

19104408D

HOUSE BILL NO. 2740

Offered January 17, 2019

A BILL to amend and reenact § 4, as amended, §§ 5 and 6, §§ 7, 8, and 9, as amended, and § 11 of Chapter 364 of the Acts of Assembly of 1942, which provided a charter for the Town of Kenbridge in Lunenburg County, relating to town council, elections, chief of police, and powers of the town.

Patron—Wright

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 4, as amended, §§ 5 and 6, §§ 7, 8, and 9, as amended, and § 11 of Chapter 364 of the Acts of Assembly of 1942 are amended and reenacted as follows:

§ 4. Composition of council and vacancies.

The council shall consist of a mayor and six other electors of the town, who shall be denominated the council of the town. The mayor and ~~councilmen~~ *council members* shall be elected for a term of ~~two~~ *four* years at a general election held for that purpose on the first Tuesday of May of ~~every even-numbered year as provided by law~~, and the persons so elected shall enter upon the duties of their office on the first day of July next succeeding their election, and shall continue in office until their successors are qualified.

Every person elected a ~~councilman~~ *council member* of the town, shall, on or before the day on which he enters upon the performance of his duties, qualify by taking and subscribing an oath faithfully to execute the duties of his office to the best of his judgment; and the person elected mayor shall take and subscribe the oath prescribed by law for State officers.

Any such oath of ~~councilmen~~ *council members* and mayor may be taken before any officer authorized by law to administer oaths, and shall, when so taken and subscribed, be forthwith returned to the clerk of the town, who shall enter the same on record in the minute book of the council.

The ~~councilmen~~ *council* shall be the judge of the election, qualification, and returns of its members; may fine members for disorderly behavior; and, with the concurrence of two-thirds of its membership, expel a member. If any person ~~be returned is adjudged disqualified or is expelled, the vacancy shall be filled by appointment by the council, a new election to fill the vacancy shall be held in the town on such date as the council may prescribe~~, except that where there shall be vacancies in the majority of the council, ~~the vacancies shall be filled as provided by law~~ *the circuit court of Lunenburg County shall fill such vacancies*. Any vacancy occurring otherwise during the term for which any of the persons have been elected may be filled by the council by the appointment of anyone eligible for such office. A vacancy in the office of the mayor may be filled by the council from the electors of the town.

The mayor and council serving at the time of the passage of this act shall continue in office until their successors are elected and qualified. An election shall be held in May of 2020, and every four years thereafter, to elect three council members. An election shall be held in May of 2022, and every four years thereafter, to elect three other council members. An election shall be held for mayor in May of 2020 and every four years thereafter. The council shall declare by ordinance or resolution which three council member seats are up for election in 2020 and which three council member seats are up for election in 2022.

§ 5. Qualification of mayor and ~~councilmen~~ *council members*.

Any person, qualified to vote in the town in the election in which he or she offers shall be eligible to the office of mayor or ~~councilman~~ *council member*.

§ 6. Disqualification of mayor and ~~councilmen~~ *council members*.

Any member of the council who shall have been convicted of a felony while in office shall forfeit his or her office.

§ 7. Organization of meetings of council.

At eight o'clock post meridian on the first day in July following a regular municipal election, or if such day be a Saturday, Sunday or legal holiday, then on the day following, the council shall meet at the usual place for holding its meetings, at which time the newly elected mayor and councilmen, after first having taken the oaths prescribed by law, shall assume the duties of their offices. At the regularly scheduled June town council meeting immediately following a regular municipal election, the council shall meet at the usual place for holding its meetings, at which time any newly elected mayor and council members shall take the oath of office. On July 1 immediately following a regular municipal election, such mayor and council members shall assume the duties of their offices. At its first meeting the council shall elect from its members a person to serve as vice-mayor for the following two years.

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59 Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. The
60 mayor or any three members of the council may call special meetings of the council at any time after
61 giving at least twelve hours written notice to the other members of the purpose, place, and time of such
62 special meeting. Special meetings may also be held at any time without notice, provided all members of
63 the council attend.

64 A majority of all members shall constitute a quorum, but a smaller number may adjourn from time
65 to time, and compel the attendance of absentees.

66 The council shall fix the compensation of its members and of all other officers and/or agents and
67 employees of the town.

68 § 8. Powers of mayor.

