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SENATE BILL NO. 1424

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to provide a new charter for the Town of Luray in Page County and to repeal Chapter 338, as amended, of the Acts of Assembly of 1928, which provided a charter for the Town of Luray.*

Patron—Obenshain

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1.

*CHARTER
FOR THE
TOWN OF LURAY.*

*Chapter 1.**Incorporation and Boundaries.**§ 1.1. Incorporation; general powers.*

Be it enacted by the General Assembly of Virginia, that the inhabitants of the territory in the County of Page, contained within the boundaries prescribed and defined in the section immediately following, shall continue to be, and they are hereby declared to be, a body politic and corporate, in fact and in name, under the name and style of the Town of Luray, and as such shall have and exercise all the powers conferred by and be subject to all the laws of the Commonwealth of Virginia now in force or that may hereafter be enacted for the government of towns, so far as the same are not inconsistent with the provisions herein.

§ 1.2. Town boundaries.

The boundaries of the town shall remain as now established unless changed in accordance with applicable law.

*Chapter 2.**General Powers.**§ 2.1. General grant of powers.**(a) Powers authorized in Code of Virginia.*

The town shall have and may exercise any or all powers now or subsequently authorized for exercise by towns in Title 15.2 of or elsewhere in the Code of Virginia of 1950, as amended, regardless of whether such powers are set out or incorporated by reference in this charter. All ordinances in force in the Town of Luray as of July 1, 2019, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council.

(b) Powers exercised by governing body.

All powers vested in the town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the town and the town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the town, unless otherwise conferred in the applicable sections of the Constitution of Virginia and the general laws of the Commonwealth, as amended.

*§ 2.2. Financial powers.**(a) Generally.*

In accordance with the Constitution of Virginia and the United States Constitution, the town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the town, in such manner as the town council deems necessary or expedient. The town shall impose no tax on its bonds.

(b) Assessments for local improvements.

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

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59 (c) *Water, electricity, and sewerage rates; rates and charges for public utilities or services, etc.,*
60 *operated, etc., by town.*

61 *The town may establish, impose, and enforce water, electricity, and sewerage rates and rates and*
62 *charges for public utilities, or other services, products, or conveniences, operated, rendered, or*
63 *furnished by the town and assess, or cause to be assessed, water, electricity, sewerage, and other public*
64 *utility rates and charges directly against the owner or owners of the buildings, or against the proper*
65 *tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then*
66 *the town council may, by ordinance, require of such tenant a deposit of such reasonable amount as may*
67 *be by such ordinance prescribed before furnishing such services to such tenant.*

68 § 2.3. *Contractual powers; gifts; grants.*

69 (a) *Acquisition of property generally; holding, selling, leasing, etc., town property.*

70 *The town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and*
71 *personal, or any estate or interest therein, within or without the town or the Commonwealth of Virginia*
72 *and for any of the purposes of the town.*

73 (b) *Debts and evidence of indebtedness.*

74 *The town may contract debts, borrow money, and make and issue evidence of indebtedness.*

75 (c) *Gifts.*

76 *The town may accept or refuse gifts, grants, bequests, or donations of any kind from any source,*
77 *absolutely or in trust, that are related to the town's powers, duties, and functions, or for educational,*
78 *charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes*
79 *of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or*
80 *otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants,*
81 *bequests, and devises.*

82 § 2.4. *Operational powers.*

83 (a) *Generally.*

84 *The town may provide for the organization, conduct, and operation of all departments, offices,*
85 *boards, commissions, and agencies of the town, subject to such limitations as may be imposed by this*
86 *charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices,*
87 *boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and*
88 *functions thereof, except where such departments, offices, boards, commissions, and agencies or the*
89 *powers, duties, and functions thereof are specifically established or prescribed by charter or otherwise*
90 *by law.*

91 (b) *Records and accounts.*

92 *The town shall provide for the control and management of the town's affairs and shall prescribe and*
93 *require the adoption and keeping of such books, records, accounts, and systems of accounting by the*
94 *departments, boards, commissions, or other agencies of the local government necessary to give full and*
95 *true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use,*
96 *and disposal thereof.*

