

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 718

An Act to provide a charter for the Town of Boykins in Southampton County and to repeal Chapter 103, as amended, of the Acts of Assembly of 1884, which provided a charter for the Town of Boykins.

[H 2619]

Approved March 19, 2003

Be it enacted by the General Assembly of Virginia:

1.

CHARTER FOR THE TOWN OF BOYKINS

Chapter 1.

Incorporation and Boundaries.

§ C1.1. Incorporation.

A. The Town of Boykins, in the County of Southampton, as the same has heretofore been or may hereafter be laid off in lots, streets and alleys, has been made a town corporate by the name of the "Town of Boykins," and by that name has exercised the powers conferred upon towns by the General Assembly and the Code of Virginia, and is subject to all the provisions of the Code, and to all laws now in force, or which may hereafter be enacted in reference to the government of towns of less than 5,000 inhabitants, so far as such laws are not inconsistent with the provisions of this act.

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

§ C1.2. Boundaries.

The territory embraced within the Town is that territory in the County of Southampton, Virginia, established in the Acts of the General Assembly, and all Acts amendatory thereof, by annexation or by the order of the Circuit Court of Southampton County as shown on that certain plat titled "Plat showing present corporate limits and proposed property for annexation Town of Boykins, Virginia, corporate limits located in Southampton County, Virginia Scale: 1" = 300' July 11, 1966 Revised: November 26, 2002." Said plat being recorded in the clerk's office for the Circuit Court of Southampton County, Virginia, of Plat Book 26 at Pages 6 and 7. Said boundaries include parcels A, B, and C and all proposed corporate limits as shown on said plat.

Chapter 2.

Powers.

§ C2.1. 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 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 pertaining to and incumbent on the Town as a municipal corporation.

§ C2.2. Adoption of Powers Granted by the Code of Virginia.

The powers granted in § C2.1 of this charter include specifically, but are not limited to, all powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia.

Chapter 3.

Mayor and Town Council.

§ C3.1. Composition of Council; Election, Qualification and Term of Office of Mayor and Council Members.

The Town shall continue to be governed by a Mayor and a Town Council composed of five council members, all of whom shall be qualified electors of the Town and shall serve for terms of two years and until their successors are appointed or elected and qualified as provided by law.

§ C3.2. When Terms of Office to Begin.

Terms of office for Mayor and council members shall begin on the first day of July next following their election.

§ C3.3. Oath of Office.

The Mayor and council members shall each, before entering upon the duties of their office, make

oath or affirmation that they will truly, faithfully and impartially discharge the duties of their office to the best of their abilities, so long as they shall continue therein. The Clerk of the Circuit Court of Southampton County, Virginia, shall administer such oath.

§ C3.4. Election and Term of Vice Mayor.

The Town Council, by a majority vote at the first meeting following each council election, shall elect from its members a Vice Mayor, who shall serve at the discretion of the Town Council.

§ C3.5. Vacancies in Office of Mayor and Council Members.

Vacancies in the office of the Mayor and council shall be filled for the unexpired portion of the term by a majority vote of the members of the council within 90 days after the vacancy occurs. Persons so elected to fill vacancies must be qualified voters and residents of the Town.

§ C3.6. 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.

§ C3.7. Powers and Duties of Mayor and Vice Mayor.

The Mayor shall be the chief executive officer of the Town and shall have and exercise all power and authority conferred by general law not inconsistent with this charter. The Mayor shall be recognized as the head of the town government for all ceremonial purposes. The Mayor shall preside over the meetings of the Town Council and perform such other duties as may be prescribed by this charter, town ordinances, the general laws, and such as may be imposed by the council consistent with the office. The Mayor shall be entitled to vote upon measures pending before the council only in the event of a tie. The Mayor 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 for the purpose of enforcing peace and good order and executing the laws of the Commonwealth and the Town ordinances. The Mayor shall see that peace and order are preserved, and that persons and property are protected within the Town limits. The Mayor may issue all warrants charging violation of any ordinances of the Town. During the absence of the Mayor or the inability of the Mayor to act, the Vice Mayor shall possess the powers and discharge the duties of the Mayor.

