

2005 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

059877378

HOUSE BILL NO. 2756

Offered January 12, 2005

A BILL to provide a new charter for the Town of Onley, in Accomack County, and to repeal Chapter 414 of the Acts of Assembly of 1950, which provided a charter for the town.

Patron—Lewis

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

CHARTER FOR THE TOWN OF ONLEY

CHAPTER 1.

INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Onley in Accomack County, 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 Onley, 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 amend at its pleasure.

§ 1.2. Boundaries.

The boundaries of the town, until altered, shall be as established by § 1 of Chapter 414 of the Acts of Assembly of 1950, and as further established by an Order of the Accomack County Circuit Court entered on June 19, 1967, and recorded in the Clerk's Office of the Accomack County Circuit Court in Common Law Order Book 1966-70, page 90, and as further established by an Order of the Accomack County Circuit Court entered on March 6, 1986, and recorded in the Clerk's Office of the Accomack County Circuit Court in Common Law Order Book 5, page 312, which are incorporated by reference and made a part hereof.

CHAPTER 2.

POWERS.

§ 2.1. General Grant of Powers.

The Town of Onley 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 chapter shall be held to be exclusive, and the towns 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.

§ 2.2. Adoption of Powers Granted by Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in § 15.2-1100 through § 15.2-1132, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto.

CHAPTER 3.

MAYOR AND COUNCIL.

§ 3.1. Election, Qualification and Term of Office for Mayor and Council.

The Town of Onley shall be governed by a town council composed of six council members and a mayor, all of whom shall be qualified voters of the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The council members and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for all council members and the mayor shall be held on the first Tuesday in May 2006, and on the first Tuesday in May of every even-numbered year thereafter. The council members and mayor so elected shall take office on the first day of the following July, and shall each serve until their successors are elected and have qualified.

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council.

§ 3.3. Council a Continuing Body.

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59 *The council shall be a continuing body, and no measure pending before such body nor any contract*
60 *or obligation incurred shall abate or be discontinued because of the expiration of the term of office or*
61 *removal of any council members.*

62 § 3.4. Mayor.

63 *The mayor shall be the chief executive and administrative officer of the town. He shall have and*
64 *exercise all the privileges and authority conferred by general law not inconsistent with this charter. He*
65 *shall preside over the meetings of the town council and shall have the right to speak therein as*
66 *members of the council but shall not vote except in the case of a tie vote. He shall be the head of the*
67 *town government for all ceremonial purposes and shall perform such other duties consistent with his*
68 *office as may be imposed by the town council. He shall see that the duties of the various town officers*
69 *are faithfully performed and shall authenticate his signature on such documents or instruments as the*
70 *council, this charter, or the laws of the Commonwealth shall require.*

71 § 3.5. Vice-mayor.

72 *The town council shall, by a majority of all of its members, elect a vice-mayor at its first meeting to*
73 *serve for a term of two years in the absence of or during the disability of the mayor, and the*
74 *vice-mayor shall possess the powers and discharge the duties of the mayor when serving as mayor.*

75 § 3.6. Meetings of Council.

76 *The council shall fix the time of its regular meetings, which shall be at least once each month, and,*
77 *except as herein provided, the council shall establish its own rules of procedure and such rules as are*
78 *necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of*
79 *Virginia. A journal shall be kept of its official proceedings, and its meetings shall be opened to the*
80 *public in accordance with Chapter 37 of Title 2.2 of the Code of Virginia. Three members of the council*
81 *in addition to the mayor, vice-mayor, or acting mayor shall constitute a quorum for the transaction of*
82 *business at any meeting. Special meetings may be called at any time by the mayor or by any three*
83 *members of the council, provided that the members of the council are given reasonable notice of such*
84 *meetings, and no business shall be transacted at a special meeting except that for which it shall be*
85 *called. If the mayor and all members of the council are present, this provision may be waived by a*
86 *majority vote of the council.*

87 § 3.7. Ordinances and Resolutions.

88 *On final vote on any ordinance or resolution, the name of each member voting and how he voted*
89 *shall be recorded, and, in addition, no ordinance or resolution appropriating money exceeding the sum*
90 *of five hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed except*
91 *by affirmative vote of a majority of all members of the council.*

92 § 3.8. Salaries.

93 *The salaries of the mayor, council members, members of boards or commissions, and all appointed*
94 *officers and employees of the town shall be authorized and fixed by the council at a sum not to exceed*
95 *any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor*
96 *and members of the council shall not be increased during the term for which they were elected.*

97 CHAPTER 4.

98 APPOINTIVE OFFICERS.

99 § 4.1. Appointments.

100 *At the first meeting in July following each election or as soon thereafter as practicable, the council*
101 *shall appoint or reappoint the following officers whose duties shall be as prescribed by the council not*
102 *inconsistent or in conflict with general law: a town treasurer, a town clerk who may also be the town*
103 *treasurer, a town attorney who shall be an attorney-at-law licensed to practice under the laws of the*
104 *Commonwealth of Virginia and who shall be actively practicing in Accomack County.*

105 § 4.2. Chief of Police and Assistant Chief of Police.

106 *The council may appoint a Chief of Police as it deems necessary; the appointment of Chief of Police*
107 *shall be made by council and not by election of the town's voters. The Chief of Police will have the*
108 *authority to preside over police matters as directed by the town council and within the provisions of the*
109 *laws of the Commonwealth of Virginia. The Chief of Police may select an assistant; the choice of*
110 *assistant will be presented to the town council and approved or rejected. The Assistant Chief of Police*
111 *will have authority to preside over police matters at the direction of the Chief of Police or as may be*
112 *directed by the town council in the absence of the Chief of Police.*

113 § 4.3. Sergeant.

114 *The Chief of Police may recommend and the council may appoint a Sergeant as it deems necessary;*
115 *the appointment shall be made by council and not by election of the town's voters. The Sergeant shall*
116 *be chosen from the town's police officers. The Sergeant shall perform all duties of deputy with*
117 *additional duties as prescribed by the Chief of Police.*

118 § 4.4. Committee Chairpersons and Assistants.

119 *The council may appoint such committee chairpersons and assistants to appointive offices as it may*
120 *deem necessary.*

§ 4.5. *Term of Office.*

Appointees under this chapter shall serve at the pleasure of the council.

§ 4.6. *Bonds.*

Appointees may be required to execute such bonds as the council may deem necessary.

§ 4.7. *Appointment of One Person to More Than One Office.*

The council may appoint the same person to more than one appointive office.

§ 4.8. *Boards, Commissions, and Committees.*

The council may, in its discretion, appoint such boards, commissions, and committees as it deems necessary or as may be authorized by the laws of the Commonwealth of Virginia.

CHAPTER 5.

MISCELLANEOUS.

§ 5.1. *Fiscal Year.*

The fiscal year which began on September 1, 2004, shall end on June 30, 2005. Thereafter, the fiscal year of the town shall begin on July 1 in each year and end on June 30 of the following year.

§ 5.2. *Elections.*

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia.

§ 5.3. *Applicability of Laws Outside of the Town.*

All ordinances of the town, so far as they are applicable, shall apply on, in, or to all land, buildings, and structures owned by or leased or rented to the town and located outside the town.

§ 5.4. *Ordinances Continued.*

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

§ 5.5. *Severability.*

If any clause, sentence, paragraph, or part of this charter 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 the charter.

§ 5.6. *Legislative Procedure.*

Except in dealing with parliamentary procedure, 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 general subject.

2. That Chapter 414 of the Acts of Assembly of 1950 is repealed.