

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 243

An Act to provide a charter for the Town of Scottsville and to repeal Chapter 344, as amended, of the Acts of Assembly of 1932, which provided a charter for the Town of Scottsville.

[S 37]

Approved April 7, 1998

Be it enacted by the General Assembly of Virginia:

1.

CHARTER OF THE TOWN OF SCOTTSVILLE

Chapter 1.

INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Scottsville, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Scottsville, and as such shall have 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 boundaries of the town shall be established by the annexation order of the Circuit Court of Albemarle County, Virginia, entered in deed book 1347, page 257, on September 27, 1993.

Chapter 2.

POWERS.

§ 2.1. General grant of powers.

The Town of Scottsville 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 the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

Chapter 3.

MAYOR AND COUNCIL.

§ 3.1. Governing body.

There shall be a mayor who shall be an elector of said town, and who, together with the six members of the council, shall constitute the governing body of the town. He shall be elected by the qualified electors of said town at the general election to be held on the first Tuesday in May 1998, and every two years thereafter, and shall enter upon the duties of his office on the first day of July next succeeding his election, and shall continue in office until his successor is elected and qualified.

There shall be six members of the council, all of whom shall be electors of said town, who, together with the mayor, shall constitute the governing body of said town, and they shall be elected by the qualified electors of said town at the general election to be held on the first Tuesday in May 1998, and every two years thereafter. All members of the council shall enter upon the duties of that office on the first day of July next succeeding their election, and shall continue in office until their successors are elected and qualified.

§ 3.2. Swearing in of officers.

The mayor and members of council, and other municipal officers of said town, before entering upon the duties of their respective offices, shall be sworn in according to the laws of the Commonwealth by anyone authorized to administer oaths.

§ 3.3. Continuation of officers.

The mayor and members of council in office in said town at the time of the passage of this act shall be continued in office until the expiration of the terms for which they were elected, and until their successors are duly elected and qualified according to law.

§ 3.4. Mayor chief executive.

The mayor shall be the chief executive officer of the town, and may receive a salary to be fixed by the council. He shall see that the ordinances and bylaws of the town are fully executed and enforced.

§ 3.5. Powers of mayor.

The mayor shall preside over the deliberations of the council, but shall have no vote except in case of a tie. The mayor shall have the power to appoint and swear in special policemen for any occasion when in his judgment it is expedient for the peace and good government of the territory under the

criminal jurisdiction of said town, and at such compensation as may be fixed by the council. In case of a vacancy in the office of town sergeant, the mayor shall have power and authority to fill same by temporary appointment until the council shall meet and appoint a town sergeant, such temporary appointment by the mayor to be at such compensation as may be fixed by the council.

§ 3.6. Mayor's state of the town statement.

It shall be the duty of the mayor to communicate to the council as often as he shall deem it expedient, or be required to do so by the council, a general statement of the situation and conditions of the town in relation to its government, finances, and improvements, with such recommendations as he shall deem proper.

§ 3.7. Filling of vacancy in office of mayor.

In case a vacancy shall occur in the office of mayor the council shall appoint one of their number to fill such vacancy for the unexpired term.

§ 3.8. Filling of vacancy on council.

In case of a vacancy happening in the council by death, resignation, removal, or otherwise, the council shall appoint a qualified person to fill the vacancy for the unexpired term.

§ 3.9. Appointment of council president.

The council shall appoint one of its members president who shall, in the absence or inability of the mayor, preside over the meetings of the council. In the absence or the inability of the mayor, the president of the council shall have the powers of, and perform the duties of the mayor.

§ 3.10. Council meetings.

The council shall meet in regular session once in each month at a date fixed by ordinance, or resolution. A majority of the members elected to the council shall constitute a quorum.

§ 3.11. Power of mayor, council members to call special meetings.

The mayor shall have power to call a special meeting of the council whenever he deems it necessary, stating the purpose for which the meeting is called, and in case of absence, inability, or refusal of the mayor to call a special meeting, the council may be convened by the order of any two members thereof.

Chapter 4.

COURTS.

§ 4.1. Jurisdiction of courts within the town.

The Albemarle County General District Court and the Juvenile and Domestic Relations Court, and the Circuit Court of Albemarle County, or their successors, shall have the same jurisdiction both criminal and civil within the town as provided by law.

Chapter 5.

APPOINTIVE OFFICERS.

§ 5.1. Town sergeant; police officers.

