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SENATE BILL NO. 505
Offered January 10, 2007
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A BILL to amend and reenact § 1 of Article I, § 1 of Article II, § 1, as amended, of Article III, § 1, as amended, of Article IV, § 1 of Article V, § 1 of Article VI, § 1 of Article VII, § 1 of Article VIII, § 1, as amended, of Article IX, § 1 of Article X, and § 1 of Article XI of Chapter 177 of the Acts of Assembly of 1948, which provided a charter for the Town of Bowling Green; and to amend Chapter 177 of the Acts of Assembly of 1948 by adding in Article III sections numbered 2 and 3, relating to Town of Bowling Green officers and elections.

Patron—McDougle

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Article I, § 1 of Article II, § 1, as amended, of Article III, § 1, as amended, of Article IV, § 1 of Article V, § 1 of Article VI, § 1 of Article VII, § 1 of Article VIII, § 1, as amended, of Article IX, § 1 of Article X, and § 1 of Article XI of Chapter 177 of the Acts of Assembly of 1948 are amended and reenacted and that Chapter 177 of the Acts of Assembly of 1948 is amended by adding in Article III sections numbered 2 and 3 as follows:

ARTICLE I

THE TOWN CORPORATE

§ 1. ~~(1)~~ The inhabitants of the territory comprised within the present limits of the town of Bowling Green, as such limits are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Bowling Green, and as such shall have and may exercise all powers which 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 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 said town as a municipal corporation, and 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, renew, or amend at its pleasure by proper ordinance.

ARTICLE II

CORPORATE LIMITS

§ 1. ~~(1)~~ The corporate limits of the town of Bowling Green are hereby established as follows: beginning at the graveyard on top of Mill Hill, owned by S. W. Broaddus, and running to the northeast corner of the Baptist parsonage lot; thence westwardly along the line of said lot and G. R. Collins' land to the county road; thence west across said road in a straight line to an ice house owned by E. C. Moncure; thence southwest to E. C. Moncure's barn; thence south in a straight line to a dam across E. J. Anderson's ice pond; thence south in a straight line to E. J. Anderson's spring; thence south along the line between E. J. Anderson's and C. W. Collins' to Milford Road; thence east up said road to Anderson's avenue; thence across said road and along the line between the lands of J. M. Hudgin and A. L. Jones to the line of John W. Maury; thence east in a straight line to a cherry tree in rear of A. A. Anderson's lot; thence east in a straight line to L. T. Wright's barn; thence east to the brick yard in A. B. Chandler's field, formerly owned by J. T. White; thence north in a straight line to the beginning.

By virtue of an order entered on December 22, 1997, in the Circuit Court of Caroline County, certain territory was annexed to the Town of Bowling Green. Consequently, this section does not describe the corporate limits as they presently exist. This order, containing a description of the territory annexed, effective December 31, 1997, is recorded in Law Order Book 039 beginning on Page 056, in the office of the Clerk of the Circuit Court of Caroline County.

ARTICLE III

ADMINISTRATION AND GOVERNMENT

§ 1. *Town Council.*

~~(1)~~ *A. Mayor and councilmen as of March 15, 1956.* The present mayor and councilmen of the town of Bowling Green shall continue in office and exercise all the powers conferred by this charter and the general laws of this State until the expiration of the term for which they were elected, or until their successors are duly elected and qualified.

~~(2)~~ *B. In whom powers of town are vested.* Except as otherwise provided in this charter, all powers

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of the town and the administration and government thereof shall be vested in the council and such boards or officers as are hereafter mentioned, or may be by law otherwise provided. *The power and authority of the councilmen shall, in addition to those mentioned and authorized by this act, be such as are mentioned and prescribed by law. The council of the town shall have general power over all officers and employees of the town as provided in this charter.*

~~(3) On the first Tuesday in May, 1974, and every two years thereafter, there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and seven other electors, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council. They shall enter upon the duties of their offices on the first day of July next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.~~

