

CHAPTER 126

An Act to provide a charter for the Town of Exmore, in Northampton County, and to repeal Chapter 551 of the Acts of Assembly of 1950, which provided a charter for the town.

[H 612]

Approved March 11, 2002

Be it enacted by the General Assembly of Virginia:

1.

CHARTER OF THE TOWN OF EXMORE
CHAPTER 1.
INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Exmore, as such limits 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 Exmore, and as such 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 Exmore is that territory in the County of Northampton, Virginia, established in Chapter 551 of the Acts of Assembly of 1950, and that territory added by the Order of the Circuit Court of Northampton County, Virginia, entered on October fourth, two thousand, and recorded in the Civil Law Book 9, at pages 182-184, in the Clerk's Office of said Court.

CHAPTER 2.
POWERS.

§ 2.1. General Grant of Powers.

The Town of Exmore 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 by this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation.

§ 2.2. Adoption of Certain Sections of the Code of Virginia.

The powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, as in force on January one, two thousand two, and as may hereafter be amended, are hereby conferred on and vested in the town.

§ 2.3. Eminent Domain.

The powers of eminent domain set forth in Title 15.2, Chapter 1.1 (§ 25-46.1 et seq.) of Title 25 and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town.

CHAPTER 3.
MAYOR AND COUNCIL.

§ 3.1. Election Qualification and Term of Office of Councilmen and Mayor.

1. The town of Exmore shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters and residents of the town, to be elected from the town at large.

2. The mayor and councilmen in office at the time of the passage of this act shall continue in office until their successors are elected and qualified. An election for mayor and councilman shall be held on the first Tuesday in May, two thousand two. The mayor so elected shall serve a term of four years, with subsequent mayoral elections to be held at four year intervals thereafter. In order to provide for staggered terms of council members, the three candidates so elected receiving the highest numbers of votes shall serve a term of four years. The three candidates so elected receiving the next highest numbers of votes shall serve a term of two years. Thereafter, there shall be an election on the first Tuesday in May of each even-numbered year at which three council members shall be elected to serve a term of four years. Terms of office for mayor and council members shall begin on the first day of July next following their election.

§ 3.2. Vacancies on Council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council within sixty days after the vacancy occurs. Persons so elected to fill vacancies must be qualified voters and residents of the Town of Exmore.

§ 3.3. Vacancy in Office of Mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. The person so elected to fill the vacancy must be a qualified voter and resident of the town.

§ 3.4. Council a Continuing Body.

The town council shall be a continuing body, and no measures pending before such body or any contract or obligation incurred shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members.

§ 3.5. Powers and Duties of Mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor, or the town manager as may be designated by the town council, for the purpose of enforcing peace and good order and executing the laws of the Commonwealth and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary. The mayor shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require.

§ 3.6. Vice-Mayor.

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

§ 3.7. Meetings of Council.

The town council shall fix the time of its stated meetings and it shall meet at least once a month. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified in writing a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council.

§ 3.8. Council to Fix Salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia.

§ 3.9. Acting Mayor.

In the absence or inability to act of both the mayor and vice-mayor, any member of the town council may act with all the powers of the mayor upon the request to do so by the town council, but only during the period of such dual absence and inability.

§ 3.10. General Grant of Powers to Council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified.

CHAPTER 4.

APPOINTIVE OFFICERS.

§ 4.1. Appointment.

The town council may appoint such officers of the town as it deems necessary. Such officers may include, but shall not be limited to, a town manager, a town clerk, a town attorney, a town treasurer, a town sergeant and special police officers. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this charter, by the laws of the Commonwealth, or by the town council.

§ 4.2. Deputies and Assistants.

The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary.

§ 4.3. Terms of Office.

Officers and deputies and assistant officers appointed by the town council shall serve at the will and pleasure of the town council.

§ 4.4. Appointment of One Person To More Than One Office.