The council shall appoint a town sergeant who shall be the chief police officer of the town, and who shall hold office at the pleasure of the council. His salary shall be fixed by the council. The council may appoint an additional police officer, or officers, for the town whenever deemed necessary or expedient who shall hold office at the pleasure of the council, and receive such compensation as the council shall fix. Any town sergeant, or other police officer, may at any time be removed from office by a majority of votes of the council.

The town sergeant shall perform such other duties as the council may direct. He shall be vested with all the powers which the general laws of the Commonwealth confer upon constables and police officers.

The council may require the town sergeant to execute before the mayor bond, with surety to be approved by him in the amount to be approved by the council, conditioned for the faithful performance of his duties as town sergeant.

§ 5.2. Town treasurer.

The council shall appoint a town treasurer who shall hold office at the pleasure of the council, and who shall receive such compensation as may be fixed by the council and may hold other appointive office or not.

§ 5.3. Qualifying, bond of treasurer.

The treasurer shall qualify and give bond before the council with surety approved by it in a penalty to be approved by the council.

§ 5.4. Duties of treasurer.

The treasurer shall receive all money belonging to the town, and shall perform such other duties as are, or may be, prescribed by the council. He shall keep his books and accounts in such manner as the council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and council.

§ 5.5. Collection of taxes, licenses, assessments.

The treasurer, or by order of the council of the town, the town sergeant, or any other person appointed by the council, shall collect all taxes, licenses, and assessments which may be levied by the council, and for this purpose the said treasurer, or other person appointed by the council as aforesaid, shall be vested with power and be subject to the liabilities and penalties now prescribed by law in regard to the county treasurer of the Commonwealth of Virginia in the levying and collecting of taxes,

and said treasurer, or person appointed as aforesaid to collect said taxes, shall have full power to levy on property and sell the same for the payment of such taxes as the said county treasurers of the Commonwealth of Virginia are now empowered by law to do, and such sales shall be made upon the notice, and in such manner as now prescribed by law in sales of personal property for state taxes.

§ 5.6. Deposit of town moneys.

The treasurer shall be required to keep all moneys in his hands belonging to the town in such place, or places, of deposit as the town council by ordinance may provide or direct.

§ 5.7. Manner of payment of town money.

No money shall be paid out by the town treasurer except by order of the council and upon a warrant, or check, of the clerk of the council signed by the mayor, or in such other manner as may be prescribed by the council.

§ 5.8. Report of treasurer.

The treasurer shall report to the town council, or a committee thereof, as often as required a full and detailed account of all receipts and expenditures during the month, and the state of the treasury. He shall also keep a record of all warrants, or orders, their dates, amount, number and the person to whom paid, specifying also the time of payment; and such warrants, or orders, shall be examined at the time of making such report to the council by the auditing committee thereof who shall examine and compare the same with the books of the treasurer and report discrepancies, if any, to the council.

§ 5.9. Town clerk.

The council shall appoint a town clerk, who shall hold office at the pleasure of the council, and who shall receive such compensation as may be fixed by the council and may hold other appointive office or not.

The town clerk shall have the custody of the corporate seal, and he shall keep all the papers that by the provisions, or the direction of the council, are required to be filed with, or kept by him; and he shall perform such other acts and duties as the council may require. He shall receive such compensation as may be allowed by the council.

§ 5.10. Appointment; duties of clerk of the council.

The council shall appoint a clerk, to be known as the clerk of the council, who may be either a member of the council or hold other appointive office or not.

The clerk of the council shall attend the meetings of the council and keep the record of its proceedings and he shall perform such other acts and duties as the council may require. He shall receive such compensation as may be allowed by the council.

§ 5.11. Appointment of town attorney.

The council shall designate from time to time or annually in its discretion, a discreet and competent attorney at law, licensed to practice his profession in all the courts of the Commonwealth, and shall fix his compensation.

The town attorney shall advise the mayor and council and the town officers on any official matter presented to him, and shall prosecute the violation of all town ordinances, upon authorization from the council.

Chapter 6.

MISCELLANEOUS.

§ 6.1. Posting of ordinances containing penalty.

Every ordinance of the council, imposing a penalty for its violation, shall, upon its passage, be conspicuously posted in said town.

§ 6.2. Continuation of current ordinances.

All ordinances now in effect, not in conflict with the provisions of this act, shall continue in force until altered, amended, or repealed by the council.

§ 6.3. Severability.

If any section, or provision, of this act 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 said act.

2. That Chapter 344, as amended, of the Acts of Assembly of 1932 is repealed.