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HOUSE BILL NO. 1652

Offered January 13, 1999

A BILL to provide a charter for the Town of Gate City in Scott County and to repeal Chapter 527, as amended, of the Acts of Assembly of 1892, which provided a charter for the Town.

Patrons—Kilgore; Senator: Wampler

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

CHARTER FOR THE TOWN OF GATE CITY**Chapter 1.****Incorporation and Boundaries****§ 1.1. Incorporation.**

The General Assembly incorporates the community known as Gate City, in Scott County, Virginia, as a town and a body politic and corporate within the boundaries provided for in § 1.2, as such boundaries are now or may hereafter be altered and established by law. As such, the town shall have perpetual succession, may sue and be sued, plead 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 boundaries shown on that certain plat recorded in Plat Cabinet A, Slide 103, pages 442 and 443, in the Office of the Clerk of the Circuit Court for Scott County, shall be the territory of the Town of Gate City.

Chapter 2.**Powers****§ 2.1. Powers of town.**

The Town of Gate City shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.2-900 through 15.2-973 and 15.2-1100 through 15.2-1131 of the Code of Virginia, as now exist or hereafter amended, and all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia are hereby conferred upon the Town of Gate City, Virginia.

Chapter 3.**Mayor and Council****§ 3.1. Election, qualification and term of office.**

A. The Town of Gate City shall be governed by a town council, composed of a mayor and five other members, all of whom shall be qualified voters of the town.

B. There shall be an election of a mayor and five other members of council in May of each even-numbered year, and every two years thereafter at the regular May municipal election date. At such elections, a mayor and five additional council members shall be elected to serve until their successors are duly elected and qualified.

C. The mayor shall preside at meetings of the council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for the purposes of military law. He shall vote only in cases where the votes of the council are evenly divided.

§ 3.2. Vice mayor.

At its first meeting in July after the election, the council shall select from its membership one member to serve as a vice mayor. The vice mayor shall preside over meetings of council in the absence of the mayor.

§ 3.3. Qualification of members.

Any person qualified to vote in the town shall be eligible for the office of council member or mayor.

§ 3.4. Powers of council.

The council, along with the mayor, shall make such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia, and shall have the power in their discretion to appoint a town manager, town attorney, town clerk, treasurer, and chief of police (who shall have the powers and duties provided in § 15.2-1704 of the Code of Virginia.) The persons so appointed shall have such duties and shall serve for such terms and at such compensation as the council may determine. One person may be appointed to more than one office.

§ 3.5. Vacancies.

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60 *Vacancies on the council and in the offices of mayor and vice mayor shall be filled for the unexpired*
61 *term by a majority vote of the members of the council.*

62 *§ 3.6. Meetings of council.*

63 *The council shall fix the time of its regular meetings, which shall be at least once each month;*
64 *however, the council may, by majority vote, dispense with any two such regular meetings per year.*
65 *Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an*
66 *executive session is called according to law. Special meetings may be called at any time by the mayor*
67 *or any four members of the council, provided that the members of council are given reasonable notice*
68 *of such meetings. No business shall be transacted at the special meeting except that for which it shall be*
69 *called. If the mayor and all the members of the council are present, this provision requiring prior notice*
70 *for special meetings is waived.*

71 *§ 3.7. Compensation.*

72 *Compensation for the mayor and council members shall be set by the council subject to any*
73 *limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the*
74 *mayor and the council members shall not be effective until the July 1 following the first local election*
75 *after the council approves such increases.*

76 *Chapter 4.*
77 *Miscellaneous*

78 *§ 4.1. Eminent domain.*

79 *The powers of eminent domain, as set forth in Titles 15.2 and 25 of the Code of Virginia, are hereby*
80 *conferred upon the Town of Gate City, including the power to issue certificates pursuant to the*
81 *procedures of §§ 33.1-119 through 33.1-132 of the Code of Virginia.*

82 *§ 4.2. Fiscal year.*

83 *The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following*
84 *year.*

85 *§ 4.3. Legislative procedure.*

86 *Except in dealing with parliamentary procedure, the council shall act only by ordinance or*
87 *resolution and, with the exception of ordinances making appropriations or authorizing the contracting of*
88 *indebtedness, shall be confined to one general subject.*

89 *§ 4.4. Criminal jurisdiction.*

90 *The criminal jurisdiction of the officers of said town shall extend one-half mile beyond the corporate*
91 *limits of the town. All fines imposed by the town shall be for the benefit of the town.*

92 *§ 4.5. Use of county jail.*

93 *For the purpose of carrying into effect the police regulations of said town, the town shall be allowed*
94 *the use of the county jail of Scott County for the safe-keeping and confinement of all persons who shall*
95 *be sentenced to imprisonment under the ordinances of the town, and all persons so confined shall be*
96 *under the custody and charge of the jailer of the county, who shall receive, keep and discharge the*
97 *same in such manner as shall be prescribed by the ordinances of the town, or otherwise discharged by*
98 *due course of law; however, the council may, if deemed expedient, require all persons sentenced to jail,*
99 *or committed thereto in default of the payment of fines assessed against them, to work on the public*
100 *streets of the town, under such regulations and restrictions as the council may prescribe.*

101 *§ 4.6. Ordinances continued in force.*

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

104 *§ 4.7. Severability of provisions.*

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

109 **2. That Chapter 527, as amended, of the Acts of Assembly of 1892 is repealed.**