C. Terms of Office.

An election shall be held on the first Tuesday of May, 2008, and every two years thereafter. At the election to be held in May, 2008, the candidate for the office of mayor receiving the highest number of votes shall be elected for a term of four years; the four candidates for councilmen receiving the highest number of votes, respectively, at such election shall be elected for a term of four years, and the three candidates receiving the next highest number of votes, respectively, at such election shall be elected for a term of two years; in the event that the three councilmen receiving the next highest number of votes cannot be determined because of a tie in the vote, the candidates who have tied in the votes shall draw lots to determine who shall serve the two-year term. Thereafter as the terms of the mayor and the members of the council, respectively, expire, their successors shall be elected for terms of four years. The mayor and councilmen elected at such elections shall enter upon their duties the first day of July next succeeding. Any vacancies on the council occurring other than by expiration of terms shall be filled, from the electors of the town, for the unexpired term, by a majority vote of the remaining members of the council.

~~(4)~~ *D. Election officials; electorate.*

There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

~~(5)~~ *E. Council as judge of qualifications and returns of members; power to expel councilmen and to fill vacancies in council.*

The council shall judge of the election, qualification, and returns of its members; and, with the concurrence of two-thirds, expel a member, for cause. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

~~(6)~~ *F. Quorum of council.*

A majority of the members of the council shall constitute a quorum for the transaction of business.

~~(7) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of one hundred dollars ($100.00) per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of five hundred dollars ($500.00) per annum.~~

G. Salaries of councilmen and mayor.

1. Each member of the council shall receive a salary in an amount established by council, payable as the council may direct, provided that no increase in salary of a council member shall take effect during the incumbent council member's term in office, but this restriction shall not apply when the council members are elected for staggered terms.

2. The mayor shall receive a salary in an amount established by council, payable as the council may direct, but no increase in the mayor's salary shall take effect during the incumbent mayor's term in office.

~~(8) The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have the right to veto. He shall take care and~~

~~see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. He shall be ex officio a conservator of the peace within the town and within one mile of its corporate limits. He shall see that peace and good order are preserved and that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town.~~

~~(9) Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections in writing, to the town clerk who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days.~~

H. Powers and duties of mayor generally.

1. The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his office. He shall be recognized as the official head of the town for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. In time of public danger or emergency, he may take command of the police, maintain order, and enforce the law. Such course of action shall be subject to review by the council.

2. The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall be entitled to vote and his vote in case of a tie vote shall have the same weight and effect as the vote of a councilman.

3. The mayor shall have no power to suspend, remove, or discharge any officer, agent, or employee of the town nor shall he have any power or authority to appoint or employ any officer, agent, or employee of the town nor to fix the term of office or employment, or the compensation, or to increase or decrease the power and authority of any officer, agent, or employee of the town, but the mayor shall have such powers with respect to the chief of police, the policemen, and employees of the police force when and if the mayor is given the control and supervision of the chief of police, the policemen, and employees of the police force.

~~(10)~~ *I. Vice Mayor.*

The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

~~(11)~~ *J. Regular and special meetings of council.*

The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except where in the judgment of the council the public welfare shall require executive meetings.

~~(12)~~ *K. Council Minute Book.*

The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceeding at large on the minute book and keep the same properly indexed.

~~(13)~~ *L. Council rules of procedure; certain matters may be adopted by vote of majority of all members elected to council.*

The council may adopt rules for regulating its proceedings but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

~~(14) There shall be appointed by the council at its first meeting in July after its election or as soon~~

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as practicable thereafter, a treasurer, who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(15) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once a year by a competent accountant selected by the council, such examination and audit to be reported to the council.

(16) The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(17) There shall be appointed by the council, at its first regular meeting in July after its election, a clerk of the council, who shall hold office for a term of two years. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy to this office shall be filled by the council.

(18) There shall be appointed by the council at its first regular meeting in July after its election or as soon as practicable thereafter, a town sergeant, who shall also be chief of police and shall hold office for two years. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.

(19) The council may appoint a municipal judge for the said town who shall serve for two years from the date of his appointment and until his successor is appointed by the council and qualifies.

