

VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

CHAPTER 333

An Act to amend and reenact §§ 3, 5, and 11 of Chapter 558 of the Acts of Assembly of 1950, which provided a charter for the Town of Glen Lyn, in Giles County, relating to elections.

[H 1142]

Approved March 22, 2012

Be it enacted by the General Assembly of Virginia:

1. That §§ 3, 5, and 11 of Chapter 558 of the Acts of Assembly of 1950 are amended and reenacted as follows:

§ 3. Powers of the town of Glen Lyn.

The town shall have specifically the following powers and privileges, to the extent that they, or any of them, may not be prohibited by the Constitution or the general laws of the Commonwealth of Virginia:

First. To raise annually, by taxes and assessments in the town, such sums of money, in such manner as the council thereof deems necessary or expedient for the use, benefit and purpose of the town, in accordance with the Constitution of the United States, the Constitution of Virginia, the laws of the Commonwealth of Virginia and the provisions of this charter.

Second. To fix or set, levy and collect taxes on property, subject to limitations prescribed by the Constitution and laws of Virginia in force at the time of imposition of such taxes; provided, however, that the tax for all purposes on property within the town shall not exceed three dollars (\$3.00) on each one hundred dollars (\$100.00) of assessed valuation except (a) for amounts necessary to pay interest, principal, or sinking fund of any bonded indebtedness of the town, (b) taxes for fire protection, (c) special assessments for local improvements, water works and sewer system, and (d) taxes that the general laws of Virginia permit towns to levy in excess of their charter limitations. The fire protection tax levied by the town shall be the only such fire protection tax levied therein.

Third. To impose special or local assessments for local improvements, and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of imposition of such special or local assessments.

Fourth. To impose licenses by ordinance upon business, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in said town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

Licenses may also be imposed upon and a fee therefor collected from persons, firms, or corporations selling and delivering at the same time at other than a definite place of business, goods, wares or merchandise, to licensed dealers or retailers in the town.

For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

Fifth. To incur liabilities or debts, borrow money, and execute or issue evidences of indebtedness; however, no indebtedness shall be created beyond the ability of the council to pay within twelve (12) months from its ordinary or special revenues or resources, except in the following manner: The council, upon its own motion, may order a special election, as hereinafter provided, to determine whether such indebtedness shall be created; or there may be presented to the council a petition signed by at least one-fourth of the bona fide resident electors of the town, male or female, twenty-one years of age or over, requesting the council to order a special election to determine whether such indebtedness shall be created. Pursuant to such motion or petition, the council shall order a special election, to be held within thirty days, to determine whether such indebtedness shall be created; and at least twenty days' notice of such election shall be given by the council, and the purpose and amount of said proposed indebtedness shall be stated in said notice. At this special election only the bona fide resident electors, at the date of said notice, twenty-one years of age or over, male or female shall be entitled to vote. If a majority of those voting shall vote in favor of such indebtedness the council shall within thirty days proceed in the manner prescribed by law.

For the purpose of such election the bona fide resident electors of the town on the date of notice of such election, twenty-one years of age or over, male or female, shall be determined in the following manner: At least twenty days prior to such election the council shall ascertain and record on an official list the names of such electors and shall publish forthwith such list by posting copies thereof in at least three public places in town. On such posted copies notice shall be given of the time and place of a meeting of the council (to be held not less than seven nor more than ten days before such election) for

the purpose of correcting said official list, and at such meeting or any adjournment thereof the council shall make such additions or eliminations or both as ascertained facts shall require. The official list as thus corrected shall constitute the final and authoritative determination of the persons qualified to vote in such electors' election.

Sixth. To expend the money of the town for all lawful purposes.

Seventh. To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein, within or without the town, for the use and benefit thereof; and to hold, improve, sell or lease the same, or any part thereof, including any property now owned by the town.

Eighth. To construct, maintain, regulate or operate public improvements of all kinds, including municipal or other buildings, grounds and structures necessary or appropriate for the use and proper operation of all the various departments of the town.