69 The mayor shall be the chief executive officer of the town. He *or she* shall control the police of the
70 town, and may appoint special police officers when he *or she* deems it necessary.

71 All bylaws and ordinances, before they become valid and operative, shall have his *or her* signature,
72 but the mayor shall vote only in cases where the vote is a tie.

73 In the absence or disability of the mayor, or in the event of the death or resignation of the mayor,
74 his *or her* duties shall be performed by the vice-mayor.

75 In addition to the powers and duties herein specifically enumerated, the mayor shall be vested with
76 all such other powers and charged with all such other duties, not in conflict herewith, as are provided
77 the Constitution and general laws of the State.

78 § 9. Law-enforcement officers.

79 There shall be a chief of police for the town who shall be elected by the council, and who shall
80 serve at the will and pleasure of the council.

81 ~~The chief of police for police chief shall be the chief police officer of the town and shall perform~~
82 ~~such duties and be invested with such authority as was provided by the common law for constables is~~
83 ~~provided by the general law for sergeants or police chiefs of towns, and shall perform such other duties~~
84 ~~and be invested with such other authority as the council may prescribe.~~

85 § 11. Powers of the town.

86 *A. The Town of Kenbridge shall have and may exercise all powers that are now or hereafter may be*
87 *conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia,*
88 *as fully and completely as though such powers were specifically enumerated herein, and no enumeration*
89 *of particular powers by this charter shall be held to be exclusive and shall have, exercise, and enjoy all*
90 *the rights, immunities, powers, and privileges, and be subject to all the duties and obligations, now*
91 *appertaining to and incumbent on the town as a municipal corporation.*

92 *B. The powers set forth in §§ 15.2-1100 through 15.2-1133 of the Code of Virginia, as amended,*
93 *are hereby conferred on and vested in the Town of Kenbridge.*

94 *C. The powers of eminent domain as set forth in Titles 15.2 and 25.1 of the Code of Virginia, as*
95 *amended, are hereby conferred upon the Town of Kenbridge.*

96 *D. In addition to the powers mentioned in this section and in § 1 hereof of this charter, the said*
97 *Town of Kenbridge shall have the following powers:*

98 First: To raise annually by taxes and assessments in said town such sums of money as the council
99 thereof shall deem necessary for the purposes of said town, and in such manner as said council shall
100 deem expedient, in accordance with the Constitution of this State and the United States, and of the
101 general laws of the State in pursuance thereof.

102 Second: To impose special or local assessments for local improvements and enforce payment thereof,
103 subject however, to such limitations prescribed by the Constitution of Virginia as may be in force at the
104 time of the imposition of such special or local assessments.

105 Third: To contract debts, borrow money, and make and issue evidence of indebtedness.

106 Fourth: To expend the money of the town for all lawful purposes.

107 Fifth: To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or
108 any estate or interest therein, within or without said town for any of the purposes of the town; and to
109 hold, improve, sell, lease, or dispose of the same or any part thereof, including any property now owned
110 by the town.

111 Sixth: To own, operate, and maintain water works and to acquire within or without said town such
112 water lines, property rights, and riparian rights as the council of said town may deem necessary for the
113 purpose of providing an adequate water supply for said town, and of piping or conducting the same into
114 the town; to lay all necessary mains and service lines, either within or without the corporate limits of
115 said town with which to distribute said water, and to charge and collect water rents therefor; to erect
116 and maintain all necessary dams, pumping stations, filter plants, or other works in connection therewith;
117 to make reasonable rules and regulations for promoting the purity of its said water supply and for
118 protecting the same from pollution; and to do all things necessary in order to provide an adequate public
119 water system for the town.

120 Seventh: To establish, construct, and maintain sanitary sewers, sewer lines, sewerage disposal plants

and systems, and to require the owners or occupiers of real estate within the corporate limits of the town, which may front or abut on the line of any such sewer system to make connection therewith, and to use such sewer facilities as may be furnished by the town, under such ordinances and regulations as the council may deem necessary or proper for the proper disposal of sewerage and to improve and secure sanitary conditions; to charge, assess and collect reasonable fees, rentals, or assessments or costs of service for connecting with and using such sewers, and to make regulations for the use, enjoyment, protection, and care of such sewers and sewer systems; and the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties for noncompliance thereof, as other fines and penalties for violation for the ordinances of the town are collected.

