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HOUSE BILL NO. 133

Offered January 10, 1996

A *BILL to provide a charter for the Town of Duffield in Scott County and to repeal Chapter 68, excepting § 2, of the Acts of Assembly of 1893-94, which provided a charter for the Town of Duffield.*

Patron—Kilgore

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

CHARTER OF TOWN OF DUFFIELD**Chapter 1.****INCORPORATION AND BOUNDARIES.****§ 1.1. Incorporation.**

The inhabitants of the territory comprised within the present limits of the Town of Duffield as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Duffield, and as such shall have perpetual succession; may sue and be sued, plead and be impleaded, and contract and be contracted with; and may have a corporate seal which it may alter, renew or amend as its pleasure.

§ 1.2. Boundaries.

The boundaries of the town are those established in Chapter 68 of the Acts of Assembly of 1893-94 and by the orders of the Circuit Court of Scott County heretofore or hereafter entered.

Chapter 2.**POWERS.****§ 2.1. Powers.**

The Town of Duffield shall have all powers conferred upon towns under the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia, as now existing or as may be added or amended from time to time, are hereby specifically conferred upon the Town of Duffield.

Chapter 3.**GOVERNING BODY.****§ 3.1. Council.**

A. The Town of Duffield shall be governed by the town council, composed of five members, elected at large.

B. The members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. In each even-numbered year, on the dates specified by general law for municipal elections, the five members of the council shall be elected for terms of two years each. The persons so elected shall qualify and take office on July 1 following their elections, and they shall continue to serve until their successors are duly elected and qualified and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman.

E. Vacancies on the council shall be filled for the unexpired term by a majority vote of the remaining members of the council. Any person qualified for the office of councilman may be chosen to fill a council vacancy.

§ 3.2. Mayor.

A. The mayor of the Town of Duffield shall be chosen from the council by a majority of council members for a term of two years. The mayor shall continue to serve until his successor is duly chosen, qualifies and assumes office.

B. A vacancy in the office of mayor shall be filled for the unexpired term by a majority of the council members from among the remaining council members.

C. The mayor shall be president of the council and shall have a vote. He shall be recognized as head of the town government for ceremonial purposes and by the governor for purposes of military law. He shall perform such other duties as may be assigned to him by the council not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth or provisions of this charter.

Chapter 4.**MISCELLANEOUS.**

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60 § 4.1. Ordinances Continuing.

61 All ordinances now in force in the Town of Duffield, not inconsistent with this charter shall remain
62 in force until altered, amended or repealed by the council.

63 § 4.2. Legislative procedure.

64 Except in dealing with parliamentary procedure, the council shall act only by ordinance or
65 resolution, and with the exception of ordinances making appropriations or authorizing the contraction of
66 indebtedness, each ordinance or resolution shall be confined to one general subject.

67 § 4.3. Town Officers.

68 A. At its organizational meeting held following the qualifications of the mayor and members of
69 council in each even-numbered year, the council may, in its discretion, appoint a town manager who
70 shall serve as the chief administrative officer to the town.

71 B The council may, at its discretion, appoint a town attorney, town clerk, town treasurer, chief of
72 police and such other town officers as it deems appropriate. The town clerk and/or the town treasurer
73 shall be a resident of the town. The council shall further provide the terms of the officers or, if there
74 are no terms, shall indicate that the officers serve at the pleasure of the appointing authority.

75 C. Each officer shall have such duties as are specified by the appointing authority not inconsistent
76 with the Constitution and general laws of the Commonwealth and this charter and shall receive such
77 compensation, if any, as the council may prescribe.

78 D. The same person may be appointed to more than one office.

79 E. In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be
80 created in the town the office of town sergeant.

81 § 4.4. Water and Sewer Charges.

82 In operating public water and sewer services, the town may charge a different rate for services
83 furnished to customers outside the corporate limits from the rate charged for similar services to
84 customers within the corporate limits. The town may provide by ordinance that all unpaid water or
85 service charges and interest thereon shall constitute a lien on the real estate served by the water or
86 sewer line through which the service is provided.

87 § 4.5. Eminent Domain.

88 The powers of eminent domain which may be exercised by municipal corporations under the
89 provisions of Titles 15.1 and 25 of the Code of Virginia, as amended, are hereby conferred upon the
90 Town of Duffield.

91 **2. That Chapter 68, excepting § 2, of the Acts of Assembly of 1893-94 is repealed.**

92 **3. That an emergency exists and this act is in force from its passage.**