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## SENATE BILL NO. 1562

Offered January 9, 2019

Prefiled January 9, 2019

A *BILL to provide a new charter for the Town of Eastville in Northampton County and to repeal Chapter 247, as amended, of the Acts of Assembly of 1896, which provided a charter for the Town of Eastville.*

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 Patron—Lewis
 

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Referred to Committee on Local Government

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

1.

CHARTER  
FOR THE  
TOWN OF EASTVILLE.

Chapter 1.

*Incorporation and Boundaries.*

§ 1.1. *Incorporation.*

*Be it enacted by the General Assembly of Virginia, that the Town of Eastville in the County of Northampton, as the same has heretofore been or may hereafter be, and as set forth and described in this act, shall be, and the same hereby is, made a town corporate by the name of the Town of Eastville, and by that name shall have and exercise the powers conferred upon towns by the forty-fourth chapter of the Code of Virginia, edition 1887. The inhabitants of the territory comprised within the present limits of the Town of Eastville, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Eastville, and as such shall have a perpetual succession, may sue and be sued, implead and be impleaded, contract, and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance.*

§ 1.2. *Boundaries.*

*The territory embraced within the Town of Eastville is that territory in the County of Northampton, Virginia, established in Chapter 44 of the Acts of Assembly of 1896, and that territory added by the Boundary Agreement entered the 14th day of April, 2017, and depicted on a survey plat by Michael A. Starling, Land Surveyor, with Shoreline Surveyors dated February 28th, 2017, and recorded in the Clerk's Office of Northampton County as Instrument Number 170000517.*

Chapter 2.

*Powers.*

§ 2.1. *General Grant of Powers.*

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

§ 2.2. *Adoption of Certain Sections of the Code of Virginia.*

*The powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11 of Title 15.2 of the Code of Virginia, as in force on January one, two thousand eighteen, and as may hereafter be amended, are hereby conferred on and vested in the town.*

§ 2.3. *Eminent Domain.*

*The powers of eminent domain set forth in Title 15.2 (§ 15.2-100 et seq.), Title 25 (§ 25.1-100 et seq.), and § 33.2-1020 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town.*

Chapter 3.

*Mayor and Council.*

§ 3.1. *Election, Qualifications, and Term of Office of Council Persons and Mayor.*

*(a) The Town of Eastville shall be governed by a town council composed of six Council Persons and a Mayor, all of whom shall be qualified voters of the town to be elected from the town at large.*

*(b) The Mayor and Council Persons in office at the time of the passage of this act shall continue in office until their successors are elected and qualified. An election for Mayor and Council Persons shall*

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59 *be held at the next designated elections; the Mayor so elected shall serve a term of two years, with*  
60 *subsequent town elections to be held at two-year intervals thereafter. Terms of office for Mayor and*  
61 *Council Persons shall begin the first day of January next following their elections.*

62 *§ 3.2. Vacancies on Town Council.*

63 *Vacancies on the Town Council shall be filled for the unexpired portion of the term by a majority*  
64 *vote of the members of the Town Council within 45 days after the vacancy occurs. The person so*  
65 *elected to fill the vacancy must be a qualified voter and resident of the town.*

66 *§ 3.3 Vacancies in Office of Mayor.*

67 *A vacancy in the office of Mayor shall be filled for the unexpired portion of the term by a majority*  
68 *vote of the Town Council; the person so elected to fill the vacancy must be a qualified voter and*  
69 *resident of the town.*

70 *§ 3.4. Town Council a Continuing Body.*

71 *The Town Council shall be a continuing body, and no measures pending before such body or any*  
72 *contract or obligation incurred shall abate or be discontinued by reasons of the expiration of the term*  
73 *of office or removal of any of its members.*

