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**HOUSE BILL NO. 1736**

Offered January 8, 2003

Prefiled January 6, 2003

*A BILL to amend and reenact §§ 2.03, 2.04, 3.01, 3.05, 3.07, 3.08, 4.02, 5.02 and 10.03 of Chapter 99 of the Acts of Assembly of 1994, which provided a charter for the Town of Dumfries, relating to powers, elections, council vacancies, ordinances, the town manager and town departments.*

Patron—Rollison

Referred to Committee on Counties, Cities and Towns

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

**1. That §§ 2.03, 2.04, 3.01, 3.05, 3.07, 3.08, 4.02, 5.02 and 10.03 of Chapter 99 of the Acts of Assembly of 1994 are amended and reenacted as follows:**

§ 2.03. Adoption of certain sections of the Code of Virginia.

The Town of Dumfries 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 ~~§§ 15.1-837 through 15.1-907~~ Title 15.2 of the Code of Virginia.

§ 2.04. Eminent domain and other powers relating to property.

The powers of eminent domain as set forth in Title ~~15.1~~ 15.2 and Title 25 of the Code of Virginia are hereby conferred upon the town, including the power to issue certificates pursuant to §§ 33.1-119 through 33.1-132 of the Code of Virginia.

§ 3.01. Election, qualification and term of office.

(a) The Town of Dumfries shall be governed by a town council elected at large and composed of a mayor and six other members, all of whom shall be qualified voters of the town. *Candidates for town offices shall not be identified on the ballot by political affiliation. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506 of the Code of Virginia (1950), as amended.*

(b) On the first Tuesday in May 1994, and every four years thereafter there shall be elected by the qualified voters of the town a mayor and three council members from the town at large. On the first Tuesday in May 1996, and every four years thereafter there shall be elected three council members from the town at large.

(c) The persons elected shall take office on July 1 succeeding their election and remain in office until their successors have qualified and taken office.

§ 3.05. Vacancies.

Vacancies on the council and in the office of mayor and vice mayor shall be filled by a majority vote of the members of council ~~until the vacancy is filled in accordance with the provisions of Title 24.2 of the Code of Virginia by appointment of an elector of the Town of Dumfries. In the event the mayor, the vice mayor, or any member of council shall be voluntarily absent consecutively for three regular meetings of council, the seat may be deemed vacant by resolution adopted by a majority vote of town council and thereupon the unexpired term shall be filled by a majority vote of the remaining members by appointment of an elector of the Town of Dumfries.~~

§ 3.07. Ordinances.

(a) Action requiring an ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the town council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Article VI with respect to the real property tax levied by adoption of the budget;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for its services by the town; ~~provided, however, that the council may by resolution authorize the rates or fees charged by the department of parks and recreation for use of its facilities or participation in its programs and authorize the rates and fees charged by other departments of the town for sale of maps, reports, or other publications or making of copies of printed or recorded matter;~~

(6) Authorize the borrowing of money;

(7) Convey or lease or authorize the conveyance or lease of any lands of the town.

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59 Acts other than those referred to in the preceding sentence may be done either by ordinance or by  
60 resolution if not in conflict with law.

61 (b) Form. Every proposed ordinance shall be introduced in writing and in the form required for  
62 adoption. The enacting clause shall be "Be it ordained by the Council of the Town of Dumfries....."

63 (c) Procedure. An ordinance may be introduced by any member at any regular or special meeting of  
64 the council. Upon introduction of any ordinance, the town manager shall distribute a copy to each  
65 council member, shall file a reasonable number of copies in the office of the town manager and such  
66 other public places as the council may designate, and shall post or publish a summary of the ordinance  
67 together with a notice setting out the time and place for a public hearing thereon and for its  
68 consideration by the council. The public hearing shall follow the posting or publication by at least  
69 twelve days, may be held separately or in connection with a regular or special council meeting and may  
70 be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the  
71 hearing the council may adopt the ordinance with or without amendment or reject it but, if it is  
72 amended so as to materially change the purpose and character of the proposed ordinance, the council  
73 may not adopt it until the ordinances or its amended sections have been subjected to all the procedures  
74 hereinbefore required for a newly introduced ordinance. As soon as practicable after adoption of any  
75 ordinance, the manager shall have it posted together with a notice of its adoption.

76 To pass an ordinance, the council shall vote on the proposed ordinance two times: on first and  
77 second reading. If at any stage in this procedure the proposed ordinance fails to receive the affirmative  
78 vote of a majority of the members of the council, the ordinance shall be declared defeated and removed  
79 from the calendar of ordinances. Any ordinance which is not passed at the same meeting at which the  
80 public hearing is held may not be passed at a subsequent meeting unless the agenda for the meeting  
81 indicates that the ordinance will be included in the calendar of ordinances for consideration at that  
82 meeting. *Each proposed ordinance or resolution shall be introduced in a written or printed form. No*  
83 *ordinance shall be adopted on the same day it is introduced unless an emergency exists and such*  
84 *emergency is stated in the ordinance.*

85 (d) Effective date. Except as otherwise provided in this charter, every adopted ordinance shall  
86 become effective from its passage or at any later date specified therein.

87 (e) "Publish" defined. As used in this section, the term "publish" means to print in one or more  
88 newspapers of general circulation in the town:

89 (1) The ordinance or a brief summary thereof, and

90 (2) The places where copies of it have been filed and the times when they are available for public  
91 inspection.

92 (f) "Posting" defined. As used in this section, the term "post" means to put on public view in one or  
93 more public facilities. At least one copy shall be posted on the public bulletin board in Town Hall.

94 Provided that where state law provides a different procedure for enactment of an ordinance the state  
95 law shall take precedence.

96 § 3.08. Emergency ordinances.

97 To meet a public emergency affecting life, health, property or the public peace, the council may  
98 adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or  
99 extend a franchise, or authorize the borrowing of money except as provided in subsection (b) of § 6.06.  
100 An emergency ordinance shall be introduced in the form and manner prescribed for ordinances  
101 generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after  
102 the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific  
103 terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting  
104 at which it is introduced. After its adoption the ordinance shall be published or posted as prescribed for  
105 other adopted ordinances on the public bulletin board located in town hall. It shall become effective  
106 upon adoption or at such later time as it may specify. An emergency ordinance may also be repealed by  
107 adoption of a repealing ordinance in the same manner specified in this section for adoption of  
108 emergency ordinances.

109 § 4.02. Powers and duties of the town manager.

110 The town manager shall have the administrative and executive powers and duties vested in the town  
111 manager under §§ 15.1-926 and 15.1-927 of the Code of Virginia by the council.

112 § 5.02. Departments of the town.

113 Administrative departments shall include, but shall not be limited to, departments concerned with  
114 public safety, police, finance, public works, planning, zoning and code enforcement, and parks and  
115 recreation community service.

116 § 10.03. Citation of act.

117 This act may for all purposes be referred to or cited as the Charter for the Town of Dumfries,  
118 Virginia, of 19942003.