

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 184

An Act to amend and reenact §§ 3-a and 4 as amended of Chapter 16 of the Acts of Assembly of 1924, which provided a charter for the Town of Edinburg, relating to elections and town powers.

[H 798]

Approved March 30, 1998

Be it enacted by the General Assembly of Virginia:

1. That §§ 3-a and 4 as amended of Chapter 16 of the Acts of Assembly of 1924 are amended and reenacted as follows:

§ 3-a. Council, mayor, and vice-mayor.

(1) There is hereby created a council consisting of six members and a mayor, which shall have full power and authority, except as hereinafter otherwise provided, to exercise all of the power conferred upon the town and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the State and of the charter.

(2) The mayor and councilmen shall serve for terms commencing on the first day of July next following their election and until their successors shall be duly elected and qualified.

(3) Vacancies in the office of mayor and on the council shall be filled within thirty days for the unexpired term by a majority vote of the remaining members. Any person qualified to vote in the town shall be eligible for the office of mayor and councilman.

(4) The council shall make such rules for its organization, government and order of business, appointment of committees, as it may deem proper, including the times of meeting and special meetings.

(5) The mayor shall preside at the meetings of the council and perform such duties consistent with his office and prescribed by the ordinances of the town. The mayor shall have the right to vote. The duly elected members of the council at their first meeting in July following the May election shall select from among themselves by majority vote a vice-mayor to serve in the absence of the mayor. The vice-mayor shall possess all the powers and discharge the duties of the mayor in the event of the mayor's absence or inability to act. During absence or disability of both the mayor and vice-mayor, the council shall elect a member of the council to perform the duties of the mayor.

(6) On the first day of July following the regular municipal election and organization of the council, or as soon thereafter as may be practicable, the council, in its sole discretion, may appoint a treasurer, a chief of police, a town attorney, superintendent of water works, health officer, chief or captain of the fire department, and such other officers as the council may determine and may prescribe their duties. Such officers and their duties shall be consistent with general law. The prescribed duties shall be by ordinance. Such officers shall serve for two years, or at the pleasure of the council. In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant.

(7) Legislative procedure. Except in dealing with parliamentary procedure, as set forth in the ordinances, the council shall act only by ordinance or resolution and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness shall be confined to one subject.

(8) Each proposed ordinance or resolution shall be introduced in writing or in printed form, and the enacting clause of all ordinances hereinafter passed by the council shall substantially be "Be it ordained by the town of Edinburg." And all ordinances shall be read at two meetings not less than a week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting, provided the requirements of a second reading by the affirmative vote of four members of the council may be confined to the reading of the title only, but this provision shall not apply to an emergency measure. No ordinance shall be amended unless such section or sections as are intended to be amended shall be reenacted. The ayes and noes shall be taken and recorded upon the passage of all ordinances, and so entered upon the minutes of the proceedings of the council.

(9) No ordinance passed by the council shall take effect until at least thirty days from the date of its passage, except the council may by an affirmative vote of a majority of its members, pass emergency measures to take effect at the time indicated therein. Every ordinance passed shall be recorded by the clerk in a book kept for that purpose and shall be authenticated by the signatures of the presiding officer and the clerk.

(10) Nominations and elections; municipal elections. A municipal election shall be held on the first Tuesday in May, ~~1982~~ 1998, and every second year thereafter, and shall be known as the regular municipal election for the election of ~~mayor and councilmen~~. ~~A mayor and Three councilmen shall be elected at each regular municipal election; the mayor to serve a two-year term and the three councilmen to serve four-year terms. The mayor shall be elected at the regular municipal election held on the first Tuesday in May 1998, and every fourth year thereafter.~~ The nominations and elections held under this

charter shall be in accordance with the general laws of the State.

§ 4. Powers of the Town of Edinburg, Virginia.