Such municipal judge shall have the qualifications and such power, authority and jurisdiction as provided by statute. All fees, costs and fines collected by the municipal judge pursuant to ordinance of the town shall be paid into the town treasury for the use and benefit of the town. Appeals from the municipal court may be taken to the Circuit Court of Caroline County in the manner provided by law. The council may appoint and provide compensation for such clerks as are necessary for the efficient operation of the Court. The council shall provide a salary for such municipal judge in the amount and payable at such times as the council may deem proper. Council may appoint a substitute municipal judge for the same term and under the same conditions as the municipal judge is appointed. The town of Bowling Green may combine its municipal court with the County Court of Caroline County in the manner provided by law. The provisions of this section (19) are subject to all statutory provisions relative to courts not of record and, in addition, shall be subject to any future statutes or legislation which modifies the judicial system of the Commonwealth for courts not of record.

(20) The council may appoint or select such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties.

(21) All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolution or bylaw, but in event no effective date shall be set forth in any such ordinances, resolution or bylaw passed by the council, the same shall become effective thirty days from its passage.

M. Effective date of ordinances, bylaws, and resolutions.

All ordinances, resolutions, and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions, or bylaws, but in the event no effective date shall be set forth in any such ordinance, resolution, or bylaw passed by the council, the same shall become effective 30 days from its passage.

N. Publication of penal ordinances, ordinances in evidences; codification of ordinances.

All ordinances hereafter passed by the council for the violation of which any penalty is imposed shall be published once, at least, in one of the newspapers of said town, to be designated by the council. A record or entry made by the clerk of said council, or a copy of said record or entry, duly certified to by him, shall be prima facie evidence of the publication of any such ordinance; and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, from a copy thereof, certified by the clerk of said council; however, whenever the council of the town of Bowling Green shall codify, in whole or in part, and print at one time, or from time to time, in book or pamphlet form, the general ordinances of the town of Bowling Green, or any part thereof, it shall be unnecessary to publish any new or changed ordinances therein contained, or such codification or codifications, in a newspaper or otherwise, and all new or changed ordinances therein contain, and such codification or codifications, shall take effect at such time, but not less than 30 days after such codification or codifications shall have been printed in book or pamphlet form, as may be prescribed by the council by ordinance; provided, notice of such publication and the availability of such book or

pamphlet at the town hall is published in a newspaper as hereinabove required.

§ 2. Town Officers and Staff.

A. The town council may combine offices when not expressly prohibited, except that the assessing and collecting officers shall not be the same person.

B. Salaries and compensation.

The town council shall grant and pay to all town officers and employees such salaries or compensation, if any, as the said council may from time to time deem just and proper, or which shall be fixed by this act, except as such salaries or compensation may be fixed by general law.

C. Town manager.

The council may employ a town manager to serve at the will and pleasure of the council. The town manager shall be the chief administrative officer of the town. The town manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not be a resident of the town. No member of the council shall, during the time for which elected, be chosen as town manager. Council shall perform annual reviews of the performance of the town manager. Council may suspend or remove the town manager and the action of the council in suspending or removing the town manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the town manager, the council may designate some qualified person to perform the duties of the office during such absence or disability.

D. Duties of the town manager.

1. It shall be the duty of the town manager to supervise the administration of the affairs of the town; to make such recommendations to the council concerning the affairs of the town as may seem desirable; to keep the council advised of the financial condition and future needs of the town; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this charter or required of him by order of resolution of the council, not inconsistent with this charter.

2. Except as otherwise provided in this charter, the town manager, subject to the consent of the town council, may appoint or employ and he may remove or discharge such officers, employees, and assistants as may be necessary to carry on the work in those departments of the town committed to him by ordinance, in all of their respective details, in an economical and satisfactory manner. The salaries and terms of office or employment of such officers, employees, and assistants shall be fixed by the town manager subject to the approval of the town council. His action in all respects shall be subject to review by the council and he shall be accountable to the town council only.

E. Town clerk.

The council may employ a clerk to serve at the will and pleasure of the council. The clerk shall serve as the record keeper of the council and shall be responsible for all clerical responsibilities.

