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**SENATE BILL NO. 674**

Offered January 19, 2016

*A BILL to amend and reenact § 3-3, §§ 6-1, 6-11, and 6-12, as amended, § 6-3, and § 7-6, as amended, of Chapter 358 of the Acts of Assembly of 1958, which provided a charter for the Town of Tazewell in Tazewell County; to amend Chapter 358 of the Acts of Assembly of 1958 by adding in Article III sections numbered 3-31, 3-311, 3-32, 3-321, and 3-322; and to repeal §§ 5-2 and 5-32 of Chapter 358 of the Acts of Assembly of 1958, relating to vacancies in the office of mayor or council; planning commission; quorum.*

Patron—Chafin

Referred to Committee on Local Government

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

**1. That § 3-3, §§ 6-1, 6-11, and 6-12, as amended, § 6-3, and § 7-6, as amended, of Chapter 358 of the Acts of Assembly of 1958 are amended and reenacted and that Chapter 358 of the Acts of Assembly of 1958 is amended by adding in Article III sections numbered 3-31, 3-311, 3-32, 3-321, and 3-322 as follows:**

§ 3-3. Vacancies.

Vacancies in the *office of mayor or* council, *whether occurring when the mayor-elect or a councilman-elect does not for any reason take office or after he begins his term,* shall be filled for the unexpired term ~~by a majority of the remaining members. The present council shall continue in office until the expiration of the terms for which they were elected~~ *as set forth hereinbelow.*

*§ 3-31. Interim appointment. When a vacancy occurs in the council, the remaining members of the council, within 45 days of the council member position's becoming vacant, may appoint a qualified voter of the town to fill the vacancy. If a majority of the remaining members of the council cannot agree or do not act, a judge of the Circuit Court of Tazewell County may make the appointment. The person so appointed shall hold office only until the qualified voters of the town fill the vacancy by special election and the person so elected has qualified. Any person so appointed shall hold the councilman position the same as an elected person and shall exercise all powers of the elected office.*

*§ 3-311. When a vacancy occurs in the office of mayor, the council shall make an interim appointment to fill the vacancy as provided in § 3-31.*

*§ 3-32. Election to fill vacancy. Within 15 days of the occurrence of a vacancy in the office of mayor or on the council, the council shall petition the Circuit Court of Tazewell County to issue a writ of election to fill the vacancy by special election. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly, which shall be no later than the next general election in November, unless the vacancy occurs within 90 days of the next such general election, in which event it shall be held promptly but no later than the second such general election.*

*§ 3-321. Upon receipt of written notification from the mayor or councilman, or mayor-elect or councilman-elect, of his resignation of a stated date, the council may immediately petition the Circuit Court of Tazewell County to issue a writ of election, and the court may immediately issue the writ to call the election. The resignation of the mayor or councilman, or of the mayor-elect or councilman-elect, shall not be revocable after the date stated by him for his resignation or after the 45th day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.*

*§ 3-322. The scheduling of a special election is subject to the following conditions: the election shall be held on a Tuesday; no such election shall be held within the 55 days prior to a general or primary election; no such election shall be held on the same day as a primary election, although such election may be held on the same day as a general election; no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled; and when an interim appointment to a vacancy in the council or in the office of mayor has been made by the council or by the remaining members of the council, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires.*

§ 6-1. Power to adopt a comprehensive plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a comprehensive plan for the physical development of the town to promote health, safety, morals, comfort, prosperity, and the general welfare. The ~~master~~ *comprehensive* plan may include but shall not be limited to the following:

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§ 6-11. Town planning commission. There shall be a town planning commission consisting of eight members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with his term in the council. One member shall be the town manager, who shall be a nonvoting member, appointed for a term concurrent with his term in such capacity. There shall be six citizen members, who shall be qualified voters of the town appointed for a term of four years, one of whom may be a member of the Board of Zoning Appeals and who shall hold office for a term concurrent with his term on said board. Members may be removed for malfeasance in office, and a member of the commission may be removed from office by the Town without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any ~~one-month~~ *12-month* period. Vacancies on the commission shall be filled by the council. Members of the town planning commission shall serve as such without compensation.

§ 6-12. Organization and expenditures of planning commission. The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for re-election, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. ~~Five~~ *Four* voting members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor.

§ 6-3. Subdivision control.

In order to provide for the orderly subdivision of land within the town and within two miles of the corporate limits thereof there is hereby conferred upon the town and the county in which the area outside the town but within two miles thereof is included, the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: the location, size and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the ~~master~~ *comprehensive* plan; access for fire fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks and playgrounds, planting of shade trees and shrubs; naming and designation of streets and other public places; laying out and constructing sidewalks; procedure for making variations in such regulations and restrictions; requirements for plats and subdivisions and their size, scale, contents and other matters; the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines; the extent to which and the manner in which new streets shall be graded, graveled or otherwise improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the council or its designated agents, may accept a bond, in an amount and with surety or conditions satisfactory to the council or its designated agents, providing for such securing to the council, the actual construction and installation of such improvements and utilities within a period specified by the council or designated agents.

§ 7-6. Citation of act.

This act may for all purposes be referred to or cited as the Town of Tazewell Charter of 1958, as amended by the Acts of Assembly of 2014 *and 2016*.

**2. That §§ 5-2 and 5-32 of Chapter 358 of the Acts of Assembly of 1958 are repealed.**