Eighth: In every case where a street, alley, park or public property of the town has been, or shall be, occupied or encroached upon by a fence, building, porch, projection, or otherwise, without first having obtained consent thereto from the town council or a franchise thereof, such occupancy or encroachment shall be deemed a nuisance, and the owner or occupant of the premises encroaching, upon conviction of so doing, shall be fined not less than five (\$5.00) nor more than fifty (\$50.00) dollars, and each day's continuance of the said occupancy or encroachment shall constitute a separate offense, such fine to be recovered in the name of the town and for its use, and the town council may require the owner of the premises encroaching, if know, or if not known, the occupant thereof, to remove the encroachment within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed and collect from the owner, or if the owner be not know, the occupant, all reasonable charges therefor with costs, by the same process that they are authorized by law to collect taxes.

No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to, or confer any rights upon the person claiming thereunder, as against the town.

Ninth: To issue bonds in such manner and for such purposes as are provided in ~~Chapter one hundred and twenty-two of the Code of Virginia by general law.~~

Tenth: 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.

Eleventh: 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 town or within one mile thereof.

Twelfth: To require every owner 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 of the said town to issue said license and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided that the said license fee shall not exceed the amount charged by the State on the said machine.

Thirteenth: To construct, 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 the 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, either within or without the town, and to construct, maintain, and 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 purposes, by condemnation or otherwise.

Fourteenth: To charge and collect fees for permits to use public facilities and for public services and privileges. The said town shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits.

Fifteenth: To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots, or 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 slaughter houses or other noisome or offensive business within the said town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and

constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, advertising, and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetic, safety, convenience, and welfare of the inhabitants of the town, and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow.

Sixteenth: 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 setback lines on the streets beyond which no building may be constructed, to require the standard of all dwelling houses to be maintained in residential sections in keeping with the majority of residences therein, and to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

Seventeenth: 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 said town from without the same; and also to expel therefrom any such person who has been in said town less than twelve months.

Eighteenth: To restrain and punish drunkards, vagrants, and street beggars, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in said town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

Nineteenth: To offer and pay rewards for the apprehension and conviction of criminals.

Twentieth: To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction of such violation.

Twenty-first: In so far as not prohibited by general law, to pass and enforce all by-laws, 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 its citizens of 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 necessarily incident to a municipal corporation.

Twenty-second: To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town, or its inhabitants.

Twenty-third: To prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding five hundred dollars fine or twelve months' imprisonment in jail, or both.

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

Twenty-fifth: To exercise the power of eminent domain within this State with respect to lands and machinery, equipment or improvements thereon, for any lawful purposes of the said town.

Twenty-sixth: Except when prohibited by general law, the town may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may provide penalties for any violation thereof.

Twenty-seventh: A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, together with all penalties and interest due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the State, to the same extent as if the provisions of said general law were herein set out at length. The said town shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law.

Twenty-eighth: To extinguish and prevent fires, and to establish, regulate and control a fire department or division, to regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such a manner as the public safety and convenience may require; to remove and require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other cause may be dangerous to life or property, or which may be erected contrary to law; 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 buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron, or other fireproof material; to construct dams across any of the streams within said town for the purpose of providing an adequate supply of water with which to

244 combat fires, and to prohibit the release of water contained in such dams within said town as may be
245 now owned or hereafter constructed by others, in times of drought, in order to provide an adequate
246 supply of water with which to combat fires; and to enact such laws as may be necessary to provide for
247 the protection of the citizens and property of the town from fire, or for securing the safety of persons
248 from fires in halls and buildings used for public assemblies.

249 Twenty-ninth: To regulate the keeping of gunpowder, nitro-glycerin, or other explosive or
250 combustible substances; and to regulate or prohibit the exhibition or possession of fireworks, the
251 discharge of fire arms, and the making of bonfires within the said town.

252 Thirtieth. To prohibit from and punish minors for frequenting, playing in, and loitering in any public
253 pool room, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting
254 same.

255 Thirty-first: Except when prohibited by general law, to prohibit any person, firm, or corporation from
256 pursuing or conducting any trade, business, profession, occupation, employment, or calling within the
257 boundaries of the town on the Sabbath.

258 Thirty-second: Except when prohibited by general law the said town shall have the power to regulate
259 the speed and manner in which all vehicles, motordriven or otherwise, shall operate in the said town.