

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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An Act 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.

[H 2740]

Approved

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~~ *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. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. The

57 mayor or any three members of the council may call special meetings of the council at any time after
58 giving at least twelve hours written notice to the other members of the purpose, place, and time of such
59 special meeting. Special meetings may also be held at any time without notice, provided all members of
60 the council attend.

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

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

65 § 8. Powers of mayor.

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

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

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

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

75 § 9. Law-enforcement officers.

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

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

82 § 11. Powers of the town.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

144 Tenth: To inspect, test, measure, and weigh any commodity or commodities or articles of
 145 consumption for use within the town; and to establish, regulate, license, and inspect weights, meters,
 146 measures and scales.

147 Eleventh: To license and regulate the holding and location of shows, circuses, public exhibitions,
 148 carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them, within
 149 the town or within one mile thereof.

150 Twelfth: To require every owner of motor vehicles residing in the said town, on a date to be
 151 designated by the council, to annually register such motor vehicles and to obtain a license to operate the
 152 same by making application to the treasurer of the said town, or such other person as may be designated
 153 by the council of the said town to issue said license and to require the said owner to pay an annual
 154 license fee therefor to be fixed by the council; provided that the said license fee shall not exceed the
 155 amount charged by the State on the said machine.

156 Thirteenth: To construct, maintain, regulate and operate public improvements of all kinds, including
 157 municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets, and all
 158 buildings and structures necessary or appropriate for the use and proper operation of the various
 159 departments of the town; and to acquire by condemnation or otherwise, all lands, riparian and other
 160 rights, and easements necessary for such improvements, or any of them, either within or without the
 161 town, and to construct, maintain, and aid therein roads and bridges to any property owned by the said
 162 town and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid
 163 purposes, by condemnation or otherwise.

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

168 Fifteenth: To compel the abatement and removal of all nuisances within the town or upon property
 169 owned by the town beyond its limits at the expense of the person or persons causing the same, or the
 170 owner or occupant of the ground or premises whereon the same may be, and to collect said expense by
 171 suit or motion or by distress and sale; to require all lands, lots, or other premises within the town, to be
 172 kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make
 173 them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion
 174 or by distress and sale; to regulate, or prevent slaughter houses or other noisome or offensive business
 175 within the said town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise
 176 of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation
 177 of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent
 178 unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and

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

184 Sixteenth: To provide for regular and safe construction of houses in the town for the future, and to
 185 provide a building code for the town, to provide setback lines on the streets beyond which no building
 186 may be constructed, to require the standard of all dwelling houses to be maintained in residential
 187 sections in keeping with the majority of residences therein, and to require the standard of all business
 188 houses to be maintained in business sections in keeping with the majority of the business houses therein.

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

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

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

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

199 Twenty-first: In so far as not prohibited by general law, to pass and enforce all by-laws, rules,
 200 regulations and ordinances which it may deem necessary for the good order and government of the
 201 town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order,
 202 morals, health and protection of its citizens of their property and to do such other things and pass such
 203 other laws as may be necessary or proper to carry into full effect, all powers, authority, capacity, or
 204 jurisdiction, which is or shall be granted to or vested in said town, or in the council, court, or officers
 205 thereof, or which may be necessarily incident to a municipal corporation.

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

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

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

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

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

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

231 Twenty-eighth: To extinguish and prevent fires, and to establish, regulate and control a fire
 232 department or division, to regulate the size, height, materials, and construction of buildings, fences,
 233 walls, retaining walls, and other structures hereafter erected in such a manner as the public safety and
 234 convenience may require; to remove and require to be removed or reconstructed any building, structure,
 235 or addition thereto, which by reason of dilapidation, defect of structure, or other cause may be
 236 dangerous to life or property, or which may be erected contrary to law; to establish and designate from
 237 time to time fire limits, within which limits wooden buildings shall not be constructed, added to,
 238 enlarged, or repaired and to direct that any or all buildings within such limits shall be constructed of
 239 stone, natural or artificial, concrete, brick, iron, or other fireproof material; to construct dams across any

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

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

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

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

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