

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 323

An Act to provide a new charter for the Town of Honaker, in Russell County.

[S 503]

Approved March 30, 2006

Be it enacted by the General Assembly of Virginia:

1.

TOWN OF HONAKER

TOWN CHARTER

Chapter 1.

Incorporation and Boundaries.

§ 1.1. *Incorporation.* The inhabitants of the territory comprised within the present limits of the Town of Honaker, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Honaker, and 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 which it may alter at its pleasure.

§ 1.2. *Boundaries.* The boundaries of the town shall be as established by the September 17, 1919, order of the Circuit Court of Russell County, Virginia, and as established by the subsequent orders of said Circuit Court, all of which are incorporated herein by reference and made a part hereof.

Chapter 2.

Council.

§ 2.1. *Governing Body.* The administration and government of the town shall be vested in a council composed of a mayor and six councilmen, all of whom shall be qualified electors of the town.

§ 2.2. *Election, qualification and term of office.* The mayor and six councilmen shall be elected by the qualified voters of the town on the first Tuesday in May 2006. The three members of council, each of whom has received more votes in such election than the other three members, shall serve as members of the council for terms of four years each. The remaining three members shall serve for terms of two years each. At the regular municipal election to be held on the first Tuesday in May 2008, and every two years thereafter, three councilmen shall be elected, each for a term of four years beginning on July 1 following their election. Each councilman elected as provided in this section shall serve for the term stated or until his successor has been elected and qualified. At the regular municipal election to be held on the first Tuesday in May 2006, and every two years thereafter, the qualified voters shall elect a mayor to serve for a term of two years or until his successor has been elected and qualified. The mayor and council in office on the effective date of this Charter shall continue in office until expiration of their terms and until their successors are elected and qualified. All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia.

§ 2.3. *Vacancies in office.* Vacancies in the office of mayor or council shall be filled for the unexpired term by a majority vote of the remaining members. Any resignation tendered by the mayor or any member of the council shall be effective upon acceptance by a majority of the council.

§ 2.4. *Council a continuing body.* The council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members.

§ 2.5. *Compensation.* The council shall fix the compensation of the mayor, members of the council, and all appointed officers and employees of said town at a sum not to exceed any limitations placed thereon by the laws and Constitution of the Commonwealth of Virginia.

§ 2.6. *Meetings.* The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the town clerk upon the written request of the mayor or three councilmen. No ordinance, resolution, motion, or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the council.

§ 2.7. *Quorum.* The mayor and three members of the council, or four members of the council, shall constitute a quorum for the transaction of business.

§ 2.8. *Duties of Mayor.* The mayor shall be the administrative and executive head of the town government. He shall have charge and control of the work of the town and of its officers and employees. He shall see that the duties of the officers and employees of the town are faithfully performed and that the ordinances of the town are fully executed, enforced and observed. The mayor shall perform such other duties and exercise such other powers as are or may be imposed and conferred upon mayors of towns by the laws of the Commonwealth, or conferred upon the mayor by the ordinances of the town. In the event the mayor is absent or disabled, the mayor's duties shall be performed by the vice mayor, who shall be appointed by majority vote of the council for that purpose.

Chapter 3.

Appointees.

§ 3.1. *Appointees.* The council shall appoint a clerk, a treasurer, and a chief of police and may appoint a town attorney and such other officers and assistants as it deems necessary or proper, prescribe their duties and functions, and fix their compensation. Such officers shall hold office at the pleasure of the council and shall give such bonds as the council requires. The same person may be appointed to fill two or more such offices, at the discretion of the council.

§ 3.2. *Boards, committees and commissions.* The council may appoint such boards, committees and commissions as it deems necessary.

Chapter 4.

Powers.

§ 4.1. *General grant of powers.* The Town of Honaker 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.

§ 4.2. *Specific powers.* The Town of Honaker shall have and may exercise without limitation the following powers:

a. *Water Works.* The town is empowered to acquire, establish, enlarge, maintain, and operate such water works and system as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the council prescribes. The town may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for payment thereof. The town may discontinue water service in the event of noncompliance with any ordinance, rule, or regulation of the town.

b. *Sewer Works.* The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the town, which fronts or abuts on any such sewer line, to make connection with and use the same, at such rates for connection and use as the council prescribes. Sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof. The town may discontinue sewer service in the event of noncompliance with any ordinance, rule or regulation of the town.

c. *Collections.* In the event the fees or charges assessed for the use and service of the public water system or sewage disposal system, by, or in connection with, any real estate shall not be paid when due, interest shall accrue thereon at the legal rate. Such fees and charges, and the interest due thereon, may be recovered by the Town of Honaker by action at law, or suit in equity, and shall constitute a lien against the property, of equal dignity as liens for unpaid town or county taxes.

d. *Acquisition, Use and Sale of Property.* Subject to and except as otherwise prohibited by the laws of the Commonwealth of Virginia, the town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, and other recreational facilities, and to make reasonable charges for the use of such facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights-of-way from the town to any property acquired by it under any of the provisions of this charter, that lies without its corporate limits, and to construct and maintain upon such rights-of-way, such roads or bridges as may be reasonable necessary for the full enjoyment thereof; and shall also have power to sell such properties or any of them, or any other property owned by the town, in the manner provided by law, whenever the council deems it expedient to do so.

e. *Police Powers; Ordinances.* The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals, and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances for the purpose of carrying into effect the powers conferred upon the town by this Charter and the laws of the Commonwealth, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances made and adopted by the council shall become effective 30 days after their passage; unless a different date is specified in any such ordinance, upon which different date the same shall become effective.

f. *Encroachments and Nuisances.* The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town by any fence, building, porch, or other projection; and any such encroachment made without the advance consent of the council shall be

conclusively deemed a nuisance, which the town may compel to be abated and removed by and through appropriate court action or proceeding, against which right of the town no statute of limitation shall run.

g. Public Exhibitions. The town is empowered to regulate the holding of shows, carnivals, fairs, and other similar public exhibitions, and to prohibit the holding of same, or any of them, within its corporate limits.

Chapter 5.

Miscellaneous.

§ 5.1. Ordinances continued in force. All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council.

§ 5.2. Severability. If any clause, sentence, paragraph, or part of this Charter shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the 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 an emergency exists and this act is in force from its passage.