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HOUSE BILL NO. 2318

House Amendments in [] — January 29, 2013

A *BILL to provide a charter for the Town of Richlands, in Tazewell County, and to repeal Chapter 271, as amended, of the Acts of Assembly of 1992.*

Patron Prior to Engrossment—Delegate Morefield

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

Article I.

Incorporation.

§ 1.1. Body politic and corporate; corporate powers.

The inhabitants of the territory embraced within the present limits of the Town of Richlands, as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Richlands, and as such shall have perpetual succession, may sue and be sued, plea and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure, and shall have and exercise all the powers conferred by and be subject to all the laws of the Commonwealth of Virginia for the government of towns within the Commonwealth of Virginia.

§ 1.2. Form and vesting of government; powers and duties of council generally.

The municipal government provided by this Charter shall be known as the "town manager plan." Pursuant to its provisions and subject to the Constitution and general laws of the Commonwealth, all powers of the town shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint the town manager, who shall execute the laws and administer the government of the town.

§ 1.3. Boundaries of the town.

The boundaries of the town shall be as set out in § 1.3 of Chapter 276 of the Acts of Assembly of 1954 and amended by order of the Circuit Court of Tazewell County, Virginia, entered on October 31, 1975, found of record in Deed Book 421, page 288, Plat Book 5, page 25, and Plat Card No. 2767.

Article II.

Powers of the Town.

§ 2.1. General grant.

The powers set forth in §§ 15.2-1100 through 15.2-1126, inclusive, of Article 1 of Chapter 11 of Title 15.2 of the Code of Virginia as now existing and hereafter amended are hereby conferred on and vested in the Town of Richlands, Virginia, together with all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and the laws of the Commonwealth, as fully and completely as though such powers were specifically enumerated herein, and all other powers pertinent to the conduct of a town government the exercise of which is not in conflict with the Constitution and laws of the Commonwealth of Virginia and which, in the opinion of the council, are necessary or desirable to secure and promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of its inhabitants, as fully and completely as though such powers were specifically enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive or as a limitation upon any general grant of power but shall be held to be in addition to this general grant of powers.

§ 2.2. Financial powers.

In addition to the powers granted by other sections of this Charter, the town is empowered:

1. To require the owner of every motor vehicle kept or habitually used in town, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license to operate the same by making application to the town treasurer, or such other person as may be designated by the council to issue such license, and to require the vehicle owner to pay an annual fee therefor to be fixed by the council provided that the license fee shall not exceed the amount charged by the Commonwealth on the vehicle;

2. To establish, levy, and collect, except when prohibited by general law, a tax or license on any person, firm, or corporation pursuing or conducting any trade, business, profession, occupation, employment, or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the Commonwealth or not, provided that such license fee therefor shall not exceed the amount charged by the Commonwealth for such license if the Commonwealth requires a license for such

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59 trade, business, profession, occupation, employment, or calling, and may provide penalties for the
60 nonpayment thereof, which penalties may include, among other things, the right to prohibit such person,
61 firm, or corporation from pursuing or conducting such trade, business, profession, occupation,
62 employment, or calling within the boundaries of the town unless and until such license shall have been
63 paid;

64 3. To establish, levy, and collect taxes upon the amount paid for the use of water, sewage facilities,
65 electricity, gas, telephone, or other public utility service used within the town, which taxes may be
66 added to and collected with the bills rendered the purchasers of such service;

67 4. To establish, levy, and collect a tax on all subjects of taxation not prohibited to it by, nor
68 exempted in, the Constitution and general laws of Virginia;

69 5. To establish, levy, and enforce the collection of water and sewage rates and charges, and rates
70 and charges for public utilities, products, or conveniences operated, rented, or furnished by the town;
71 and to assess, or cause to be assessed, after reasonable notice to the owner or owners of the buildings
72 or against the proper tenant or tenants. In the event such rates and charges are assessed against the
73 owner or owners, such rates and charges together with such penalties and interest not to exceed ten
74 percent, as the council may by ordinance prescribe, shall constitute and be a lien against the real estate
75 and buildings in or on which such service is rendered and may be filed in the Treasurer's Office of
76 Tazewell County and collected in the same manner as delinquent taxes are filed and collected; in the
77 event such rates and charges shall be assessed against a tenant, the council may, by ordinance, require
78 of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before
79 furnishing such service to such tenant. The town shall have the right and power to charge a different
80 rate for water or sewage service rendered or furnished to citizens outside the corporate limits from the
81 rates charged for similar services furnished to citizens within the corporate limits;