§ C3.8. Absence or Inability of Mayor and Vice Mayor.

If both the Mayor and Vice Mayor are absent or unable to act, the Town Council shall, by a majority vote of the members present, elect from its members a person to serve as acting Mayor at that meeting or until either the Mayor or Vice Mayor is present and able to act. Whenever it is necessary to elect an acting Mayor pursuant to this section, the acting Mayor shall possess the powers and discharge the duties of the Mayor from the time of election until either the Mayor or Vice Mayor is present and able to act. The town clerk or acting town clerk shall call the meeting of the Town Council to order and shall preside until an acting Mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the Mayor, except as expressly stated in this section.

§ C3.9. General Powers and Duties of the Town Council.

A. The council shall be responsible for the determination of all matters of policy for the Town and for ensuring the implementation.

B. The council shall have full 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.

C. The council shall have the power to make motions, adopt ordinances and resolutions, enforce same, and exercise all powers granted by this charter and by the laws of the Commonwealth of Virginia.

D. The council may create and appoint such boards, bodies, departments, officers, or consultants, define their duties and set compensation as may be permitted or required by this charter, town ordinances or the general laws of the Commonwealth of Virginia.

E. The council shall have the power to establish rules for the collection of garbage and other debris, and disposal of offal, ashes, leaves, limbs, garbage, carcasses of unclaimed dead animals, and other refuse; to make reasonable charges therefore; to acquire and operate equipment for the disposal of such materials; to ensure that operators are legally licensed to operate such equipment and to contract and regulate the collection and disposal thereof.

F. The council shall have the power to acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein within or without the Town for any legal purposes of the Town; and to hold, improve, lease, sell, or otherwise dispose of the same or any part thereof, including any property now owned by the Town.

G. The council shall have the power to construct, maintain, regulate, and operate town property of all kinds, including municipal and other buildings.

H. The council shall have the power to grant franchises for public utilities in accordance with the provisions of the Constitution of Virginia, town ordinances and general laws, provided however the Town shall at all times have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the Town, any and all public utilities for the Town and to sell the services thereof any existing franchises notwithstanding.

I. The council shall have the power to regulate or prohibit, or both, public nuisances:

1. To regulate and compel the abatement and removal of nuisances within the Town, or upon property owned by the Town beyond its limits, at the expense of the person or persons causing the nuisance, or of the owner or occupant of the grounds or premises whereon the same may be, and to collect said expenses by suit or motion, or by distress and sale including transportation through streets, smoke and dust, noise, things detrimental to public health, and sidewalks.

2. To require all lands, lots, and other premises within the Town to be kept clean and sanitary, free from stagnant water, weeds, filth, and unsightly deposits, and to make them so at the expense of the owners and occupants thereof, and to collect said expenses by suit, lien, and by distress and sale.

3. To regulate and prohibit animals being kept or running at large in the Town, or any portion thereof.

4. To regulate or prohibit the conduct of any dangerous, offensive, or unhealthful business, trade, or employment; the transportation of any offensive substance; the manufacture, storage, transportation, possession, and use of any explosive or inflammable substance; and the use and exhibition of fireworks and the discharge of firearms. To regulate the maintenance of safety devices on storage equipment for such substances or items as provided by the Constitution of Virginia and § 15.2-1113 of the Code of Virginia, as amended from time to time.

5. To prohibit indecent and disorderly conduct within the town limits.

6. To prohibit and punish for mischievous, wanton, or malicious damage to public property as well as private property.

J. The council shall have the power to offer and pay rewards for the apprehension and conviction of criminals.

K. The council shall have the power to provide fire protection, suppression, and public safety.

L. The council shall have the power to name or alter the names of streets within the town limits.

M. The council shall have the power to establish, regulate, and maintain parks, playgrounds and public grounds and to keep them lighted and in good repair.

N. The council shall have the power to plant, maintain or remove shade trees and shrubs along the streets and upon such public grounds to prevent the obstruction of such streets and highways.