97 (c) *Expenditure of money.*

98 *The town may expend money of the town for all lawful purposes.*

99 (d) *Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of town*
100 *departments.*

101 *The town may construct, maintain, regulate, and operate public improvements of all kinds, including*
102 *municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or*
103 *appropriate for the use and proper operation of the various departments of the town, and may acquire*
104 *by condemnation or otherwise all land, riparian, and other rights and easements necessary for such*
105 *improvements, or any of them.*

106 § 2.5. *Utilities; public improvements.*

107 (a) *Water works and water supply.*

108 *The town may own, operate, and maintain water works and acquire in any lawful manner in any*
109 *county of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the*
110 *town council may deem necessary for the purpose of providing the town with an adequate water supply*
111 *and of piping or conducting the same; lay all necessary mains and service lines, either within or*
112 *without the corporate limits of the town, and charge and collect water rents therefor; erect and*
113 *maintain all necessary dams, pumping stations, and other works in connection therewith; make*
114 *reasonable rules and regulations for promoting the purity of the town water supply and protecting it*
115 *from pollution and for this purpose exercise full police powers and sanitary patrol over all lands*
116 *comprised within the limits of the watershed tributary to any such water supply wherever such lands*
117 *may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the*
118 *violation of any such rules and regulations and prevent by injunction any pollution or threatened*
119 *pollution of such water supply and any and all acts likely to impair the purity thereof; and, for the*
120 *purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any*

such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said town may, if the town council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Streets; parks, playgrounds, etc.; infrastructure; vehicles.

The town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, and playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electricity, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the town's prescribed requirements.

(c) Public utilities.

Subject to the provisions of the Constitution of Virginia, this charter, and general law, the town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(d) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant.

The town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof; and require and regulate the collection and disposal thereof.

§ 2.6. Nuisances; sanitary conditions, etc.

The town may compel the abatement and removal of all nuisances within the town; require all lands, lots, and other premises within the town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the town in accordance with applicable law.

§ 2.7. Police powers.

(a) The town may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants; prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all bylaws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said town, or in the town council, court, or offices thereof, or which may be necessarily incident to a municipal corporation.

§ 2.8. Miscellaneous powers.

(a) Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings.

The town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, that by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property or that may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) Fees for permits, etc.

The town may charge and collect fees for permits to use public facilities and for public services and

182 *privileges.*

183 *(c) Cemeteries.*

184 *The town may provide in or near the town lands to be used as burial places for the dead; improve*
185 *and care for the same and the approaches thereto; charge for and regulate the use of ground therein;*
186 *and provide for the perpetual upkeep and care of any plot or burial lot therein. The town is authorized*
187 *to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income*
188 *thereof is to be used for the perpetual upkeep and care of the said lot or plat for which the said*
189 *donation, gift, or bequest shall have been made.*

190 *(d) Injunctive relief.*

191 *The town may maintain a suit to restrain by injunction the violation of any ordinance,*
192 *notwithstanding any punishment that may be provided for the violation of such ordinance.*

193 *Chapter 3.*

194 *Elected Officers.*

195 *§ 3.1. Vesting of government.*

196 *The government of the Town of Luray shall be vested in a mayor and town council of six council*
197 *members.*

198 *§ 3.2. Election and terms of officers; town council as continuing body.*

199 *The mayor and town council members shall each be a qualified voter within the town, elected at*
200 *large, and hold office for a term of four years. The town council shall be a continuing body, and no*
201 *measure pending before such body shall abate or be discontinued by reason of expiration of the term of*
202 *office or removal of any or all of the members. The mayor and town council members in office at the*
203 *time of adoption of this charter shall continue in office until the expiration of the terms to which they*
204 *were elected or until their successors are elected and qualified. Accordingly, at the time of the U.S.*
205 *presidential election in November 2020, there shall be an election for mayor and three town council*
206 *positions, and on the date of the November 2022 general election, there shall be an election for the*
207 *other three town council positions.*