F. Duties of the clerk.

The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have the custody of the seal of the said town. He shall keep all papers, documents, and public records that by the provisions of this charter or the direction of the council are required to be filed with or kept by him. Immediately after the close of each session of the town council, he shall make and present to the mayor and town manager a transcript of every ordinance, resolution, or order concerning any public improvement or for the payment of money and every ordinance, resolution, order, and act of legislative character passed by the town council at such session. He shall, in like manner, give notice to all persons presenting communications or petitions to the town council of the final action of the council on such communications or petitions. He shall publish such reports and ordinances as the town council may direct, and shall in general perform such other acts and duties as the council may from time to time require of him. The clerk shall perform such other duties and obligations as required by the town council for the efficient and orderly operation of the town.

G. Town treasurer.

The council may employ a town treasurer to serve at the will and pleasure of the council. The town treasurer shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in a penalty of such amount as may be fixed by the council from time to time, payable to the town of Bowling Green, conditioned for the true and faithful performance of the duties of his office.

H. Duties of the town treasurer.

1. The treasurer shall be responsible for the collection of all taxes, licenses, and levies except charges for services furnished by the public utilities of the town. The council shall have the authority to place in the hands of a town collector to be employed by it the collection of any taxes, licenses, and other levies at any time before they become delinquent, if in the discretion of the council it shall be proper so to do.

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2. The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as the ordinances of the town may prescribe; to keep such moneys safely and account therefor, and to pay all drafts or orders made on him in conformity with the ordinances of the town. The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the Commonwealth.

3. The town treasurer shall, on the first day of each month, render an account to the council showing the state of the treasury on the day previous and the balance of money on hand. He shall also, if required so to do by the council, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts, and statements as the town council may direct.

4. The town treasurer shall annually submit to the town council, within 30 days after the close of the fiscal year, a full and detailed account of all receipts and disbursements made during the fiscal year just closed.

I. Police Department.

1. The council may exercise full police powers and it may establish and maintain a police force for the town of Bowling Green with such number of policemen and employees as the council may deem necessary and with the head of such force to be known as the chief of police. The chief of police and the policemen and employees of the police force shall be under the control and supervision of the town manager. The compensation and terms of office or employment of the chief of police and such policemen and employees of the police force as the council shall deem proper shall be fixed and determined by the council.

2. Each member of the police force and the chief of police are hereby endowed with all the powers of a constable in criminal cases and all other powers which under the laws of the Commonwealth of Virginia and the ordinances and resolutions of the town may be necessary to enable them to discharge the duties of their office.

J. Town attorney and other officers.

The council may appoint a duly licensed attorney as town attorney, whose compensation shall be fixed by the council and who shall serve at the will and pleasure of the council, and in addition to those herein provided for, the council may appoint such officers and clerks as they may deem necessary, and define their powers, prescribe their duties, and fix their compensation. The council may take from any officer, whether elected or appointed by them, a bond with surety, to be approved by the council, in such penalty as it may deem proper, payable to the town, with condition for the faithful discharge by the said officer of the duties of his office.

§ 3. Depositories of town funds, accounts; prohibited uses of town money.

A. The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks shall give bond in such sum or sums as the council shall fix. He shall keep books showing accurately the state of his accounts and the money of the town shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly or indirectly the town's money, checks, or warrants in his custody and keeping for his own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

B. The books and accounts of the town treasurer and all papers relating to the accounts and transactions of the town shall be at all times subject to the inspection of the mayor, the town council, and such other persons as the council may appoint, to examine the same, and all such books and accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment or delivered up as the council may at any time require.

C. All taxes, levies, or other sums of money of whatever nature received by the town treasurer belonging to the town shall be credited by the treasurer on his books to the town and shall be paid out by him only on a warrant of the clerk of the council, countersigned by the mayor.

D. The treasurer shall keep a separate account of each fund and appropriation and the debits and credits belonging thereto; however, the council shall have the right to require all town funds to be deposited to the credit of the town and may prescribe by resolution or ordinance such other method of disbursement as it shall from time to time deem proper.

E. All moneys received on all special assessments shall be held by the treasurer as a special fund to be applied to the payment of the matter for which the assessment was made, and said moneys shall be used for no other purpose.