82 6. To charge and to collect fees for permits to use public facilities and for public services and
83 privileges. The town shall have the power and right to charge a different rate for any service, facility,
84 or privilege rendered or convenience furnished to citizens without the corporate limits from the rates
85 charged for similar services to citizens within the corporate limits; and

86 7. To borrow money, contract debts, and make and issue or cause to be made and issued, as
87 evidence thereof, bonds, notes, or other obligations, within the limitations prescribed by the Constitution,
88 and in accordance with the provisions of the law concerning bond issues by towns, upon the credit of
89 the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of
90 income derived from property, facilities, or services used in connection with any public utility owned or
91 operated by the town.

92 **§ 2.3. Powers relating to public works, utilities, and properties.**

93 In addition to the powers granted by other sections of this Charter, the town is empowered:

94 1. To acquire by purchase, gift, devise, condemnation, or otherwise, property real or personal, or
95 any estate therein within or without the town for any of the purposes necessary in carrying out any of
96 the functions of the town; and to hold, improve, sell, lease, mortgage, pledge, or otherwise dispose of
97 the same or any part thereof, including any property now owned by the town;

98 2. To own, operate, and maintain waterworks; to acquire in any lawful manner in any county of the
99 Commonwealth, such water, lands, property rights, and riparian rights as the council may deem
100 necessary for the purpose of providing an adequate water supply to the town and of piping and
101 conducting the same; to lay, erect, and maintain all necessary mains and service lines, either within or
102 without the corporate limits of the town for the distribution of water to its customers and consumers,
103 both within or without the corporate limits of the town and to charge and collect water rates therefor;
104 to erect and maintain all necessary dams, pumping stations, and other works and connections therewith;
105 to make reasonable rules and regulations for promoting the purity of its water supply and for protecting
106 the same from pollution; for this purpose, to exercise full police powers and sanitary control over all
107 land owned or leased by the town within the limits of the watershed tributary to any such water supply
108 wherever such lands may be located in this Commonwealth; to impose and enforce adequate penalties
109 for the violation of any such rules and regulations; to prevent by injunction any pollution or threatened
110 pollution of such water supply and any and all acts likely to impair the purity thereof; and to carry out
111 the powers herein granted, the town may exercise within the Commonwealth all powers of eminent
112 domain provided by the laws of the Commonwealth;

113 3. To survey, establish, enter, open, widen, extend, grade, construct, pave, maintain, light, sprinkle,
114 and clean public streets, highways, alleys, sidewalks, parkways, or parks and to relocate, alter, or close
115 the same; and in relocating, altering, or closing any public street or alley to have power to agree to a
116 substitution of a new location, in whole or in part, in the place of the street or alley, or portions
117 thereof, relocated, altered, or closed, and to execute such agreements, releases or deeds in connection
118 therewith as may be deemed expedient and proper in carrying the same into effect, and also to have
119 power to ratify and approve the substitution of new locations, in whole or in part, in the place of a
120 public street or alley, or portions thereof, previously relocated, altered, or closed, in whole or in part,

and of approving and ratifying agreements, releases, or deeds previously executed by the town in connection therewith and in carrying the same into effect at the time thereof, if deemed expedient and proper; to regulate the weight of loads to be hauled or carried over and upon the streets, alleys, sidewalks, and parkways insofar as such regulations of weights of loads do 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 of any such streets, alleys, or highways; in conformity with and subject to the provisions of Articles 3 and 6 of Chapter 13 of Title 56 of the Code of Virginia, 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 by the council; to regulate the operation and speed of all cars, motorcycles, bicycles, or vehicles of any nature whatsoever upon the streets or highways as well as the speed of all engines, cars, or railroad trains within the town; to permit or prohibit towers, poles, conduits, cables, or wires for electric, telephone, telegraph, radio, or television purposes to be erected or wired or constructed; to change the location or remove the same; to construct, maintain, and operate bridges, viaducts, subways, tunnels, sewers, and drains or to permit the construction, maintenance, repair, and operation thereof; to plant, maintain, or remove shade trees along the streets and upon public grounds; and to do all other things whatsoever to make the streets and highways safe, convenient and attractive;

