-quarters east fifteen and five-tenths poles to a planted stone on the west side of the said road; thence north twenty and three-quarters east fourteen poles to a limestone rock with a hold drilled into it on the south side of South street of the town, and on the west side, and at the south end of Water street, corner to Allen's addition or subdivision; thence south fifty-seven and one-quarter east two and two-tenths poles to a planted stone by a large limestone rock on the east side of said Water street; thence with the east edge of said Water street north thirty-five east one hundred eighty-six and seven-tenths poles to the place of beginning, containing within the said boundaries, including all the in-lots, all the out-lots, and all the streets and alleys of the said town, one thousand three hundred and forty-five acres, three roads, twenty-four square poles, more or less. (1922, c. 412)

§ 4. The powers set forth in §§ 15-77.1 through 15-77.70 of the Code of Virginia as in force on January 1, 1960, are here by conferred on and vested in the Town of Woodstock, Virginia. (1922, c. 412; 1924, c. 361; 1926, c. 29; 1928, c. 354; 1940, c. 61; 1960, c. 431)

§ 4a. A mayor and six councilmen, all of whom shall be electors of the town, shall be elected at the regular municipal election on the second Tuesday in June, 1962. The mayor shall be elected for a term of four years. The three members receiving the greatest number of votes in said election shall serve as members of the council for terms of four years each. The remaining three members shall serve for terms of two years each. At the regular municipal election to be held on the second Tuesday in June, 1964, and every two years thereafter, three councilmen shall be elected for terms of four

years each. Terms of office shall begin on the first day of September next following their election. Each councilman and the mayor elected as hereinabove provided shall serve for the term stated or until his successor has been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members. Any vacancy in the council shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining members; provided, that if the term of office to be filled does not expire for two years or more after the nest regular election for councilmen, following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidate receiving the next highest number of votes shall be entitled to the unexpired term caused by such vacancy. (1960, c. 431; 1962, c. 22)

§ 4a (1). Notwithstanding any other provision of this charter or any amendment thereto, that beginning in the year of 1972, all municipal elections in the Town of Woodstock as provided in this charter shall be held on the first Tuesday in May in each respective election year, and terms of office shall begin on the first day of July next following such election. (1972, c. 40)

§ 4b. The council may, without adopting any of the alternative forms of government provided by law, nevertheless employ a person, who may or may not be a resident or qualified voter of such city or town or of this State, to be known as the "Town Manager," who shall, under the control of the council, have general charge and management of the administrative affairs and work of the town and shall perform such other duties as may be required of him. He shall receive such salary as may be allowed him by the council and may be dismissed at any time by the council. (1960, c. 431)

§ 4b(1). Voting by the mayor.

The mayor shall preside over the council, but shall not be entitled to vote on any question except in the case of a tie. (1983, c. 10)

§ 4c. Proposed ordinances shall be introduced in written or printed form, and the enacting clause of all ordinances shall substantially be "Be it Ordained by the Council of the Town of Woodstock," and all ordinances shall be read at two meetings not less than a week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting, provided the requirement of a second reading may be confined to the reading of the title only upon the vote of four members of the council; provided, further, that emergency measures may be passed upon a single reading. The vote of each member of the council on all ordinances shall be recorded in the minutes. All ordinances passed by the council shall take effect thirty days after the date of passage, unless another later

effective date shall be designated therein, except that the council may by affirmative vote of a majority of its members pass emergency measures to take effect immediately upon passage.

Every ordinance upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the town clerk.

A record or entry made by the town clerk or a copy of such record or entry duly certified by such clerk shall be prima facie evidence of the terms of the ordinance or any amendment thereof.