208 *§ 3.3 Mayor.*

209 *The mayor shall be the chief executive officer of the town and shall have the following powers and*
210 *duties:*

211 *(a) The mayor shall see that the bylaws and ordinances of the town are fully executed and enforced*
212 *and shall preside over the meetings of the town council, voting only in case of a tie.*

213 *(b) The mayor shall authenticate with his or her signature every ordinance and resolution adopted*
214 *by the town council.*

215 *(c) The mayor shall see that the duties of the various town officers, agents, and employees are*
216 *faithfully performed. The mayor shall have power to investigate their accounts and have access to all of*
217 *their books and documents in their office.*

218 *§ 3.4. Vice-mayor.*

219 *A vice-mayor shall be elected by a majority of the town council at its biennial organizational*
220 *meeting for a term of two years. The vice-mayor shall discharge the municipal duties of the mayor*
221 *during any period of absence or disability of the mayor. If the vice-mayor is also absent or unable to*
222 *act, the town council may choose another town council member to discharge the mayor's duties during*
223 *the period of the vice-mayor and mayor's absence or disability. The town council may provide*
224 *reasonable compensation to the vice-mayor or other town council member discharging the duties of the*
225 *mayor pursuant to this section. Upon the adoption of this charter, the current president pro tempore of*
226 *the town council shall serve as vice-mayor until the next organizational meeting of the town council.*

227 *§ 3.5. Town Council.*

228 *(a) Regular meetings.*

229 *The town council shall by ordinance fix the time of their regular meetings, and they shall meet at*
230 *least once a month. The town council may convene at such additional times as it may deem necessary in*
231 *accordance with applicable law.*

232 *(b) Special meetings.*

233 *A special meeting may be called by the mayor or by two or more town council members. No*
234 *business shall be transacted at a special meeting except that for which it is called unless all members of*
235 *the town council are present. In addition, no vote shall be reconsidered or rescinded at a special*
236 *meeting unless the same or a greater number of town council members is present at the special meeting*
237 *as was present when the vote was taken.*

238 *(c) Quorum.*

239 *Four members of the town council, which may include the mayor, shall constitute a quorum for the*
240 *transaction of business.*

241 *(d) Procedural rules.*

242 *The town council may adopt rules of procedure that govern meetings of the town council.*

243 *§ 3.6. Vacancies.*

Any vacancy occurring in the office of mayor or a town council member shall be filled in accordance with general law.

Chapter 4.

Officers Appointed by Town Council.

§ 4.1. Appointments.

The town council may appoint the following officers:

(a) Town manager.

The town manager shall be responsible to the town council for the proper administration of all affairs of the town; for the control and management of all town departments and property; for the appointment, supervision, and dismissal of town employees; for the preparation and implementation of an annual budget; and for any other duties as prescribed by the town council.

(b) Town treasurer.

The town treasurer shall keep the town's books and accounts and collect all the taxes, revenues, and assessments that may be levied by the town council and is vested with all the powers provided by the general laws of the Commonwealth of Virginia. The town treasurer shall also perform other duties and receive such compensation as the town council may prescribe.

(c) Town clerk.

The town clerk shall attend the meetings of the town council, keep a record of its proceedings, and shall generally perform such other acts and duties as the town council may from time to time prescribe and require. The town clerk shall receive such compensation as the town council may prescribe and may also hold the office of town treasurer so long as he or she is not a member of the town council.

(d) Town attorney.

The town attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia. The town attorney shall receive such compensation as may be determined by the town council and shall have such duties as prescribed by the town council.

(e) Other officers.

The town council may appoint such other officers as may be necessary to conduct the business of the town, prescribe their duties, and fix their compensation.

§ 4.2. Removal of appointed officers.

Any officer appointed by the town council may be removed at its pleasure. The town council may fill any vacancy in any appointed office.

Chapter 5.

Miscellaneous Provisions.

§ 5.1. Severability.

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

§ 5.2. Continuation of ordinances in effect.

All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council.

§ 5.3. Repeal of conflicting acts and charters.

All acts and parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind.

2. That Chapter 338, as amended, of the Acts of Assembly of 1928 is repealed.