74 *§ 3.5. Powers and Duties of the Mayor.*

75 *The Mayor shall be the chief executive officer of the town. He shall have and exercise all power and*  
76 *authority conferred by general law not inconsistent with this Charter. He shall preside over the meetings*  
77 *of the Town Council and shall have the same right to speak therein as members of the Town Council,*  
78 *but shall not vote except in the case of a tie vote. He shall have the powers of veto over the ordinances*  
79 *and resolutions of the Town Council, but such ordinances and resolutions may be passed over such veto*  
80 *by a two-thirds vote of the Council Persons present and voting. He shall be recognized as the head of*  
81 *the town government for all ceremonial purposes. He shall perform such other duties consistent with his*  
82 *office that may be imposed by the Town Council. He shall see that the duties of various officers of the*  
83 *town are faithfully performed. He shall authenticate by his signature such documents or instruments as*  
84 *the Town Council, this Charter, or the laws of the Commonwealth shall require.*

85 *In the event that there is no chief administrative officer, it shall be the duty of the Mayor to see that*  
86 *the functions set forth in § 15.2-1541 of the Code of Virginia are carried out if the governing body has*  
87 *not acted otherwise.*

88 *§ 3.6. Vice Mayor.*

89 *The Town Council shall elect from its members every two years, by a majority of the members*  
90 *present, a Vice Mayor. During the absence or inability of the Mayor to act, the Vice Mayor shall*  
91 *possess the powers and discharge the duties of the Mayor. He shall also have any other duties assigned*  
92 *to him by the Mayor. While serving in the place of the Mayor, the Vice Mayor may vote as member of*  
93 *the Town Council.*

94 *§ 3.7. Meetings of Town Council.*

95 *The Town Council shall fix the time of its stated meetings and shall set a meeting at least once a*  
96 *month. A journal shall be kept of its official proceedings, and its meetings shall be open to the public.*  
97 *Four members of the Town Council shall constitute a quorum for the transaction of business at any*  
98 *meeting. Special meetings may be called at any time by the Mayor or by any three members of the*  
99 *Town Council, provided that the Mayor and all Council Persons are duly notified in writing a*  
100 *reasonable period of time prior to such meeting, and no business shall be transacted at a special*  
101 *meeting thereof, except that for which it shall be called. If all members are present, this provision may*  
102 *be waived by majority vote of the Town Council at said meeting.*

103 *§ 3.8. Town Council to Fix Salaries.*

104 *The Town Council is hereby authorized to fix the salary of the Mayor, members of the Town*  
105 *Council, members of the boards of commissions, and employees of the town. The Town Council is*  
106 *authorized to approve the salary of appointed officials of the town, at a sum not to exceed any*  
107 *limitations placed thereon by the laws of the Commonwealth of Virginia.*

108 *§ 3.9. Acting Mayor.*

109 *In the absence or inability to act of both the Mayor and Vice Mayor, any member of the Town*  
110 *Council may act with all the powers of the Mayor upon the request to do so by the full Town Council,*  
111 *but only during the period of such dual absence and inability.*

112 *§ 3.10. General Grant of Powers of Town Council.*

113 *The Town Council shall have all power and authority that are now or may hereafter be granted to*  
114 *councils of towns by the general laws of the Commonwealth and by this Charter, and the recital of*  
115 *special powers and authorities herein shall not be taken to exclude the exercise of any power and*  
116 *authority granted by the general laws of the Commonwealth to town councils, but not herein specified.*

117 *Chapter 4.*

118 *Appointive Officers.*

119 *§ 4.1. Appointment.*

120 *The Town Council shall appoint such officers of the town as they deem necessary. Such officers may*

include, but shall not be limited to, a Town Administrator, Chief of Police, Town Clerk, Town Treasurer, and Town Attorney. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the Town Council shall perform such duties as may be specified in this Charter, by the laws of the Commonwealth, or by the Town Council.

§ 4.2. Deputies and Assistants.

The Town Council shall appoint such deputies and assistants to appointive offices as it deems necessary.

§ 4.3. Terms of Office.

