

# VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

## CHAPTER 267

*An Act to amend and reenact §§ 1.2, 2.1, 2.2, 2.4, 3.2, 3.3, 3.4, and 3.5, § 4.1, as amended, and §§ 4.2, 4.3, and 5.2 of Chapter 520 of the Acts of Assembly of 1983, which provided a charter for the Town of Lovettsville, relating to boundaries, town powers, town council, mayor, and town officers.*

[H 1625]

Approved March 17, 2015

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 1.2, 2.1, 2.2, 2.4, 3.2, 3.3, 3.4, and 3.5, § 4.1, as amended, and §§ 4.2, 4.3, and 5.2 of Chapter 520 of the Acts of Assembly of 1983 are amended and reenacted as follows:**

§ 1.2 - Corporate limits.

The corporate limits or boundaries of the Town are those established in Deed Book 6M at Page 406, et seq., of the land records of Loudoun County, Virginia, as extended by the annexation decree of the Circuit Court of Loudoun County, Virginia, entered on March 27, 1973, of record in the Clerk's Office of the Circuit Court for Loudoun County in Common Law Order Book 33 at Page 21, Deed Book 572 beginning at Page 545, by *Final Order entered June 12, 1995, of record in the Clerk's Office in Common Law Order Book 102 at Page 0263 in At Law No. 16467 and in Deed Book 1371 at page 1964, et seq., and by Final Order entered December 22, 2006, in CL 43628, recorded among the land records of Loudoun County as Instrument Nos. 20070104-0000612 and 20070315-0019694, and the plat as 20070315-0019695*, and by any orders of the Circuit Court of Loudoun County heretofore or hereafter entered.

§ 2.1 - In general.

The Town of Lovettsville shall have and may exercise all the powers and privileges conferred upon it by this charter, as well as all the powers and privileges conferred upon towns by the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter ~~48~~ 9 of Title ~~15.1~~ 15.2 of the Code of Virginia, as now existing or as may be added to or amended from time to time, are hereby specifically conferred upon the Town of Lovettsville.

§ 2.2 - Eminent domain.

Generally. The Powers of eminent domain which may be exercised by municipal corporations under the provisions of Title ~~45.1~~ 15.2 and Title ~~25~~ 25.1 of the Code of Virginia are hereby conferred upon the Town.

§ 2.4 - Water and sewer services.

A. Generally. The Town shall have the power and authority to acquire, establish, maintain, operate, extend and enlarge waterworks and sewage disposal plants within or without the corporate limits of the Town; and to establish and enforce reasonable rates, rules and regulations for the use of same, any or all of which rates, rules and regulations the Council may alter ~~at any from time to time without notice~~.

B. Rates. In operating public water and sewer services, the Town may charge a different rate for services furnished to customers outside the corporate limits of the Town from the rates charged for similar services to customers within the corporate limits.

C. Unpaid charges. The Town may provide by ordinance that all unpaid water and sewer service charges and interest thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided.

§ 3.2 - Council.

A. The legislative powers of the Town shall be vested in a town council, composed of six members, who shall be elected as specified herein.

B. Council members shall be elected to four-year terms, on the date specified by general law for municipal elections, in the manner herein provided:

1. Three council members shall be elected in the municipal elections held in 1984, and in municipal elections held every four years thereafter.

2. Three council members shall be elected in the municipal elections held in 1986, and in municipal elections held every four years thereafter.

The council members so elected shall qualify and take office on July 1, following their election, and shall continue to serve until their successors are duly elected, qualify and assume office.

C. Any person qualified to vote in Town elections shall be eligible for the office of councilman.

D. Vacancies in the council shall be filled for the unexpired term by a majority vote of the remaining members of the Council from among the qualified voters of the Town. *For purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those set forth in Article VII, Section 7 of the*

*Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed.*

E. The members of the Council in office at the time of the passage of this Act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected, qualify and assume office.

### § 3.3 - Mayor.

#### A. Powers and duties.

1. The mayor shall be the chief executive officer of the Town and shall be recognized as the head of Town government for all ceremonial purposes, the purpose of military law and the service of civil process; he shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent with this charter; he shall authenticate by his signature such documents as the council, this charter or the laws of the Commonwealth shall require; and he shall perform such other duties consistent with his office as may be imposed by the council.

2. The mayor shall preside at all meetings of the council, but shall have no vote except in case of tie; he shall have the power to veto resolutions, acts and ordinances of the council, which resolutions, acts and ordinances may be passed over such veto by a two-thirds vote of the entire council; and he shall from time to time recommend to the council such measures as he may deem necessary for the welfare of the Town.

3. ~~The~~ *Except as otherwise provided herein or by law, the* mayor shall have the authority to appoint such officers and ~~employees as specifically authorized herein or committees~~ as are necessary for the proper administration of the affairs of the Town, but shall report each appointment to the council for confirmation at the next meeting thereof following any such appointment; the mayor shall see that the duties of the various Town officers are faithfully performed, and he shall have the power to suspend any such officer for misconduct in office or neglect of duty until the next regular or special meeting of the council, when the decision of the council shall be final.

B. Election. In each even-numbered year, on the date specified by general law for municipal elections, a mayor for the Town shall be elected for a term of two years. The person so elected shall so qualify and take office on July 1, following election. Mayors shall continue to serve until their successors are duly elected, qualify and assume office.