O. The council shall have the power to take such actions as to promote beautification of the Town.

P. The council shall have the power to extend or contract the corporate limits of the Town as provided by the Constitution and general laws of Virginia in force at the time.

Q. The council shall have the power to put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the said council given by this charter, town ordinances, or any state law, or any amendments thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this charter.

R. The council shall have the power to regulate the size and improvement of lots or parcel of land within the town limits including the authority to adopt zoning ordinances, appoint planning commissions, boards of zoning appeals, and zoning administrators as permitted by the Constitution and general laws of Virginia.

S. The council shall have the power to own, operate, and regulate a water and sewage systems.

T. The council shall have the power to own, operate, and regulate a town cemetery, a town dump and other lands outside the town limits.

§ C3.10. Meetings of Council.

The Town Council shall hold at least 1 public meeting each month, time and date being fixed by ordinance. A journal shall be kept of its official proceedings. The town clerk upon the request of the Mayor or any three Council Members shall call special meetings. Reasonable notice of such special meeting shall be given to each Council Member and the Mayor as set forth in the Constitution of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time.

§ C3.11. Rules of Order and Procedure.

The Town Council shall establish its own rules of order and procedure and may punish its own members and other persons for violations thereof.

§ C3.12. Council to Fix Salaries.

The Mayor and Town Council may receive a stipend for each regular monthly meeting attended, or per diem allowance for services, the amount thereof to be fixed by council during the budget process of an election year.

Chapter 4.

Appointive Officers.

§ C4.1. 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 clerk, a town treasurer, a supervisor of public works, and a town sergeant. Officers appointed by the Town Council shall perform such duties as may be specified in this charter, by the laws of the Commonwealth of Virginia, town ordinances and by the Town Council.

§ C4.2. Terms of Office.

Officers, deputies and assistant officers appointed by the Town Council shall serve at the will and

pleasure of the Town Council.

§ C4.3. 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.

§ C4.4. Residence of Officers and Employees.

Any appointive officer or employee of the Town, excluding town sergeant, may be appointed and serve whether or not the appointee be a resident of the Town.

Chapter 5.

Financial Provisions.

§ C5.1. Fiscal Year.

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

§ C5.2. Assessment of Taxes.

A. The Town Council shall provide to Southampton County's Commissioner of Revenue current Town tax rates for personal and real estate property within the town limits and collect such taxes to any extent not prohibited by the laws of the Commonwealth of Virginia, such rate to be established by the Town Council.

B. The Town shall have the power to impose a business license fee and shall collect a percentage of gross sales reported to the town clerk by each business annually, said rate to be established by the Town Council.

§ C5.3. Registration of Motor Vehicles.

The Town shall have the power to impose license requirements and collect the same to any extent not prohibited by the laws of the Commonwealth of Virginia.

§ C5.4. Other Revenue-Generating Activity.

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

§ C5.5. Actions Against Town for Damages, etc.

The Town Council is authorized and empowered to compromise any claim for damages or any suit or action brought or threatened against the Town.

§ C5.6. Creation of Debt; Election on Issuance of Bonds.

The Town Council shall have the power to borrow money, encumber the assets of the Town, and issue bonds under any provisions of the Constitution of Virginia and general laws of the Commonwealth of Virginia.

§ C5.7. Bonds of Officers and Employees.

The Town Council may require any or all town officers and employees to give bond for the faithful and proper discharge of their duties. As used herein, the words "officers and employees" shall include officers, employees, and consultants paid solely or partly by the Town. The Town may pay a premium on such bonds from the town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the Town as its interest may appear in event of breach of the conditions thereof.

Chapter 6.

Miscellaneous.

§ C6.1. 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.

§ C6.2. Present Ordinances Continued in Effect.

All ordinances now in force in the Town, not inconsistent with the charter, shall be and remain in force until altered, amended, or repealed by the Town Council.

§ C6.3. 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.

§ C6.4. 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 103, as amended, of the Acts of Assembly of 1884 is repealed.