All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the clerk or from the volume or code of ordinances printed by authority of the council. (1960, c. 431; 1978, c. 112)

§ 4d. The present mayor and councilmen, and all other officers of the Town of Woodstock shall continue to hold office and to perform the duties of their respective offices for the said town for the terms for which they were elected and until their successors be elected and qualify, and all liabilities, actions, claims, contracts heretofore existing under the former charter and amendatory acts under the corporate name of the Town of Woodstock shall remain and continue in force and effect as if this act had not been passed. And all ordinances now in force in the Town of Woodstock, not inconsistent with this charter shall be and remain in full force until altered, amended or repealed by the council of said town. (1960, c. 431)

§ 5. Repealing clause.
All acts and parts of acts in conflict with this charter are hereby repealed and previous charters and amendments thereto in conflict with this charter in the corporate name of the council of the Town of Woodstock are hereby repealed. (1922, c. 412)

§ 6. By reason of the fact that it is necessary for the Town of Woodstock to procure without delay additional water supply, an emergency is hereby declared to exist, and by reason thereof this act shall be in force from its passage. (1922, c. 412)

Wytheville, Town of

County of Wythe

History of incorporation
Originally known as Evansham.
Incorporation, charter, and name changed to Wytheville, 1839, c. 237.
Charter, 1853, c. 489.
Charter, 1886, c. 263; repealed 1910, c. 56.
Charter, 1910, c. 56; repealed 1946, c. 18.

Current charter

Charter, 1946, c. 18.

Amendments to current charter
1950, c. 33 (§§ 2-a [added], 2-b [added])
1954, c. 166 (§ 9)
1960, c. 155 (§ 2)
1966, c. 234 (§ 9)
1975, c. 65 (§ 2)
1977, c. 273 (§ 2)
1979, c. 247 (§ 9-a [added])
1983, c. 122 (§ 2)
2017, c. 220 (§ 2)

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Wytheville, in Wythe County, Virginia, as hereinafter defined, or as the same may be hereafter altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Wytheville, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though said powers were specifically enumerated herein, and no enumeration of particular powers herein shall be held to be exclusive. The territory embraced within the present limits of the Town of Wytheville is described by metes and bounds in an act approved February 26, 1896, as follows:

> Beginning at a stone on the western side of Tazewell Turnpike, near William Huffard's blacksmith shop; thence along his line with the Caughlin and Peirce property north fifty and one-half degrees east nine hundred and seventeen feet to the northeast corner of D. S. Peirce's property; thence south eighty-one degrees east, crossing the Wytheville Development Company's land, twenty-two hundred fifty feet to a gate post on the west side of a lane and a corner with Mistress Betty F. Ewald and the said Wytheville Development Company; thence along the west side of said lane south fifty and one-half degrees east nine hundred and fifty-nine feet to a corner of the Wytheville Development Company with the Moyer's property; thence north sixty-two and one-half degrees east seven hundred and fifty-nine feet, crossing Mistress Campbell's land and the Raleigh and Grayson Turnpike, to the eastern side of the road leading to the Eastern Cemetery and with C. J. Noel's line; thence with said line south fifty-one and one-quarter degrees east eight hundred and eighty-three feet to the southeast corner of said cemetery and on R. A. Caffee's line; thence north eighty-seven and three-quarter degrees east seventeen hundred and sixty feet, crossing Caffee's land and the S. W. association land to the upper northeast corner of the fair ground's stables; thence with the S. W. association line south four degrees east ten hundred and fifteen feet to the southeast corner of the fair grounds; thence south six degrees west five hundred and fifty-one feet to the east side of McAdam Road and intersection of old fair grounds road; thence along the east side of McAdam