The town council in its discretion may appoint the same person to more than one appointive office, subject to such limitations as are set forth in the Constitution of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time.

§ 4.5. Qualifications and Duties of the Town Manager.

The town manager shall be the chief executive officer of the town and shall be responsible to the town council for the proper administration of the town government. It shall be the duty of the town manager to:

- 1. Attend all meetings of the town council, with the right to speak but not to vote.*
- 2. Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration and make such recommendations as may seem to him desirable.*
- 3. Prepare and submit the annual budget of the town council and be responsible for its administration after its adoption.*
- 4. Prepare in suitable form for publication and submit to the town council at the next regular meeting following the end of each fiscal year, a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.*
- 5. Present adequate financial and activity reports as required by the town council.*
- 6. Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.*
- 7. Perform such other duties as may be prescribed by this charter, or required of him in accordance therewith by the town council, or that may be required of the chief executive officer of a town by the general laws of the Commonwealth.*

All employees of the town, except those appointed by the town council pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. The town council shall designate by ordinance a person to act as town manager in the case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. Until such time as the town council appoints any such town manager, the duties and powers outlined herein shall be given to the mayor or such other person as may be designated by the town council.

§ 4.6. Duties of the Town Clerk.

The town clerk shall be the clerk of the town council. He shall keep the journal of the proceedings of the town council and shall record all ordinances and resolutions in a book or books kept for that purpose. He shall record the vote of each council member on any question submitted to the council as required by law or the council. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council may specify or as the general laws of the Commonwealth may require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours, subject to such limitations and exceptions as are set forth in the Code of Virginia, as amended from time to time.

§ 4.7. Duties of the Town Attorney.

The town attorney shall be the legal advisor of the town council and shall serve at the pleasure of council. He shall represent the town in all legal affairs as may be requested by the mayor, town council, or by an officer of the town appointed under the provisions of this charter.

§ 4.8. Duties of the Town Treasurer.

The town treasurer shall collect the town taxes and license fees, and shall have the same power to levy and sell property for collection of delinquent taxes and fees as given to county treasurers. He shall perform such other duties, not inconsistent with his office, as the town council may direct.

§ 4.9. Powers and Duties of the Town Sergeant and Special Policemen.

The sergeant of the town shall be conservator of the peace, and vested with the full powers of a constable within the limits of the town. He, and any special police officers, who may be appointed by the mayor with the advice and consent of a majority of the members of the town council, shall have all the powers given to special police officers under the laws of the Commonwealth. He shall assist the treasurer in the collection of town taxes, and may distrain and sell therefor in like manner for which State taxes and county levies are distrained.

§ 4.10. Bonds.

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

§ 4.11. Vacancies in Office.

The town council may fill any vacancy in any appointive office.

§ 4.12. Residence of Officers and Employees.

Any appointive officers or employees of the town may be appointed and serve whether or not the appointee be a resident or nonresident of the town.

CHAPTER 5.

RAISING OF REVENUE.

§ 5.1. Assessment of Taxes.

The council shall have the power to assess and tax real or personal property within the town, levy taxes, impose license requirements and collect the same to any extent not prohibited by the laws of the Commonwealth of Virginia.

§ 5.2. Other Revenue-Generating Activity.

The council shall have the power to engage in other revenue raising activity to any extent not prohibited by the laws of the Commonwealth of Virginia.

CHAPTER 6.

FINANCIAL PROVISIONS.

§ 6.1. Fiscal Year.

The fiscal year of the town shall begin on July one of each year, and end on June thirty of the year following.

CHAPTER 7.

MISCELLANEOUS.

§ 7.1. Elections Governed by State Law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia.

§ 7.2. Applicability Outside Town.

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

§ 7.3. Present Officers to Continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified.

§ 7.4. Ordinances Continued in Force.

All ordinances now in force in the Town of Exmore, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council.

§ 7.5. Severability of Provisions.

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

2. That Chapter 551 of the Acts of Assembly of 1950 is repealed.

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