ARTICLE IV
TAXATION AND FINANCES

§ 1. ~~(1)~~ *Council to have control of taxation and finances.* The town council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

~~(2) To~~ *A. Annual budget: to* prepare, or cause to be prepared, annually a budget showing the

estimated receipts and proposed expenditures for town purposes as required by state law, and to publish the same.

~~(3) To~~ *B. Annual levy: to* raise annually by levy and collection of taxes and assessments in the said town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the said town in such manner as the said council shall deem expedient in accordance with this charter, the Constitution and laws of this Commonwealth and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

~~(4) To~~ *C. Special or local assessments: to* impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this Commonwealth, as may be in force at the time of the imposition of such special or local assessments.

~~(5) To~~ *D. Power to contract debts and issue bonds, give notes, etc.: to* contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution and the laws of this Commonwealth concerning bonds issued by towns, upon credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

~~(6) To~~ *E. Temporary borrowing: to* borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

~~(7) To~~ *F. Expenditure of money: to* expend the money of the town for all lawful purposes.

~~(8) To~~ *G. Licensing and taxation of slot machines: to* levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the Commonwealth or not, and may, if permitted by general law, exceed the state license, if any be required, and may provide penalties for any violation thereof.

~~(9) To~~ *H. Licensing of circuses, carnivals, shows, etc.: to* license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection.

~~(10) To~~ *I. Licensing of businesses, trades, professions, and callings: to* impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in said town, except when prohibited by general law, whether or not a license may be required therefor by the Commonwealth. The fee for such license may exceed the state license fee if any be required.

~~(11)~~ *J. Licensing of certain wholesalers.* Licenses may also be imposed upon and a fee therefor collected from persons, firms, or corporations selling and delivering at the same time at other than a definite place of business, goods, wares or merchandise, to licensed dealers or retailers in the town.

~~(12)~~ *K. Fees for issuance or transfer of licenses.* For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

~~(13)~~ *L. Liens and other remedies to enforce collection of taxes, levies, penalties, and assessments.* A lien shall exist on all real estate within the corporate limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth. The council shall have the benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general law of the Commonwealth, including the power to distrain goods and chattels for failure to pay taxes levied thereon.

~~(14)~~*M.* To have all taxing powers authorized by the Commonwealth of Virginia for towns including specifically those powers provided for in § 15.1-841 of the Code of Virginia.

ARTICLE V

PROPERTY

§ 1. ~~(1)~~ The town council shall have the following powers:

~~(1) To~~ *A. Generally: to* acquire by purchase, gift, devise, condemnation, or otherwise, property, real or personal, or any estate therein within or without the town, for any purpose of the town, and to hold,

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improve, sell, lease, mortgage, or pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

~~(2) To~~ *B. Road construction materials and machinery: to* acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State, lands, or any interest or estate in lands, rock quarries, gravelpits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

~~(3) To~~ *C. Parks, playgrounds, etc: to* acquire and operate parks, playgrounds, and public grounds within or without the corporate limits of the town, and to place on the same either within or without the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character, and charge admission thereto, and to rent out or lease the privileges of the same.

~~(4) To~~ *D. Airports and landing fields: to* acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

~~(5) To~~ *E. Lands for industrial or commercial purposes: to* acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

~~(6) To~~ *F. Miscellaneous public improvements: to* construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of various departments of the town and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them, and, either within or without the town to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise.

~~(7) To provide in or near the town land to be used as burial places for the dead, to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, to cooperate with any nonprofit corporation or association in the improvement and care of burial place and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept and invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot for which the said donation, gift, or bequest has been made. And all acts of the said town in accepting from any cemetery company, society or corporation such land to be used as a burial place for the dead, whether said land had been heretofore used or not, as well as all contracts and agreements made with any person or persons for perpetual care and maintenance, are hereby declared valid.~~

ARTICLE VI
UTILITIES

§ 1. The town council shall have the following powers:

~~(1) To~~*A. Electricity and gas: to* own, operate and maintain electric light and gas works, either within or without the corporate limits of the town and to supply electricity and gas, whether the same be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract for and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient.

~~(2) To~~ *B. Water supply protection thereof; waterworks; water mains and sewer lines and authority to require properties to be connected thereto: to* own, operate and maintain water works and to acquire any lawful manner in any county of the State, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of

eminent domain provided by the laws of this State.