Officers, deputies, and assistants appointed by the Town Council shall serve at the will of the Town Council.

§ 4.4. Appointment of One Person to More than One Office.

The Town Council may appoint the same person to more than one appointive office, at the discretion of the Town Council, subject to limitations set forth in the Constitution of Virginia and Title 15.2 (§ 15.2-100 et seq.) of the Code of Virginia, as amended from time to time.

§ 4.5. Duties of Town Administrator.

The Town Administrator shall be the executive officer of the town and shall be responsible to the Town Council and Mayor for the proper administration of the town government. It shall be the duties of the Town Administrator to:

(a) Attend all meetings of the Town Council, with the right to speak when recognized but not to vote;

(b) Keep the Mayor and Town Council advised of the financial condition, with advice from the Town Treasurer, and the future needs of the town and all matters pertaining to its proper administration, and make such recommendations as may seem desirable with the assistance of other Charter officers to the Mayor and Town Council;

(c) Prepare and submit, with the assistance of the Town Treasurer and other town officers, the annual budget of the town and be responsible for its administration after its adoption;

(d) Submit adequate reports as required by Town Council and Mayor; and

(e) Perform such other duties as may be prescribed by this Charter, or required in accordance therewith by the Mayor and Town Council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the town, except those appointed by the Town Council pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the Town Administrator, who shall report each appointment or removal to the Mayor and Town Council immediately. The Town Council shall designate a person to act as Town Administrator in case of the absence, incapacity, death, or resignation of the Town Administrator, until his return to duty or appointment of a successor. Until such time as the Town Council appoints any such Town Administrator, the duties and powers outlined herein shall be given to the Mayor or such other person as may be designated by the Town Council. The removal of such Town Administrator shall be by majority vote of the Town Council.

§ 4.6. Powers and Duties of Chief of Police.

The Chief of Police shall be a conservator of the peace and vested with the full powers of a constable within the limits of the town. The Chief of Police, and any special police officers appointed by the Chief of Police, shall have all the powers given to special police officers under the laws of the Commonwealth. The police force shall be solely under the control of the Chief of Police for the purpose of enforcing peace and good order and executing the laws of the Commonwealth and all ordinances of the town. He shall assist the Town Treasurer in the collection of town taxes and may distrain and sell therefor in like manner for which state taxes and county levies are distrained. The Chief of Police shall work closely with the Town Administrator and other town officers and shall report to the Town Council and the Mayor as needed. The removal of the Chief of Police shall be by majority vote of the Town Council.

§ 4.7. Duties of Town Clerk.

The Town Clerk shall be the clerk of the Town Council. The clerk shall keep the journal of the proceedings and shall record all ordinances and resolutions in a book or books kept for this purpose. The clerk shall record the vote of each Council Person on any question submitted to the Town Council as required by law or the Town Council. The clerk shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. The clerk shall perform such other duties and keep such other records as the Town Council may specify or general laws of the Commonwealth may require of town clerks. All records in the Town Clerk's office shall be public records and open to inspection at any time during regular business hours, subject to such limitations and exceptions as are set forth in the Code of Virginia, as amended from time to time. The Town Clerk shall work with the other officers of the town and shall report to the Mayor and Town Council as

182 *needed. The removal of the Town Clerk shall be by majority vote of the Town Council.*

183 *§ 4.8. Duties of Town Treasurer.*

184 *The Town Treasurer shall collect the town taxes and license fees and shall have the power to levy*  
185 *and sell property for collection of delinquent taxes and fees as given to county treasurers. The Town*  
186 *Treasurer shall work cooperatively with the Town Administrator to provide full financial disclosure and*  
187 *reporting as requested by the Town Council. The Town Treasurer shall work cooperatively with the*  
188 *Town Administrator and other town officers to prepare and assist in the administration of the annual*  
189 *budget, and arrange for an annual audit by a certified public accountant as directed by Town Council,*  
190 *with the approval of the Town Council. The Town Treasurer shall perform such other duties, not*  
191 *inconsistent with the office, as the Mayor and Town Council may direct. The removal of the Town*  
192 *Treasurer shall be by majority vote of the Town Council.*

