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SENATE BILL NO. 405

Senate Amendments in [] - January 27, 2006

A Bill to provide a new charter for the Town of Elkton, in Rockingham County, and to repeal Chapter 580, as amended, of the Acts of Assembly of 1954.

Patron Prior to Engrossment—Senator Hanger

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1.

TOWN OF ELKTON**TOWN CHARTER****Chapter 1.*****Incorporation and Boundaries.*****§ 1.1. Incorporation.**

The inhabitants of the territory comprised within the present limits of the Town of Elkton, 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 Elkton ("the town"), and as such shall have perpetual succession, may sue and be sued, plead 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 boundaries of the town until altered shall be as follows:

(a) All that area that constituted the Town of Elkton, Virginia prior to January 1, 2004, which is more particularly described by metes and bounds as set out and recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, as Instrument Number 04035858 at Deed Book 2573, page 216;

(b) All that area annexed on January 1, 2004, that is identified in the Ordinance recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, at Deed Book 2415, page 117 dated December 22, 2003; and

(c) All that area annexed on January 1, 2005, that is identified in the Ordinance recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, at Deed Book 2602, page 105 dated December 28, 2004.

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, 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 Powers Granted by the Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.2-900 through 15.2-975 and §§ 15.2-1100 through 15.2-1132, including subsequent amendments.

Chapter 3. Mayor and Council.**§ 3.1. Election, Qualification, and Term of Office for Mayor and Council.**

The town shall be governed by a town council composed of six council members and the mayor, all of whom shall be qualified voters of the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The council and the mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. An election for three council members and the mayor shall be held on the first Tuesday [after the first Monday] in November, 2008, and for three council members and the mayor on the first Tuesday [after the first Monday] in November, 2010. Elections shall be held on the first Tuesday [after the first Monday] in November every two years thereafter. The council members shall serve for a term of four years, and the Mayor shall serve for a term of two years, or until their successors are elected and qualified; however, those persons elected in

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59 November 2008 shall not take office until the first day of January 2009 following their respective
60 elections. Subsequently, commencing in 2010, the term of each person elected under this section shall
61 begin on the first day of January next following their election.

62 § 3.2. Vacancies.

63 Vacancies on the council shall be filled for the unexpired term from among the qualified voters of
64 the town by a majority vote of the remaining members of the council. A vacancy in the office of mayor
65 shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of
66 the council.

67 § 3.3. Council, A Continuing Body.

68 The council shall be a continuing body, and no measure pending before such body nor any contract
69 or obligation incurred shall abate or be discontinued because of the expiration of the term of office or
70 removal of any council member.

71 § 3.4. Mayor.

72 The mayor shall be the chief executive officer of the town. The mayor shall have and exercise all the
73 privileges and authority conferred by general law not inconsistent with the charter. The mayor shall
74 preside over the meetings of the town council and shall have the right to speak therein as a member of
75 the council. The mayor shall not have a vote as a member of council except to break a tie vote. The
76 mayor shall be the head of the town government for all its ceremonial purposes and shall perform such
77 other duties consistent with his office as may be imposed by the town council. The mayor shall see that
78 the duties of the various town officers are faithfully performed and shall authenticate his signature on
79 such documents or instruments as the council, this charter, or the laws of the Commonwealth shall
80 require.

81 § 3.5. Vice Mayor.

82 The town council shall, by a majority of all of its members, elect a vice mayor from its membership
83 at its first meeting to serve for a term of two years in the absence of or during the disability of the
84 mayor; and the vice mayor shall possess the powers and discharge the duties of the mayor when serving
85 as mayor.

86 § 3.6. Meetings of Council.

87 The council shall fix the time of its regular meetings, which shall be at least once each month, and,
88 except as herein provided, the council shall follow Robert's Rules of Order, latest edition, for rules of
89 procedure necessary for the orderly conduct of its business, except where inconsistent with the laws of
90 the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its meetings shall
91 be open to the public unless an executive session is called according to law. Special meetings may be
92 called at any time by the mayor or any four members of the council, provided that the members of the
93 council are given reasonable notice of such meetings. No business shall be transacted at the special
94 meeting except that for which it shall be called. If the mayor and all the members of the council are
95 present, this provision requiring prior notice for special meetings is waived.

96 § 3.7. Compensation.

97 Compensation for the mayor and council members shall be set by the council subject to any
98 limitations placed thereon by the laws of the Commonwealth of Virginia.

99 Chapter 4. Appointive Officers.

100 § 4.1. Appointments.

101 The town council may appoint the following officers:

102 Town Manager. A town manager who shall be responsible to the council for the proper
103 administration of all affairs of the town, for the control and supervision of all town departments,
104 employees, and property, for the preparation and implementation of an annual budget, and for any
105 other duties as prescribed by the council;

106 Town Treasurer. A town treasurer, whose duties shall be to receive all money belonging to the town,
107 to keep correct accounts of all receipts from all sources and of all expenditures, to be responsible for
108 the collection of all license fees, taxes, levies, and charges due to the town, to disburse the funds of the
109 town as the council may direct, and other such duties as prescribed by the council;

110 Town Attorney. A town attorney who shall be an attorney at law licensed to practice under the laws
111 of the Commonwealth. The town attorney shall receive such compensation as provided by the council
112 and shall have such duties as prescribed by the council;

113 Police Chief. The council in its discretion may provide for a chief of police whose duties shall be as
114 prescribed by the council.

115 Other Officers. The council may appoint such other officers as permitted by the laws of the
116 Commonwealth.

117 § 4.2. Term of Office.

118 Appointees under this chapter shall serve at the pleasure of the council. The council may fill any
119 vacancy in any appointive office.

120 Chapter 5. Financial Provisions.

§ 5.1. Fiscal Year.

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

Chapter 6. Miscellaneous.

§ 6.1. Burial Places for the Dead.

The Town shall have the authority to provide, in or near the town, lands to be used as burial places for the dead; to improve and care for the land and the approaches, and to charge for and regulate the use of the land; to cooperate with any nonprofit corporation in the improvement and care of burial places and approaches; and to provide for the perpetual upkeep and care of any plots or burial lots. The town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept and invested only for the perpetual upkeep and care of the said cemetery.

§ 6.2. 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.

§ 6.3. 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 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.

§ 6.4. Amendment of Charter.

The Elkton Town Charter may be amended by a two-thirds majority vote of the six Elkton Town Council members.

§ 6.5. Title and Delivery of Documents.

Any person who has been an officer of the Town shall deliver without notice or demand to his successor in office all property, books, and papers belonging to the town or appertaining to such office, in his possession or under his control within 10 days after he has vacated or been removed from office.

§ 6.6. Execution of Bonds.

All bonds evidencing debt by the Town shall be signed by the mayor and countersigned by the clerk of the council. The clerk of the council shall affix the Town's corporate seal to all bonds and attest to the same.

§ 6.7. Continuance of Officers in Office.

The present officers of the Town shall remain in office until expiration of their terms or until their successors have been duly elected and qualified.

§ 6.8. How Act Cited.

This act shall be referred to or cited as the Elkton Charter of 2006.

2. That Chapter 580, as amended, of the Acts of Assembly of 1954 is repealed.

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