

# VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

## CHAPTER 378

*An Act to provide a new charter for the Town of Wise in Wise County and to repeal Chapter 462 of the Acts of Assembly of 1975, which provided a charter for the Town of Wise.*

[H 2453]

Approved March 19, 2001

**Be it enacted by the General Assembly of Virginia:**

**1.**

### *TOWN OF WISE CHARTER.*

#### *CHAPTER 1.*

#### *INCORPORATION AND BOUNDARIES.*

##### *§ 1.1. Incorporation.*

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

##### *§ 1.2. Boundaries.*

*The territory embraced within the Town of Wise is that territory in the County of Wise, Virginia, as set forth in Common Law Order Book 25, pages 483 through 488 in the clerk's office for the Circuit Court of Wise County, Virginia; Chancery Order Book 68, pages 328 through 329 (Deed Book 576, pages 262 through 263) in said office; and Chancery Order Book 7, pages 413 through 417A (Deed Book - Instrument Number 20004713) in said office.*

#### *CHAPTER 2.*

#### *POWERS.*

##### *§ 2.1. General Grant of Powers.*

*The Town shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive. The Town shall have, exercise, and enjoy all rights, immunities, powers, and privileges and be subject to all the duties and obligations now pertaining to and incumbent on the Town as a municipal corporation.*

##### *§ 2.2. Adoption of Powers Granted by the Code of Virginia.*

*The powers granted in § 2.1 of the charter include specifically, but are not limited to, all powers set forth in §§ 15.2-1100 through 15.2-1131 of the Code of Virginia, including subsequent amendments thereof.*

#### *CHAPTER 3.*

#### *MAYOR AND TOWN COUNCIL.*

##### *§ 3.1. Definitions.*

*As used in this charter, the term "officer" refers to council members and persons appointed by and responsible to the council, such as the town manager, the clerk/treasurer, the town attorney, the chief of police, and the fire chief. "Officials" refers to administrative department heads hired by the town manager. "Employees" refers to all other persons employed by the Town. Subject to the prohibition against compensation contained in § 3.9 of this charter, an officer may be appointed to more than one office.*

##### *§ 3.2. General Powers and Duties of Council.*

*The government of the Town shall be vested in the council, which shall have the power to adopt ordinances, resolutions, and motions and enforce same and carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the Town and for ensuring the implementation thereof by the town administration. Council shall also have the power in its discretion to appoint a town manager, chief of police, clerk/treasurer, fire chief and town attorney who shall serve at the will and pleasure of council and shall have such duties and such compensation as council may determine.*

##### *§ 3.3. Composition and Qualifications.*

*The Town of Wise shall be governed by a town council composed of five council members elected from the Town at large. Any person qualified to vote in the Town, who is not an employee of the Town, shall be eligible for the office of councilman or mayor.*

##### *§ 3.4. Election and Term of Office.*

*The mayor and members of council in office at the time of passage of this act shall continue until*

*the expiration of the terms for which they were elected, or until their successors are elected and qualified. Thereafter, the council shall be elected in a manner provided by Virginia election laws. Three council members shall be elected on the first Tuesday in May of 2002 and every four years thereafter. Two council members shall be elected on the first Tuesday in May of 2004 and every four years thereafter.*

*The term of office for all council members shall begin on the first day of July following their election, and each shall serve for a term of four years or until a successor shall have been elected and qualified. Council members may succeed themselves as often as the voters may choose.*

#### *§ 3.5. Voters of the Town.*

*The voters of the Town shall be the actual residents of the Town who are qualified to vote for members of the General Assembly.*

#### *§ 3.6. Mayor.*

*At the first meeting in July 2002, and biennially thereafter, following the regular municipal election in May, the council shall choose one of its members to serve as presiding officer who shall have the title of mayor. The mayor as a member of council shall have the same powers and duties as other members of council, with a vote, but no veto. In addition, the mayor shall preside over all meetings of council, shall be recognized as the head of town government for all ceremonial purposes and for purposes of military law, but shall have no administrative duties.*

#### *§ 3.7. Vice Mayor.*

*At the first meeting in July 2002, and biennially thereafter, following the regular municipal election in May, council shall choose one of its members to serve as vice mayor. The vice mayor shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor until the next regular councilmanic election.*

#### *§ 3.8. Absence or Disability of Mayor and Vice Mayor.*

*If both the mayor and vice mayor are unable to act, the council shall, by a majority vote of the members present, elect from its members, a person to serve as acting mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, the town clerk shall call the meeting to order and preside until an acting mayor is elected. This shall not be construed to vest in the clerk any of the powers and duties of mayor except as expressly stated in this section.*

#### *§ 3.9. Prohibitions.*

*A member of council shall not be eligible during his or her tenure of office as such member, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, a member of council may be compensated as a member of the board or commission.*

*When the Town has a town manager, neither the council nor any of its members shall in any manner dictate appointment or removal of any town administrative officials or employees whom the manager or any of his subordinates are empowered to appoint, but council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.*

#### *§ 3.10. Compensation.*

*The council may determine the annual salary of its members by ordinance or resolution during its biennial organizational meeting.*

#### *§ 3.11. Vacancies.*

*The office of a council member shall become vacant upon death, resignation, or removal from office in any manner authorized by law. A vacancy on council shall be filled for the unexpired term by a majority vote of the remaining members in accordance with the provisions of Title 24.2 of the Code of Virginia.*

### **CHAPTER 4. MISCELLANEOUS.**

#### *§ 4.1. Eminent Domain.*

*The powers of eminent domain, as set forth in Titles 15.2 and 25 of the Code of Virginia, are hereby conferred upon the Town of Wise, including the power to issue certificates pursuant to the procedures of §§ 33.1-119 through 33.1-132 of the Code of Virginia.*

#### *§ 4.2. Fiscal Year.*

*The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the following year.*

#### *§ 4.3. Ordinances Continuing.*

*All ordinances now in force in the Town of Wise, not inconsistent with this charter, shall remain in force until altered, amended, or repealed by the council. All ordinances of the Town, so far as they are applicable, shall also apply on, in, and to all land, buildings, and structures owned by or leased or rented to the Town and located outside the Town.*

#### *§ 4.4. Legislative Procedure.*

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

*§ 4.5. Severability.*

*If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby.*

**2. That Chapter 462 of the Acts of Assembly of 1975 is repealed.**

**3. That an emergency exists and this act is in force from its passage.**