Ninth. To survey, establish, enter, open, widen, extend, grade, construct, pave, maintain, light, sprinkle, or clean public streets, highways, alleys, sidewalks, parkways or parks or to relocate, alter or close the same; to regulate the weight of loads to be hauled or carried over and upon the streets insofar as such regulation of weights of loads does not conflict with general State laws relating to load limits to be carried or transported over State highways; to regulate the use of all such highways, parks, streets, alleys, parkways and public places; to prevent the obstruction, destruction or injury to any of such streets, alleys or highways; to require any railroad company operating a railroad at the place where any highway or street is crossed within the limits of the town to construct and maintain adequate crossings and to erect and maintain at such crossing any style of gate or warning signal deemed proper; to regulate the operation and speed of all cars, motorcycles, bicycles or vehicles upon said streets or highways as well as the speed of all engines, cars, or railroad trains within the town; to permit or prohibit towers, poles or wires for electric, telephone, telegraph, radio or television purposes to be erected or wires or gas lines to be laid in the streets or alleys, and to prescribe and collect an annual charge for such privileges hereafter granted; to require the owner or lessee of any electric light, telephone, telegraph, radio or television tower, poles, or wires now in use or hereafter erected to change the location or remove the same.

Tenth. To acquire by gift, purchase or by the exercise of the power of eminent domain within this State, land or any interest or estate in lands, rock quarries, gravel pits, sand pits, water or water rights and the necessary roadways thereto, either within or without the rights and the necessary roadways thereto, either within or without the town, or acquire and install machinery and equipment and build the necessary roads or tramways thereto, and operate the same for the purpose of producing materials required for any and all purposes of the town.

Eleventh. To grant franchises for public utilities, subject to the provisions of the Constitution and general laws of the Commonwealth of Virginia.

Twelfth. To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to make reasonable charges therefor; to acquire and operate reduction or other plants for the utilization or destruction of any or all of said materials.

Thirteenth. To compel the abatement of nuisances within the town, or upon property owned by the town beyond its limits, at the expense of the person, persons, corporations or firms causing the same, or of the owner or occupant of the grounds or premises whereon the same may be, and collect said expense by suit or motion, or by distress and sale; to require all lands, lots or other premises, within the town to be kept clean, sanitary and free from stagnant water, weeds, filth, unsightly deposits and shrubbery overhanging public streets and sidewalks or to make them so at the expense of the owners or occupants thereof; to pass and enforce any ordinances that may be necessary to the public safety for the control of dogs; to regulate or prevent noisome or offensive business within the said town, the keeping of hogs, or other animals, poultry or other fowl therein or the exercise of any dangerous or unwholesome business, trade or employment thereon; to regulate the transportation of all articles through the streets of the town; to prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be constructed or kept; to regulate the location, construction, operation or maintenance of billboards; to provide how, when and under what conditions awnings may project over the streets and sidewalks from buildings, and the manner in which sidewalks may be used for advertising or display signs or merchandise; to generally define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, safety, convenience or welfare of the inhabitants of the town; to provide for order and quiet and the observance of the Sabbath.

Fourteenth. The council may, in its discretion, appoint a board of health for the town and invest it with authority for the prompt and efficient performance of its duties.

Fifteenth. To provide by ordinance for a system of meat and milk inspection and to appoint milk and meat inspectors, agents or officers to carry the same into effect, within or without the corporate limits of the town; to license, regulate, control and locate slaughter houses within or without the corporate limits of the town; to make reasonable charges for such services of inspection; and to provide reasonable penalties for the violation of such ordinances.

Sixteenth. To inspect, test, measure or weigh any commodity or article offered for use or consumption to persons within the town; and to establish, regulate, license or inspect weights, meters or

scales employed or used within the town and charge and collect fees therefor.

Seventeenth. To establish, maintain and operate a landing field or airport within or without the town and for such purposes to acquire real estate by gift, lease, purchase or condemnation; to lease such landing fields or airport to others to be used for any lawful purposes; to erect and maintain buildings and appurtenances necessary for the use of such landing field or airport and to prescribe and enforce rules and regulations, not in conflict with the laws, rules and regulations prescribed by the State of Virginia and the Federal Government for the use and protection of such landing field or airport.

