

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to provide a new charter for the Town of Nassawadox, in Northampton County.

[S 1110]

Approved

Be it enacted by the General Assembly of Virginia:

1.

TOWN OF NASSAWADOX.  
TOWN CHARTER.  
CHAPTER 1.  
INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Nassawadox, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Nassawadox, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance.

§ 1.2. Boundaries.

The territory embraced within the town of Nassawadox is that territory in the county of Northampton, Virginia, established by order of the Circuit Court of Northampton County, December 30, 1958, as found in the Common Law Order Book 19, page 216, and that territory added by boundary adjustment dated December 20, 1999, as found in Common Law Civil Order Book 8, page 785, or as the same may be hereafter altered by law.

CHAPTER 2.  
POWERS.

§ 2.1. General grant of powers.

The town of Nassawadox 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 the town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation.

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, as in force on January 1, 2009, and as may hereafter be amended, are hereby conferred on and vested in the town.

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.2, Chapter 1 (§ 25.1-100 et seq.) of Title 25.1, and Chapter 1 (§ 33.1-1 et seq.) of Title 33.1 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town treasurer. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for streets, water, sewers, and related matters, whether within or without the town.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to

57 require refunding bonds, for good cause shown by the town or any other person or party in interest,  
58 prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the  
59 town.

60 CHAPTER 3.  
61 MAYOR AND COUNCIL.

62 § 3.1. Election, qualification and term of office of councilmen and mayor.

63 (a) The town of Nassawadox shall be governed by a town council composed of six councilmen and a  
64 mayor, all of whom shall be qualified voters of the town to be elected from the town at large.

65 (b) The mayor and councilmen in office at the time of the passage of this act shall continue in office  
66 until their successors are elected and qualified. An election for mayor and councilmen shall be held on  
67 the first Tuesday in May, in 2010, and on the first Tuesday in May of every even-numbered year  
68 thereafter. The council members and mayor so elected shall take office on the first day of the following  
69 July, and shall each serve until their successors are elected and have qualified.

70 (c) No mayor or member of council shall be an employee of the town and upon the qualification of  
71 any such person for such position, his employment with the town shall cease.

72 § 3.2. Vacancies on council.

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

76 If any member of the council shall be voluntarily absent from three regular meetings of the council  
77 consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired  
78 term shall be filled according to the provisions of this act.

79 § 3.3. Vacancies in office of mayor.

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

83 § 3.4. Council a continuing body.

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

87 § 3.5. Powers and duties of mayor.

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

102 § 3.6. Vice mayor.

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

107 § 3.7. Meetings of council.

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

116 § 3.8. Council to fix salaries.

117 The town council is hereby authorized to fix the salary of the mayor, members of the town council,

118 the town manager, members of boards or commissions, and all appointed officers and employees of said  
119 town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of  
120 Virginia.

121 § 3.9. Acting mayor.

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

125 § 3.10. General grant of powers to council.

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

131 CHAPTER 4.  
132 APPOINTIVE OFFICERS.

133 § 4.1. Appointment.

134 The town council may appoint such officers of the town as it deems necessary. Such officers may  
135 include, but shall not be limited to, a town manager, a town clerk, a town attorney, a town treasurer,  
136 Chief of Police and police officers. The enumeration of officers in this section shall not be construed to  
137 require the appointment of any of such officers herein named. Officers appointed by the town council  
138 shall perform such duties as may be specified in this Charter, by the laws of the Commonwealth of  
139 Virginia, or by the town council.

140 § 4.2. Deputies and assistants.

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

143 § 4.3. Term of office.

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

146 § 4.4. Appointment of one person to more than one office.

147 The town council may appoint the same person to more than one appointive office, at the discretion  
148 of the town council subject to such limitations as are set forth in the Constitution of Virginia and Title  
149 15.2 of the Code of Virginia, as amended from time to time.

150 § 4.5. Qualifications and duties of the town manager.

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

154 (a) Attend all meetings of the town council, with the right to speak but not to vote.

155 (b) Keep the town council advised of the financial condition and the future needs of the town and of  
156 all matters pertaining to its proper administration and make such recommendations as may seem to him  
157 desirable.