In addition to the powers mentioned in section two hereof, the said town of Edinburg shall have the following powers:

(1) To raise annually by taxes and assessments in said town, sums of money as the council thereof shall deem necessary for the purpose of said town, and in such manner as said council shall deem expedient, not prohibited by the Constitution or general law of the Commonwealth, provided, however, that it shall impose no tax on lands of said town.

(2) To impose special and local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prohibited by the Constitution and general law of Virginia, as may be in force at the time of the imposition of such special and local assessments.

(3) Subject to the provisions of the Constitution of Virginia and of this charter, to contract debts, borrow money and make and issue evidences of indebtedness.

(4) To expend the money of the town for all lawful purposes.

(5) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without the town or State, and for any of the purposes of the town; and to hold, impose, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(6) To acquire in any lawful manner for the purpose of encouraging commerce, manufacture, education, lands within and without the town, not exceeding at one time one thousand acres in the aggregate, and from time to time, sell, dispose of, lease or donate the same or any part thereof for commercial, industrial, educational uses and purposes, including land now owned by the town, and including the power to donate any land now or hereafter owned by the town for hospital purposes.

(7) To make and adopt a comprehensive plan for the town and to that end all plats and replats subdividing any land within the town into streets, alleys, roads and lots or tracts, shall be submitted to and be approved by the council before the same are filed or recorded in the clerk's office of the county.

(8) To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, markets and other buildings for the use and 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.

(9) To acquire in any lawful manner in any county of the State, such water, lands, property rights and riparian rights as the council of said town may deem necessary for the purpose of providing an adequate water supply for said town and of piping or conducting it; to lay all necessary mains and tunnels, to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the water shed tributary to any such water supply where such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent, by injunction, any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights and riparian rights or materials for any such use, to exercise within the State all powers of eminent domain provided by the laws of this State; provided, that the lands which may be held for such purpose shall not exceed in the aggregate one thousand acres at one time.

For any of the purposes aforesaid the said town may, if the council shall so determine, acquire by condemnation, purchase or otherwise, any interest or interests in such lands or any of them in fee, reserving to the owner or owners thereof such property rights or easements therein, as may be prescribed in the ordinances providing such condemnation or otherwise.

(10) To acquire, by purchase or exchange, or by the exercise of the power of eminent domain, any spring, springs, water supplies, pipe lines, reservoirs, land, property, easements, interests, contract rights, property rights, riparian rights or any interest or interests therein in the State of Virginia, which is now, or may be at any time used for supplying the inhabitants of the said town with water.

(11) To establish, impose and enforce water rates and rates and charges for public utilities, or other service, products or conveniences, operated, rendered or furnished by the town; and to assess or cause to be assessed water rents directly against the owner or owners of the buildings or against the proper tenant or tenants, and may, by ordinance, provide that when charges are made against tenants, the owner or owners shall be directly liable in case such tenant or tenants fail to pay when the rents or charges are assessed.

(12) To establish, condemn, open, widen, extend, grade, improve, construct, maintain, light and, sprinkle and clean, public highways, streets, alleys, and to alter or close the same; to establish and maintain public playgrounds or other public grounds; to construct, maintain, and operate bridges, tunnels, sewers and drains, and to regulate the use of all such highways, streets, parks, public grounds or work, to prevent the obstruction of such streets and highways, abolish and prevent grade crossings over the same by railroads in the manner provided by general law for the elimination of grade crossings; to

require any railroad company operating a railroad at the place where any highway or street is crossed within the town limits to erect and maintain at such crossing any style of gate deemed proper and keep a man in charge thereof or keep a flagman at such crossings during such hours as the council may require, in accordance with the laws or make any other ordinance which the council may deem proper to accomplish the purpose desired; and to regulate the length of time such crossings may be closed due to any operations of the railroad; and to regulate the operation, weight of load and speed of all cars, and vehicles using the same, as well as the operation and speed of all engines, cars, trains, or railroads in the said town; to prevent or prohibit poles and wires for electric, telephone or telegraph purposes to be erected in the streets and alleys and to prescribe and to collect annual license charge for such privileges heretofore or hereafter granted; but, except in so far as may be necessary in the proper exercise of the police power, nothing herein contained shall apply to companies which have been granted franchises by the council, as provided by law, to place poles and wires in said streets and alleys.