Road with meanders of the same south fifty-two and one-half degrees east two hundred and twenty-two and five-tenths feet south sixty-seven degrees forty-five minutes east four hundred and ninety-seven feet, south fifty-one and one-half degrees east two hundred and forty-one and thirty-eight five-tenths feet, south twenty-four degrees forty-five minutes east five hundred and twenty-eight and eight-tenths feet to a stone, a corner of old fair grounds; thence south seventy-six degrees west fifty-five feet, crossing McAdam Road to stake on west side corner of Marshall Street and Schrader; thence south thirty-three degrees east thirteen hundred and sixty feet to northern line of Norfolk and Western Railroad Company, and with said northern line westwardly south fifty-five and one-quarter degrees west six hundred and ninety-one feet; thence south sixty-four degrees west four hundred and eleven feet to cattle guard at Samuel Woolwine's house; thence south thirty-nine degrees west eleven hundred and thirty-two feet, crossing the railroad to J.W. Caldwell's southeast corner; thence south fifty-one degrees west twenty-five hundred and fifty-four feet, crossing the Stuart Crockett and Barrett land to a stone on James Williams' line in the rear of the Episcopal chapel; thence north eighty-one degrees west twenty-one hundred and ninety-two feet to the southeast corner of Samuel Smithers' lot at the intersection of Twelfth Street and Jackson Street; thence with the north line of Jackson Street south sixty-two and one-half degrees west eleven hundred and twenty feet to the west corner of the Fulton property; thence south eighty-six degrees west thirteen hundred and sixty feet to the southwest corner of Mrs. Nanie Brown's property; thence north eighty and three-quarter degrees west fourteen hundred and thirty-eight feet to a stone, a corner of Doctor Leach, with south line of Norfolk and Western Railroad Company and with said line south sixty-three and one-quarter degrees west ten hundred and sixty-two feet to a stone opposite the line of south Main and the Wytheville Development Company, crossing the Norfolk and Western, and with said line north thirty-one and one-half degrees west twenty-eight hundred and twenty-eight feet to the north side of Ridge Street (extended); thence along Ridge Street north forty-six and three-quarter degrees east twenty-three hundred and three feet to the intersection of the south side of the McAdam Road; thence crossing the McAdam Road at right angles north fifteen and one-half degrees west nineteen hundred and eighty feet, crossing Pine Ridge through the Wytheville Development Company's land to the north side of the Ridge Gap Road, and with it north seventy-eight and one-half degrees east seven hundred and sixty-three feet, crossing Harkrader's Branch to a stone; thence crossing said Ridge Gap Road north fourteen degrees east eleven hundred and seventy-six feet to the blacksmith shop at the beginning. (1946, c. 18)

§ 2. The government of the Town of Wytheville shall be vested in one body to be known as the council of the Town of Wytheville, which body shall consist of five members, one of whom shall also be mayor, to be elected at large and all of whom shall be residents and qualified voters of the town. The council shall be elected, in the manner provided by law, as follows:

At the regular municipal election to be held on the first Tuesday in May, 1976, and every four years thereafter, two councilmen shall be elected each for a term of four years beginning on the first day of July next following their election. At the regular municipal election to be held on the first Tuesday in May, 1978, and every four years thereafter, two councilmen shall be elected each for a term of four years and one additional councilman shall be individually elected to serve for a term of four years as both councilman and mayor of the Town of Wytheville, the term of each of the three beginning on the first day of July next following their election. Each councilman shall serve until his successor shall have been elected and qualified.

Vacancies in the office of mayor or on council shall be filled by majority vote of the remaining members, and the person so elected shall serve the remainder of the unexpired term.

The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members. The council shall, by ordinance, fix the time for their regular meetings. Special meetings shall be called by the clerk of the council upon request of the mayor or any three councilmen; reasonable notice of each special meeting shall be given each member of the council; no business shall be transacted at a special meeting except that for which the special meeting is called, except by a majority vote of all of the members of the council. The council itself shall elect one of its members as vice-mayor, who shall perform the duties and functions of the mayor when the mayor is absent or otherwise unable to perform. In addition to their other duties, the mayor, vice-mayor, town manager and all members of the council shall be ex officio conservators of the peace within the town and within one mile of the corporate limits thereof. The mayor shall preside over the council. (1946, c. 18; 1960, c. 155; 1975, c. 65; 1977, c. 273; 1983, c. 122; 2017, c. 220)

§ 2-a. The mayor of the town, or in his absence or inability to perform, the vice-mayor, in addition to the powers heretofore granted them, shall have power to fix bail, take bonds and pass upon the qualifications of sureties thereto in all trials for violations of ordinances of the Town of Wytheville. (1950, c. 33)

§ 2-b. The town council, by resolution adopted by a majority of its members, may designate such person or persons as it may see fit to issue warrants and search warrants, to summons witnesses, to fix bail, take bonds and pass upon the qualification of sureties thereto in all trials for violations of ordinances of the Town of Wytheville. (1950, c. 33)

§ 3. The council shall appoint a clerk, a treasurer, a town manager and such other officers as the council may deem necessary or proper, all of who shall hold office at and during the pleasure of the council, and shall qualify for their respective offices as required by law, and shall furnish such bonds as may be required by the council. Officers so appointed by the council shall perform such services, in

addition to the services herein enumerated, and shall receive such compensation, as the council may provide. (1946, c. 18)