4. To establish, maintain, and regulate the use of parks, golf courses, playgrounds, stadia, recreation areas, and public grounds, and to keep them lighted and in good order; to construct in such parks, playgrounds, and public grounds, as the town may maintain, or upon any town property, stadia, swimming pools, gymnasias, and recreation or amusement buildings, structures or enclosures of every character, refreshment stands, restaurants, and the like; to charge admission for use of the same, and to rent out or lease the privileges of constructing or using such stadia, swimming pools, recreation or amusement buildings, structures or enclosures of every character, refreshment stands or restaurants, and the like;

5. To establish, construct, and maintain sanitary sewers, sewer lines, and systems, and to require all property owners within the town to connect therewith; to establish, construct, maintain, and operate sewage disposal plants; to acquire by condemnation or otherwise, within or without the town, all lands, rights of way, riparian and other rights, and easements necessary for the purposes aforesaid; and to charge, assess, and collect reasonable fees, tap fees, rentals, assessments, or costs of service for connection with and using the same;

6. To grant franchises for public utilities subject to the provisions of the Constitution and general laws of Virginia and this Charter; however, the town shall at any time have the power to contract for, own, operate, manage, sell, lease, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town and to sell the services thereof, subject to existing franchises, but no utility shall be sold except by an expressed consent of the citizens by referendum;

7. To own, operate, and maintain electric light and gas works, either within or without the corporate limits of the town and to supply electricity and gas whether the same be generated, produced, or purchased by the town, to its customers and consumers both within or without the corporate limits of the town, at such price and upon such terms as it may prescribe, and to that end it may contract and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient. The town shall have the right and power to charge a different rate for any service rendered for electricity or gas furnished to citizens outside of the corporate limits from the rates charged for similar services, electricity, and gas to citizens within the corporate limits;

8. To establish, maintain, and operate landing fields or airports without the town and for such purposes to acquire real estate by gift, lease, purchase, or condemnation; to lease such landing fields or airports to others to be used for any lawful purposes; to erect and maintain buildings and appurtenances necessary for the use of such landing fields or airports and prescribe and enforce rules and regulations not in conflict with the laws, rules, and regulations prescribed by the Commonwealth of Virginia and the federal government, for the use and protection of the citizens and for such landing fields or airports;

9. To give names to or alter the names of streets and to change and alter the names of streets and alleys;

10. To acquire, construct, own, maintain, and operate, within and without the town, places for parking or storage of vehicles by the public which shall include but shall not be limited to parking lots, garages, buildings and other lands, structures, equipment, and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; to provide for their management and control by a department of the town government or by a board, commission or agency specially established by ordinance or resolution for the purpose; to

182 authorize or permit others to use, operate, or maintain such places or any portions thereof, pursuant to
183 lease or agreement, upon such terms and conditions as the council may determine by ordinance; and to
184 charge or authorize the charging of compensation for the parking or storage of vehicles or other
185 services at or in such places;

186 11. To accept or to refuse, by ordinance or resolution, the dedication of streets, roads, parks,
187 parkways and alleys, easements, or lands for other public use or purpose unless the title to the same be
188 acquired in fee simple in accordance with any subdivision regulations adopted under the provisions of
189 Article V of this Charter; and

190 12. To exercise the power of eminent domain within the town for any lawful purpose of the town,
191 and without the town limits for any property required for any of the public services or utilities of the
192 town, including the power to issue certificates pursuant to §§ 33.1-119 through 33.1-132 of general law.