193 *§ 4.9. Duties of Town Attorney.*

194 *The Town Attorney shall be the legal advisor of the Town Council and Mayor. The Town Attorney*  
195 *shall represent the town in all legal affairs as may be requested by the Mayor, by the Town Council, or*  
196 *by an officer of the town appointed under provisions of this Charter. The Town Attorney shall serve at*  
197 *the will and pleasure of the Town Council.*

198 *§ 4.10. Bonds.*

199 *Officers, deputies, and assistants appointed by the Town Council shall execute such bonds as may be*  
200 *required by resolution of the Town Council.*

201 *§ 4.11. Vacancies in Office.*

202 *The Town Council may fill any vacancy in any appointive office.*

203 *§ 4.12. Residence of Officers and Employees.*

204 *Any appointive officers or employees of the town may be appointed and serve whether or not the*  
205 *officer or employee is a resident of the town.*

206 *§ 4.13. Emergency Management Organizations Management.*

207 *The Town of Eastville reserves the right to operate its own emergency management services separate*  
208 *from the County of Northampton if it is deemed necessary by the Town Council at any time. The Town*  
209 *of Eastville recognizes the Town Police Department, as well as the Eastville Volunteer Fire Co. Inc., as*  
210 *an integral part of the official safety program. The management of emergency services shall be under*  
211 *the control and direction of the Chief of Police.*

## 212 *Chapter 5.*

### 213 *Raising of Revenue.*

214 *§ 5.1. Assessment of Taxes.*

215 *The Town Council shall have the power to assess and tax real or personal property within the town,*  
216 *levy taxes, impose license requirements, and collect the same to any extent not prohibited by laws of the*  
217 *Commonwealth of Virginia.*

218 *§ 5.2. Other Revenue-Generating Activity.*

219 *The Town Council shall have the power to engage in other revenue-generating activities to any*  
220 *extent not prohibited by the laws of the Commonwealth of Virginia.*

## 221 *Chapter 6.*

### 222 *Financial Provisions.*

223 *§ 6.1. Fiscal Year.*

224 *The fiscal year of the town shall begin on July one of each year and end on June thirtieth of the*  
225 *year following.*

## 226 *Chapter 7.*

### 227 *Miscellaneous.*

228 *§ 7.1. Elections Governed by State Law.*

229 *All town elections shall be conducted in the manner prescribed by the laws of the Commonwealth of*  
230 *Virginia.*

231 *§ 7.2. Applicability outside Town.*

232 *All ordinances of the town, so far as they are applicable, shall apply on, in, or to all land, buildings,*  
233 *and structures owned by or leased or rented to the town and located outside the town.*

234 *§ 7.3. Present Officers to Continue.*

235 *The present elected officers of the town shall be and remain in office until expiration of their several*  
236 *terms and until their successors have been duly elected and qualified.*

237 *§ 7.4. Ordinances Continued in Force.*

238 *All ordinances now in force in the Town of Eastville not inconsistent with this Charter shall be and*  
239 *remain in force until altered, amended, or repealed by the Town Council.*

240 *§ 7.5. Severability of Provisions.*

241 *If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any*  
242 *court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the*  
243 *remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph, or*

244 *part thereof directly involved in the controversy in which such judgement shall have been rendered.*

245 *§ 7.6. Disclosure of Interest.*

246 *The Town Council is hereby empowered to adopt a conflict of interest and disclosure ordinance to*  
247 *govern elected or appointed town officials, or both, not inconsistent with the general laws of the*  
248 *Commonwealth of Virginia.*

249 **2. That Chapter 247, as amended, of the Acts of Assembly of 1896 is repealed.**

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