§ 4. All contracts and obligations heretofore made by the council of the Town of Wytheville, while in office, not inconsistent with this charter, or the Constitution, or the general laws of this Commonwealth shall be, and are hereby declared to be, valid and legal. (1946, c. 18)

§ 5. The administrative and executive powers of the town, including the power of appointment of officers and employees, are vested in an official to be known as the town manager, who shall be appointed by the council at its first meeting or as soon thereafter as practicable, for such term as the council may by its appointment prescribe, but who shall be subject at all times to removal by the council on proven charges of malfeasance, misfeasance, neglect of duty or incompetency. He shall receive such compensation as shall be fixed by the council by ordinance, and shall devote his entire time to the business of the town

The town manager shall be responsible to the council for the proper administration of all the general law or the ordinances or resolutions of the council. He shall have power and it shall be his duty:

(a) To see that all laws and ordinances are enforced.

(b) To see that such town officers and employees as the council shall determine are necessary for the proper administration of the town be appointed, and any of such officers may be removed by the town manager, except the clerk, treasurer and the clerical and other attendants of the council; but the town manager shall report each appointment and removal to the council at the next meeting thereof following any such appointment or removal; to see that all terms and conditions imposed in favor of the town or its inhabitants in any public utility franchise or any contract are faithfully kept and performed; upon knowledge of any violation thereof to call the attention of the same to the council, whose duty it shall be forthwith to direct such steps as are necessary to protect and enforce the same.

(b-1) To appoint, subject to confirmation by the council, the town sergeant. The town sergeant so appointed shall be subject to removal at will by the council or the town manager, and shall qualify as provided by law, and furnish such bond as may be requested by the council.

(c) To exercise supervision and control over all departments and divisions created herein, or that may be hereafter created by the council and have general supervision over all public improvements, works and undertakings, except as otherwise provided in this charter, or by the council.

(d) To attend all meetings of the town council with the right to take part in the discussion, but he shall have no vote.

(e) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(f) To prepare the annual budget and keep the town council fully advised as to financial conditions and needs of the town.

(g) To make all such contracts in behalf of the town as may be authorized by this charter, or the council or under continuing contracts or loans authorized under the provisions of this charter, or pursuant to resolution or ordinance of the council.

(h) Unless and until otherwise provided by the council, he shall act as town purchasing agent.

(I) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the town council.

(j) Except as may be otherwise provided by the council, the town manager shall have and may exercise all of the powers, and perform all of the duties, which are now, or may hereafter be, conferred upon or delegated to town managers under the laws of the Commonwealth of Virginia. (1946, c. 18)

§ 6. The town sergeant shall have the same powers and perform the duties both in civil and criminal cases prescribed by the state law for sergeants of towns, and he shall be subject to like penalties. He shall also perform such duties in relation to streets and water works of the town and such other duties as may be required of him by the council. He shall especially see that all ordinances are observed, and he shall report to the mayor any violation of the same, and for any violation occurring in his presence he may arrest for the same forthwith. Said sergeant may at any time, with the approval of the town manager appoint one or more deputies, who shall perform the duties of the sergeant hereinabove set out. He or they shall hold office at the pleasure of the sergeant, the town manager or the council, and shall be paid such compensation as the council may prescribe. (1946, c. 18)

§ 7. The treasurer shall be the collector and custodian, except as otherwise ordered by the council, of all town taxes, levies, licenses and of all revenue and other monies of the town from water or any other source, and shall disburse the same as ordered by the council. He shall have all the powers vested by the state law in county and city treasurers, and shall be subject to like penalties. He shall make off all tax tickets and water tickets, and shall keep such books of account and records and perform all such duties in relation to the collection and disbursement of the monies of the town as may be prescribed by the council, and he shall make his settlements at the time and in the manner prescribed by the council. (1946, c. 18)