C. Qualifications. Any person qualified to vote in Town elections shall be eligible for the office of mayor.

D. Vacancies. A vacancy in the office of mayor shall be filled for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the Town. A member of the council shall not be qualified to fill a vacancy in the office of mayor. *For the purposes of this section, no distinction shall be made between a person elected as mayor and a person who has been appointed as mayor except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed.*

E. The mayor in office at the time of the passage of this Act shall continue in office until the expiration of the term for which he was elected, or until his successor is duly elected, qualifies and assumes office.

### § 3.4 - Vice-Mayor.

A. The council ~~may~~ shall elect from among its members a vice-mayor, who shall preside at council meetings in the absence of the mayor. *Election of the vice-mayor shall be made at the organizational meeting of the council following the regular election of mayor and council members.*

B. In the event of the disability or absence of the mayor, his place may be filled and his duties discharged by the vice-mayor.

### § 3.5 - Meeting.

A. All meetings of the council shall be public, unless ~~an executive~~ *a closed* session is called according to law. No official action shall be taken by the council while in ~~executive~~ *closed* session.

B. The council, by ordinance, shall adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings. It shall hold at least ~~one such~~ regular ~~monthly~~ *meetings as may be required by § 15.2-1416 of the Code of Virginia*. Special meetings may be called at any time by the mayor or by three members of the council, provided all members of the council are actually notified of such meeting.

C. A majority of the council shall constitute a quorum for the transaction of business. Each member of the council shall have one vote.

### § 4.1 - Town officers.

A. Town Clerk. A Town Clerk shall be appointed who shall be the Clerk of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. All such records shall be public records, stored and filed at the Town's offices and open to inspection at any time during the Town's regular office hours. The Town Clerk ~~may be a resident of the Town and shall serve for a term coincident with that of the mayor at the pleasure of the~~

*town council.*

B. Town Treasurer. A Town Treasurer shall be appointed who shall receive all money belonging to the Town and keep correct accounts of all receipts from all sources and of all expenditures; he shall be responsible for the collection of all license fees, taxes, levies and charges due to the Town and shall disburse the funds of the Town as the council may direct. The Town Treasurer ~~may be a resident of the Town and shall serve for a term coincident with that of the mayor at the pleasure of the town council.~~

C. Town Manager. A Town Manager, in the discretion of the mayor and council, may be appointed who shall serve as the chief administrative officer of the Town. The Town Manager ~~need not be a resident of the Town and shall serve at the pleasure of the mayor and council.~~

D. Other town officers. The mayor, in his discretion and with the approval of the council, may appoint a town attorney, a town zoning administrator, and such other town officers as may be deemed appropriate. Such officers ~~need not be residents of the Town and shall serve at the pleasure of the mayor and council, unless the council shall provide otherwise.~~

E. Duties, etc. Each officer shall have such duties as are specified by the council not inconsistent with the Constitution and general laws of the Commonwealth and this charter, shall execute such bonds as may be prescribed by resolution of the council, and shall receive such compensation as the council may prescribe.

F. The same person may be appointed to more than one office; provided, however, that no person may serve both as an officer of the Town and as mayor or member of the council *except as otherwise provided in this charter or by general law.*

#### § 4.2 - Boards, commissions and committees.

A. Planning commission. The council shall appoint a Town planning commission which shall have such powers and duties as are provided by general law.

B. Board of Zoning Appeals. The council shall appoint the members of the Board of Zoning Appeals for the Town, which shall consist of three or five members, and prescribe their terms of office and qualifications. The Board of Zoning Appeals shall have such powers and duties as are provided by general law.

C. Committees. The council, in its discretion, may establish such committees, whether standing or ad hoc, as it may deem appropriate, to study and report to the council on those matters referred to such committees by the council. The report of any such committee shall not be binding upon the council, but shall be advisory only.

D. Membership. ~~Members~~ *Except as otherwise provided by law, members* of the council and the mayor are eligible to serve as members of any Town commission, committee or group; ~~provided, however, that they shall have no vote in any official matter before any such commission, committee or group; although they may participate fully in all debate and discussion.~~ *Members of the council and the mayor so serving shall be entitled to participate fully as voting members of such commission, committee or group except as otherwise provided by law.*

E. Compensation. The council may provide for compensation to such of their boards, commissions or committees performing special work to the extent that may be reasonable and fair.

#### § 4.3 - Fiscal control.

A. Fiscal year. The fiscal year of the Town shall begin on July 1; and end on June 30; ~~unless and until changed by ordinance.~~

B. Fiscal control. The council shall have the power to control and manage the fiscal affairs of the Town and to make such ordinances, orders and resolutions relating to the same as it may deem necessary. After the close of each fiscal year, the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the Town either by the Auditor of Public Accounts of the Commonwealth or by an independent certified public accountant to be selected by the council. The report of such audit shall be filed within such time as the council shall specify, and one copy thereof shall always be available for public inspection in the Town's offices during the Town's regular business hours.

#### § 5.2 - Historic districts.

Notwithstanding any other provision of law, the council may establish one or more historic districts within the Town for the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of those general areas, individual structures or premises which have been officially designated by the council as having historical or architectural significance. The establishment of historic districts shall be by amendment of the Town's zoning ordinance and consistent with the purposes, criteria and procedures set forth in § ~~45.1-503.2~~ 15.2-2306 of the Code of Virginia.