~~The said town and citizens living within its corporate limits shall be exempt from all roads taxes and taxes for the support of the poor and other local purposes; provided, the said town shall maintain and keep its roads and streets in good repair, and support its poor. The town may keep its poor in the parish-house or poor-house of the county; provided, it pays all necessary expenses thereof.~~

(13) To establish, construct and maintain sanitary sewers, sewer lines and systems; ~~and to require the abutting property owners to connect therewith and;~~ to establish, construct, maintain and operate sewage disposal plants ~~and;~~ to acquire by condemnation or otherwise, within or without the town, all lands, rights of way, riparian and other rights and easements necessary for the purposes aforesaid; ~~and;~~ to charge and collect reasonable fees and assessments or costs of service for connecting with and using the same;; to collect and dispose of sewage, garbage, carcasses of dead animals and fowls and other refuse;; and to acquire and operate plants for the utilization or destruction of the same or any of them.

(14) To compel the abatement and removal of all nuisances within the town at the expense of the person or persons causing the same or the owner or occupant of the ground or premises wherein the same may be found, and to require all lands and lots and 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 at the expense of the owners or occupants thereof; to regulate or prevent slaughter-houses or other noisome and offensive business within the town, the keeping of hogs or other animals; to regulate the transportation of all articles through the streets, to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables, and other obnoxious buildings, and the manner in which they are to be kept and constructed and generally to define, prohibit, abate and suppress and prevent all things detrimental to health, morals, safety, convenience and welfare of the inhabitants of the town.

(15) To inspect, test, measure and weigh any commodity or articles of consumption or use within the town and to establish, regulate, license and inspect weights, meters, measures and scales.

(16) To establish, regulate and control a fire department, to regulate the size, height, location and construction of buildings, fences, walls and altered structures as public safety may require; to remove or require to be removed any structure which by reason of dilapidation or other cause may have become dangerous to life or property, and enact efficient laws to secure the safety of persons from fires in halls or buildings used for public assemblies or entertainments.

~~(17) To provide for the care, support and maintenance of aged, insane, poor persons or paupers.~~

(18) To establish, organize and administer public schools and libraries subject to the general laws establishing a standard of education for the State.

~~(19) To prevent paupers and persons having no visible means of support or who may be dangerous to the peace and safety of the town from coming into the town and to expel any one from the town dangerous to the peace, safety and welfare of the town, and its inhabitants.~~

(20) To provide for the promotion of the general health of the residents of said town, make regulations to protect the same, inspect all foods and foodstuffs and to prevent the introduction and sale in said town of any articles or things intended for human consumption, which is adulterated, impure, or otherwise dangerous to health; to prevent the introduction and spread of contagious or infectious diseases, and prevent and suppress disease generally; and to establish quarantine grounds within or without the town and regulations respecting the same, subject to the laws of the State.

(21) To accept and receive unconditionally or upon conditions, absolutely or in trust, gifts, grants, bequests and devises of any kind of property, real or personal, for educational, charitable or public purposes and to do all things necessary to carry out the purpose of the donor, in accordance with the terms and conditions of such gifts, grants, bequests or devises.

(22) To restrain and punish drunkards; ~~vagrants and street beggars;~~ to prevent vice and immorality; to preserve peace and good order; to prevent riots, disorderly assemblages and suppress houses of ill-fame and gambling;; and ~~to~~ punish lewd, indecent and disorderly exhibitions in the town.

(23) To license and regulate the holding of shows and their location, circuses, public exhibitions, carnivals, or fairs, or prohibit the holding of the same within the town.

~~(24) To make and enforce ordinances similar to the prohibition laws of the State. No license to sell strong drink in said town, within two miles thereof, without first obtaining permit of the council and~~

then on such terms as may be required by said council.