§ 8. The town clerk shall attend all meetings of the council, keep its minutes, preserve and keep on file all papers pertaining to the business of the town; he shall keep such books of account and any and all records which the council may require to be kept; he shall perform the duties of commissioner of the revenue for the town, extend assessments, make off and deliver to the treasurer annually at such time as the council may prescribe the land and property book or books of the town, assess all license taxes required by the ordinances and report such assessments to the treasurer for collection; keep such records of delinquent taxes as may be required by the council; he shall keep such records concerning

the water works of the town as may be required by the council, and he shall especially issue permits to water takers, keep a complete record of all water takers and of all contracts and permits, and shall furnish to the treasurer, as such times as the council may prescribe, a list of such water takers, with rates to be paid by each, and amount due or to be paid, whether by meter or flat rate, and he shall perform such other and further duties as clerk of the council, as commissioner of the revenue, and in respect to the water works, as may from time to time be prescribed by the council. (1946, c. 18)

§ 9. In addition to the powers elsewhere enumerated in this charter and the powers conferred by general law and the Constitution, the Town of Wytheville shall have the following powers:

(1) To raise annually, by levy of taxes and assessments in the said town, on all such property, real and personal, as is now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council thereof shall deem necessary for the purpose of the said town, in such manner as the said council shall deem expedient in accordance with the Constitution of this Commonwealth and of the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(2) To impose special or local assessments for local improvements and to force payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments.

(3) To own, operate and maintain water works and to acquire in any lawful manner in any county of the Commonwealth, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate supply to the said town and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without the corporate limits of the said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary control over all land comprised within the limits of the water shed tributary to any such water supply wherever such lands may be located in this Commonwealth; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof.

(4) (a) The town may, in the name of and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution, and in accordance with the provisions of law concerning bond issues by towns, upon the credit of the town, or solely upon the credit of specific

property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(b) Pending the issuance and sale of any bonds, notes or other obligations by this act authorized, or in anticipation of the receipt of taxes and revenue of the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of the said bonds, notes or other obligations or from the town taxes and revenues, as the case may be.

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

(6) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to make reasonable charges therefor; to acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; to require or regulate the collection and disposal thereof.

(7) (a) To acquire by purchase, gift, devise, condemnation or otherwise, real or personal property, or any estate therein, within or without the town for any of the purposes of the town, including but not limited to, the condemnation of real and personal property for purposes of higher education, and including the power to give and convey such property acquired by condemnation to state-supported institutions of higher learning; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same, or any part thereof, including any real or personal property, now owned by the town.

(b) In addition to the powers herein otherwise provided to exercise the same powers as to condemnation as are provided in Title 25 and Title 15.1 of the Code of Virginia and other general laws, and as are conferred on the State Highway Commissioner under Article 5 of Chapter 1 of Title 33 of the Code of Virginia, and as may be provided in amendments to such titles and article. In the exercise of such authority as is granted in Article 5 of Chapter 1 of Title 33 of the Code of Virginia, as amended, the town may use such authority in connection with the acquisition, construction, operation or maintenance of water or sewage disposal systems, airports, streets, roadways, alleys, schools, or for other educational purposes, including purposes relating to institutions of higher learning and facilities related thereto.

The powers granted in this paragraph (7) are subject to the provisions of § 25-233 of the Code of Virginia when the interest sought to be condemned is held by another corporation having the powers of eminent domain.

(8) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them, within the town or within one mile of the corporate limits thereof.

(9) To inspect, test, measure and weigh any commodity or commodities, or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures and scales.

(10) To require every resident of the town who shall own, or have in his custody or under his control, a vehicle of any kind which shall be operated on the streets, alleys, or public ways of the town, and every person not a resident of the town, who shall habitually operate on the streets, alleys, or public ways of the town a vehicle of any kind for the purpose of pickup or delivery in connection with the conduct of a business, wherever located, other than a transportation business to annually register such vehicles on a date to be designated by the council and to obtain a license to operate the same by making application to the treasurer of the town, or such other person as may be designated by the council of the town, to require the said owner or custodian to pay an annual license fee therefor to be fixed by the council, and to prohibit the use of streets, alleys, or public ways of the town without such license. No such license shall be required of a nonresident of the town who shall use a vehicle exclusively for his personal transportation to and from a place of business within the town.

(11) To construct, establish, purchase, or to otherwise acquire, maintain, regulate and operate public utilities and facilities of all kinds, including bus lines, transportation systems, cemeteries, municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town; and to acquire by condemnation or otherwise, all lands, riparian and other rights, and easements necessary for such improvements or any of them; either within or without the town, and to construct, maintain, or aid therein, roads and bridges to any property owned by the said town and situate beyond the corporate limits thereof, and to acquire land necessary for the aforesaid by condemnation or otherwise.