~~(3) To~~ *C. Sanitary sewers and authority to require properties to connect therewith; sewage disposal plants: to* establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise within or without the town limits, all land, rights-of-way, riparian and other rights and easements necessary for said purposes, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

~~(4) To~~ *D. Service charges and fees; permits for use of facilities: to* charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

~~(5) To~~ *E. Collection and disposal of garbage, etc.: to* collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

~~(6) To~~ *F. Assessment and collection of water and sewage rates and charges; security deposit before rendition of service: to* establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charge directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

~~(7) To~~ *G. Franchises: to* grant franchise for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time 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 to the contrary notwithstanding.

~~(8) To~~ *H. Poles and wires; gas pipes: to* regulate, permit or prohibit poles and wires for electric, telephone, and telegraph purposes erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the owner or lessee of an electric light, telephone, or telegraph pole, or poles, or wires, now in use or hereafter erected, to change the location of or move the same.

ARTICLE VII

STREETS

§ 1. The town council shall have the following powers:

~~(1) The town shall have the power to~~ *A. To* acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, streets, sidewalks, boulevards, parkways, alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, to regulate the operation and speed of cars and vehicles within said streets and highways within the town; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

~~(2)~~ *B.* To give names to or alter the names of the streets.

ARTICLE VIII

BUILDING REGULATIONS

§ 1. The town council shall have the following powers:

~~(1) To~~ *A. Regulation of size, height, materials, etc; dangerous structures: to* regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may become dangerous to life or property, or which may be erected contrary to law.

~~(2) To~~ *B. Regulation of construction; building code; setback lines; standard for dwelling and business houses: to* provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide set-back lines on the streets beyond which no buildings may be constructed if permitted by general law; to require the standard of all dwelling houses be maintained in residential sections in keeping with the majority of residences therein, and if permitted by

general law to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

~~(3) To~~ *C. Comprehensive plan for town; plats; recording of plats: to* make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, or within one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Caroline County, Virginia.

~~(4) To~~ *D. Permits may be required; misdemeanor to build without required permit: to* issue or refuse (in case of noncompliance with the building requirements of the town) to issue permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation, failing to secure such permit prior to the beginning of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided.

ARTICLE IX
ADDITIONAL POWERS

§ 1. In addition to the powers elsewhere mentioned in this charter and the powers conferred by general laws and the Constitution, the town shall have the following powers:

~~(1) To~~*A. Nuisance; maintenance of premises; things detrimental to health, morals, aesthetics, safety, convenience, and welfare generally: to* compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent noisome or offensive business within said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of said town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of bill boards and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow, and any obstruction.

~~(2) To~~*B. Fire protection generally: to* extinguish and prevent fires, and to establish, regulate, and control a fire department or division; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fire-proof materials to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblages, entertainments or amusements.

~~(3) To~~*C. Explosives; fireworks; firearms; bonfires: to* direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline, and other like materials, to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town.

~~(4) To~~ *D. Health and sanitation; department of health: to* provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in said town of any articles or thing intended for human consumption which is adulterated, impure, or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for said town, with authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the Commonwealth and the United States.

~~(5) To~~ *E. Care of children and persons sick, aged, insane or paupers: to* provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.

~~(6) To~~*F. Maintenance of various institutions: to* provide and maintain, either within or without the

town, charitable, recreative, curative, corrective, detention or penal institutions.

~~(7) To~~*G. Animals and fowls: to* regulate poultry or other fowls, hogs, dogs or other animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

~~(8) To~~ *H. Acts of annoyance on streets; abuse of animals: to* prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, the setting off of fireworks or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

~~(9) To~~ *I. Markets and keeping of foodstuffs; hucksters; junk dealers: to* establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers as may be deemed advisable.

~~(10) To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety of the town from coming to the town from without the same; and to expel therefrom any such person who has been in said town less than twelve months.~~

~~(11) To~~*J. Police powers; police department: to* exercise full police powers and establish and maintain a department or division of police.