158 (c) Prepare and submit the annual budget of the town council and be responsible for its  
159 administration after its adoption.

160 (d) Prepare in suitable form for publication and submit to the town council at the next regular  
161 meeting following the end of each fiscal year a concise, comprehensive report of the financial  
162 transactions and administrative activities of the town government during the immediately preceding  
163 fiscal year.

164 (e) Present adequate financial and activity reports as required by the town council.

165 (f) Arrange for an annual audit by a certified public accountant, the selection of whom shall be  
166 approved by the town council.

167 (g) Perform such other duties as may be prescribed by this Charter, or required of him in  
168 accordance therewith by the town council, or which may be required by the chief executive officer of a  
169 town by the general laws of the Commonwealth of Virginia.

170 All employees of the town, except those appointed by the town council pursuant to this Charter or  
171 the general laws of the Commonwealth of Virginia shall be appointed and may be removed by the town  
172 manager, who shall report each appointment or removal to the town council at the next meeting thereof  
173 following any such appointment or removal. The town council shall designate by ordinance a person to  
174 act as town manager in the case of the absence, incapacity, death or resignation of the town manager,  
175 until his return to duty or the appointment of his successor. Until such time as the town council  
176 appoints any such town manager, the duties and powers outlined herein shall be given to the mayor, or  
177 such other person as may be designated by the town council. All employees and officers of the town,  
178 including those appointed by the town council, shall be under the management control and supervision

179 of the town manager.

180 § 4.6. Duties of the town clerk.

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

190 § 4.7. Duties of the town attorney.

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

194 § 4.8. Duties of the town treasurer.

195 The town treasurer shall collect the town taxes and licenses, and shall have the power to levy and  
196 sell property for collection of delinquent taxes and fees as given to county treasurers. The town  
197 treasurer shall work cooperatively with the town manager to provide full financial disclosure and  
198 reporting as requested by the town council. The town treasurer shall perform such other duties, not  
199 inconsistent with his office, as the town council or town manager may direct.

200 § 4.9. Powers and duties of the chief of police and police officers.

201 The chief of police shall be a conservator of the peace and vested with the full powers of a constable  
202 within the limits of the town. He and any police officers who may be appointed by the mayor with the  
203 advice and consent of a majority of the members of the town council, shall have all the powers given to  
204 police officers under the laws of the Commonwealth of Virginia. The police force of the town shall be  
205 under the control of the chief of police for the purpose of enforcing peace and good order and  
206 executing the laws of the State and all the ordinances of the town. He shall assist the treasurer in the  
207 collection of town taxes, and may distrain and sell therefor in like manner for which state taxes and  
208 county levies are distrained.

209 § 4.10. Bonds.

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

212 § 4.11. Vacancies in office.

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

214 § 4.12. Residence of officers and employees.

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

#### 217 CHAPTER 5.

#### 218 RAISING OF REVENUE.

219 § 5.1. Assessment of taxes.

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

223 § 5.2. Other revenue-generating activity.

224 The town council shall have the power to engage in other revenue-generating activities to any extent  
225 not prohibited by the laws of the Commonwealth of Virginia.

#### 226 CHAPTER 6.

#### 227 FINANCIAL PROVISIONS.

228 § 6.1. Fiscal year.

229 The fiscal year of the town shall begin on July first of each year, and end on June thirtieth of the  
230 year following.

#### 231 CHAPTER 7.

#### 232 MISCELLANEOUS.

233 § 7.1. Elections governed by state law.

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

236 § 7.2. Applicability outside town.

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

239 § 7.3. Present officers to continue.

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

242 *§ 7.4. Ordinances continued in force.*

243 *All ordinances now in force in the town of Nassawadox, not inconsistent with this Charter, shall be*  
244 *and remain in force until altered, amended or repealed by the town council.*

245 *§ 7.5. Severability of provisions.*

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

250 *§ 7.6. Disclosure of interest.*

251 *The town council is hereby empowered to adopt a conflict of interest and disclosure ordinance to*  
252 *govern elected and/or appointed town officials not inconsistent with the general law.*