(12) To acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain and clean public highways, streets, sidewalks, boulevards, parkways, and alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds, and public grounds, to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways; to regulate the operation and speed of cars, and vehicles upon said streets and highways, within the town and for a distance of one mile from the limits thereof; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(13) To construct in such parks, playgrounds, and public grounds, as it may maintain, or upon any town property, stadium, swimming pools, gymnasia, and recreation or amusement buildings,

structures, or inclosures of every character, refreshment stands, restaurants, et cetera; to charge admissions for use of the same, and to rent out or lease the privileges of construction or using such stadiums, swimming pools, recreation or amusement buildings, structures, or inclosures of every character, refreshment stands, or restaurants, et cetera.

(14) To establish, impose, and enforce the collection of water and sewage rates, and rates and charges for pubic utilities, or other services, products, or conveniences, operated, rented or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants; and in event such rates and charges shall be assessed against a tenant then the council may by ordinance, require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant.

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

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

(17) Subject to the provisions of the Constitution and general laws of Virginia and this charter, to grant franchises for the public utilities; provided, however, the town shall at any time have the power to contract for, own, operate, manage, sell, encumber or otherwise dispose of, either within or without the town any and all public utilities for the town and to sell the services thereof.

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

(19) To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises

within the town, to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate, or prevent slaughter houses or other noisome or offensive business within the said town, the keeping of hogs, or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation and maintenance of billboards, signs, advertising, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow.

(20) To extinguish and prevent fires, to abate fire hazards, and to establish, regulate and control a fire department or divisions, to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected, in such manner as the public safety and conveniences may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure or other causes may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged or repaired and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings, used for public assemblies, entertainments or amusements.

(21) To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gun powder, nitroglycerin, fireworks, gasoline, kerosene, oil or other like materials; to regulate the exhibition of fireworks, the discharge of firearms, and the making of bonfires in the streets and yards.

(22) To provide for regular and safe construction of houses in the town for the future, and to provide a building code for the town, to provide set back lines on the streets beyond which no building may be constructed, to require the standard of all dwelling houses be maintained in residential section in keeping with the majority of residences therein and to require the standard of all business houses be maintained in business sections in keeping with the majority of the business houses therein.

(23) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all food stuffs and prevent the introduction and sale in said

town of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the use of the people of the town; to provide for the organization of a department or bureau of health, to have the powers of a board of health for said town, with the authority necessary for the prompt and efficient performance of the duties, with the power to invest any or all the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish such quarantine regulations against infectious and contagious diseases as the council may see fit, subject to the laws of the Commonwealth and of the United States; and to provide for a bureau of vital statistics and require physicians, midwives or parents to make reports thereto.

(24) To provide and maintain, either within or without the town, charitable, recreative, curative, corrective, detentive or penal institutions.

(25) To prevent fowls and animals being kept in or running at large in the town, and to subject the same to such regulations and penalties as the council may provide.

(26) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

(27) In so far as not prohibited by general law to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through said town to be used by motor vehicle carriers operating in and through said town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare.

(28) To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

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

(30) To restrain and punish drunkards, vagrants and street beggars, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to pre-

vent and punish lewd, indecent and disorderly exhibitions in said town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

(31) To make and enforce ordinances, in so far as not prohibited by the general laws of this Commonwealth, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

(32) To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town, or its inhabitants. (1946, c. 18; 1954, c. 166; 1966, c. 234)

§ 9-a. Powers of the town.

The powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on July 1, 1978, and all other powers which are now or may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth are hereby specifically conferred on and vested in the Town of Wytheville, and no enumeration of particular powers in the charter shall be held to be exclusive but shall be in addition to and supplement general grant of powers. (1979, c. 247)

§ 10. A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, together with all penalties and interest due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the Commonwealth to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law. (1946, c. 18)

§ 11. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the part of the act directly involved in the controversy in which said judgment shall have been rendered. (1946, c. 18)

§ 12. This act may be referred to or cited as the Wytheville Charter of 1946. (1946, c. 18)