~~(12) To~~ *K. Drunkards, beggars, etc.; gambling; houses of ill-fame; disorderly conduct: to* restrain and punish drunkards, vagrants, and street beggars; to prevent and quell riots, disturbances, assemblages and disorderly assemblages; to suppress houses of ill-fame and gambling houses and punish operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the said town; to prevent and punish lewd, indecent, and disorderly exhibitions in said town. To prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct, and public swearing and cursing, within the said town.

~~(13) To~~ *L. Malicious mischief: to* prohibit and punish mischievous, wanton, or malicious damage to school, church, and public property, as well as to private property.

~~(14) To prohibit minors from and punish them for frequenting, playing or loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same.~~

~~(15) To~~ *M. Labor of prisoners; town use of county jail: to* compel persons sentenced to confinement in the jail of the town for any violation of the laws or ordinances of the town to work on the public streets, parks, or other public works of the town; and on the requisition of the mayor it shall be the duty of the sergeant of the town to deliver such persons to the duly authorized agent of the town for such purposes from day to day as they may be required. For the purpose of carrying into effect the police regulations of the town, the town shall have the use of the county jail of Caroline County for the safe keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town.

~~(16) To~~ *N. Enjoining of ordinance violations: to* enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

~~(17) To~~ *O. Bylaws, rules, regulations, and ordinances for the good order of the town, etc: to* pass and enforce all bylaws, rules, regulations, and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of the citizens and their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court or officers, thereof, or which may be necessary incident to a municipal corporation.

~~(18) To~~ *P. Maintenance of general welfare, etc: to* do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, government, peace, health, trade, commerce, or industries of the town, or its inhabitants.

~~(19) To~~ *Q. Rewards: to* offer and pay rewards for the apprehension of criminals.

~~(20) To provide by ordinance for a system of meat and milk inspection, and appoint milk and meat inspectors, agents, or officers to carry the same into effect; to prevent, license, regulate, control, and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges; and to provide reasonable penalties for the violations of such ordinances.~~

~~(21) To~~ *R. Public schools and libraries: to* establish, organize, administer, or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the Commonwealth.

~~(22) To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures, and scales.~~

INTRODUCED

~~(23)~~ ~~To~~ *S. Alcoholic beverages: to* make and enforce ordinances, in so far as not prohibited by the general laws of this Commonwealth, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

~~(24)~~ ~~To~~ *T. Licensing of motor vehicles: to* require every owner or operator of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council; to issue said license, and to require the said owner to pay the annual license fee therefor to be fixed by the council, provided that the said license fee shall not exceed the amount charged by the Commonwealth on such machines. The council shall have the right to require the operator of said motor vehicle to attach a proper license plate on a conspicuous part of the said motor vehicle and to keep same thereon in plain view for common observation. The council may prorate such license fee over periods of not less than three months.

~~(25)~~ ~~In so far~~ *U. Regulation of motor vehicles and traffic: insofar* as not prohibited by general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through said town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare and safety.

~~(26)~~ ~~To~~ *V. Ordinances generally: to* make and enforce ordinances, not inconsistent with the laws of this Commonwealth.

~~(27)~~ ~~To~~ *W. Implementation of powers; penalties for violation of ordinances: 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, 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, said penalty not to exceed five hundred dollars ($500.00) fine or twelve months' imprisonment in jail, or both.

~~(28)~~ *X. Enumeration of powers not exclusive.* The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town council shall have and may exercise all powers which, under the Constitution and laws of this Commonwealth, it would be competent for this charter specifically to enumerate.

~~(29)~~ *Y.* To exercise all powers now or hereafter conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia.

ARTICLE X

ACTIONS AGAINST TOWN

§ 1. ~~(1)~~ No actions shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any attorney appointed by the council for this purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days such statement may be filed within one hundred and twenty days. And no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them.

ARTICLE XI

MISCELLANEOUS

§ 1. *Severability; title.*

~~(1)~~*A.* If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the part of the act directly involved in the controversy in which said judgment shall have been rendered.

~~(2)~~*B.* This act may be referred to or cited as the Bowling Green Charter of 1948.

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