(25) ~~The town is authorized~~ To exempt by four-fifths vote of the members of the council, the buildings, machinery and equipment of factories and industries from town taxes for a reasonable period of time not exceeding ten years.

(26) To contract, own and maintain power and light and operate facilities necessary thereto and to acquire by condemnation or otherwise, within, or without the town, land, water-power sites, easements, property and property rights necessary for such purposes.

(27) [Repealed.]

(28) [Repealed.]

(29) [Repealed.]

(30) [Repealed.]

(31) [Repealed.]

(32) ~~The council is authorized and empowered~~ To borrow money for the town, not to exceed the amount authorized by State law.

(33) To prescribe any penalty for the violation of any town ordinance, rule or regulation, or any provision of this charter, not exceeding ~~five hundred one thousand~~ dollars, or *imprisonment in a penal or correctional institution* for twelve months ~~imprisonment in jail~~, or both; *however, such penalty shall not exceed the penalty prescribed by general law for a like offense.* ~~And~~ To carry into effect the police regulations of said town, the said town shall be allowed the use of the jail at Shenandoah County for the safekeeping and imprisonment of all persons sentenced to prison under the ordinances of said town.

(34) [Repealed.]

(35) [Repealed.]

(36) [Repealed.]

(37) [Repealed.]

(38) [Repealed.]

(39) [Repealed.]

(40) [Repealed.]

(41) [Repealed.]

(42) [Repealed.]

(43) Licenses and taxation. - License taxes may be imposed by ordinances on business, trades, professions and callings and upon the persons, firms, associations and corporations engaged therein and the agents thereof, except in cases where licenses or taxations are expressly prohibited by the general laws of the State. Any one who shall fail to procure the license required by the council shall be subject to such penalty as provided by ordinances of the town.

(44) ~~General taxes. - The council may impose a tax of one dollar per annum upon the residents of the town who have attained the age of twenty-one years. The council may also tax dogs.~~

(45) The council of the town of Edinburg is authorized to and shall annually order a town levy of so much as is in their opinion necessary to be raised by that way, in addition to what may be raised for licenses and from other sources, to meet the appropriations and made to be enabled to pay the indebtedness of the town and meet all of its municipal expenses required by law to be raised. The levy or assessment shall be on all real and tangible personal property owned or possessed by any and all of the residents and corporations located in said town; provided, however, that the rate assessed does not at any time exceed the maximum rate provided by the law of the State in force at that time. The values of such property as fixed by the State shall be accepted as the basis of the taxation and assessment by the council, or as the general laws of the State may hereafter prescribe.

There shall be a lien on real estate for the town taxes as assessed thereon, from the commencement of the year for which they are assessed. The council may require real estate in the town delinquent for the nonpayment of taxes to be sold for taxes, with interest thereon, and said council may regulate the terms on which real estate so delinquent may be sold or redeemed, provided, that such sales shall be made subject to the prior lien of the Commonwealth for taxes. And all town taxes shall be due and payable as and when similar State taxes are due and payable, otherwise by ordinance.

The town shall also have a lien for its taxes and levies upon all such corporate property as is authorized by law. All goods and chattels of any persons against whom taxes for the town are may be distrained and sold for said taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for State taxes.

(46) Franchises. - The granting of franchises by the council shall be as provided by the general law of the State, and ordinances not in conflict therewith.

(47) All liabilities, actions, claims, contracts heretofore existing under the former charter and amendatory acts under the corporate name of the council of the town of Edinburg shall remain and continue in force and effect as if this act had not been passed.

And all now in force in the town of Edinburg, not inconsistent with this charter, shall be and remain in full force until altered, amended or repealed by the council of said town.

If, however, any clause, sentence, paragraph or part of this act shall for any reason, be adjudged by any act of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the

remainder of the act.

(48) The enumeration of particular powers and authority in this charter shall not be held exclusive, but the said town shall have and may exercise all other powers which are now or may hereafter be possessed or applied to towns under the Constitution and general laws of the State.

2. That an emergency exists and this act is in force from its passage.