Eighteenth. To prevent or extinguish fires, and to establish, regulate, and control a fire department or division, to purchase and maintain fire hydrants, to compensate the water departments of the town for water used in fighting fires and for other similar purposes; to regulate the size, heights, materials and construction of buildings, fences, walls, retaining walls or other structures hereafter erected, in such manner as the public safety or convenience may require; to establish building lines and building regulations; to establish, regulate and control residential and business zones within the corporation; to remove or require to be removed or reconstructed any building, structure or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish or designate from time to time fire limits within which limits wooden buildings shall not be constructed, removed, added to, enlarged, or repaired and to direct that any and all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material and to enact stringent and efficient laws for securing the safety of persons in halls and buildings used for assemblies, entertainments, amusements, schools or places of business.

Nineteenth. To provide, permit or prohibit the establishment of places for the interment of the dead and regulate the same and also those heretofore established and to provide as near to the town as the council deems advisable lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein; and to provide for the perpetual upkeep and care of any plot or burial lot therein; the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested and the income therefrom used in and about the perpetual upkeep and care of the lot or plot for which such donation, gift or bequest shall have been made.

Twentieth. To exercise full police powers and establish and maintain a department or division of police.

Twenty-first. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals or similar shows or fairs, or prohibit the holding of the same or any of them within the town.

Twenty-second. To make and enforce ordinances to regulate, control, license and tax the manufacture, bottling, sale, distribution, handling, advertising, possession, dispensing, drinking and use of alcohol, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation or otherwise; provided, however, that no such ordinance shall be in conflict with any of the provisions of the Alcoholic Beverage Control Act or the general laws, of this Commonwealth with respect to such alcoholic beverages, liquids, and articles.

Twenty-third. To pass and enforce all by-laws, rules, regulations, and ordinances which the council deems necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, education, general welfare, trade, health, and protection of its citizens or their property, and to do such other things and pass such other laws as are necessary or proper to carry into full effect all power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in the town, or in the council, or officers thereof, or which are necessarily incident to a municipal corporation.

Twenty-fourth. To prescribe in accordance with the law any penalty for the violation of any town ordinance, rule or regulation or of any provision of this charter. To provide, by ordinance that where a fine and costs imposed upon any person for violation of a town ordinance shall not be promptly paid the official trying the case may, in his discretion, either commit such person to jail until such fine and costs shall be paid, or require him to work out such fine and costs on the streets or other improvements of the town at a rate per day equivalent to the prevailing wages for similar work at that time, in the town, provided, that no person shall be committed to jail or required to work for longer than ~~ninety~~ 90 days for nonpayment of such fines and costs.

Twenty-fifth. To prohibit and punish the mischievous, wanton or malicious damage to public and private property.

Twenty-sixth. The town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding punishment is provided for the violation of such ordinance.

§ 5. Administration and government.

The administration and government of the town shall be vested in a council consisting of one principal officer, styled the mayor, and five councilmen. The mayor, and councilmen, shall be electors of the town to be chosen as hereinafter provided, from the residents and electors of the town, and their qualifications to hold office, respectively, shall be the same as required of persons to vote and hold office under the Constitution and laws of the Commonwealth of Virginia. The mayor and councilmen in

office at the effective date of this act shall continue in office until ~~the expiration of the terms for which they were elected~~ *their successors are elected and qualified. Beginning with the elections to be held in 2012, the mayor and councilmen shall be elected at the general election to be held on the Tuesday following the first Monday in November and shall serve for terms of four years.*

If any person be expelled from the council, a new election to fill the vacancy thus created shall be held within ~~thirty~~ 30 days on such day as the council may prescribe, on not less than ~~ten~~ 10 days' notice. Any other vacancy in the office of mayor or councilmen shall be filled within ~~thirty~~ 30 days, from the electors of the town, for the unexpired term, by a majority vote of the remaining members of the council, provided, however, that a vacancy in the office of mayor may be filled from their own body or from the electorate of the town, by the council.

§ 11. *Organizational meeting.*

The council shall meet biennially on the first working day of ~~September~~ *January* to qualify the new members, to organize and elect from among the voters of the town or its membership, a town clerk and a town treasurer. The office of treasurer and clerk may be filled by the same person.