193 [~~§ 2.4.~~ **§ 2.4. Power to make regulations for the preservation of the safety, health, peace, good**
194 **order, comfort, convenience, morals, and welfare of the town and its inhabitants.**]

195 In addition to the powers granted by other sections of this Charter, the town shall have power to
196 pass and enforce bylaws, rules, regulations, and ordinances, not in conflict with this Charter or
197 prohibited by the general laws of the Commonwealth for the preservation of the safety, health, peace,
198 good order, comfort, convenience, morals, and welfare of the town and of its inhabitants and among
199 such powers, but not in limitation thereof, the town is empowered:

200 1. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals,
201 and other similar shows, or fairs, or prohibit the holding of the same, or any of them, within the town;

202 2. To compel the abatement and removal of all nuisances within the town or upon property owned
203 by the town beyond its limits at the expense of the person or persons causing the same, or of the owner
204 or occupant of the ground or premises whereon the same may be, and to collect the expense by suit or
205 motion or by distress and sale; to require all lands, lots, and other premises within the town to be kept
206 clean and sanitary and free from stagnant water, weeds, filth, junk, and unsightly deposits, or to make
207 them so at the expense of the owners or occupants thereof; to control and regulate junk yards and
208 automobile parts yards or require that automobile parts yards be so fenced or screened that the same
209 will be hidden from public view; and in the event it is necessary for the town, to do any work in
210 connection with keeping the property or lands sanitary and free from stagnant water, weeds, filth, junk,
211 or other unsightly deposits or controlling such junk yards or automobile parts yards as above set forth,
212 the town shall have the right to collect money expended by it from the owner or operator by suit or
213 motion or by distress and sale; to pass and enforce any ordinance that may be necessary for the public
214 safety for the control of dogs, cats, and other pets; to regulate or prevent slaughter or other noisome or
215 offensive business within the town, the keeping of hogs or other animals, poultry or other fowl therein,
216 or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate
217 the transportation of all articles through and upon the streets of the town; to compel the abatement of
218 smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in
219 which they shall be kept and constructed; to regulate the location, construction, operation, and
220 maintenance of billboards, signs, and advertising; and generally to define, prohibit, abate, suppress, and
221 prevent all things detrimental to the health, morals, aesthetic sensibilities, safety, convenience, and
222 welfare of the inhabitants of the town; and to require all owners or occupants of property having
223 sidewalks in front thereof to keep the same clean and sanitary and free from all weeds, filth, junk,
224 unsightly deposits, ice, and snow;

225 3. To extinguish and prevent fires, and to establish, regulate, and control a fire department or
226 division; to regulate the size, height, materials, and construction of buildings, fences, walls, retaining
227 walls, and other structures hereafter erected in such manner as the public safety and convenience may
228 require; to remove or require to be removed or reconstructed any building, structure, or addition
229 thereto which by reason of dilapidation, defect of structure or other causes may have become dangerous
230 to life or property, or which may be erected contrary to law; to establish and designate from time to
231 time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged, or
232 repaired and to direct that any or all future buildings within such limits shall be constructed of stone,
233 natural or artificial, concrete, brick, steel, or other fireproof materials; and to enact stringent and
234 efficient laws for securing the safety of persons from fires in halls and buildings used for public
235 assemblies, entertainments, or amusements;

236 4. To provide for regular and safe construction of houses in the town for the future; and to provide
237 a building code for the town and setback lines on the streets;

238 5. To provide for the preservation of the general health of the inhabitants of the town, make
239 regulation to secure the same, inspect all foodstuffs, and prevent the introduction and sale in the town
240 of any article or thing intended for human consumption, which is adulterated, impure, or otherwise
241 dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or
242 thing without liability to the owner thereof; to prevent the introduction or spread of contagious or
243 infectious diseases, and prevent and suppress disease generally, to provide and regulate hospitals within

or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; and to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the use of the people of the town;

6. To prevent fowls and animals being kept in or running at large in the town, or any thickly populated portion thereof, and the owners of which are subject to such taxes, regulations, and penalties as the council may think proper;

7. To control, regulate, limit, and restrict insofar as not prohibited by general law, the operation of motor vehicles carrying passengers for hire upon the streets and alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through the town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally, to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare;

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

9. To offer and pay rewards for the apprehension and conviction of criminals; to compel persons sentenced to confinement in the county jail for any misdemeanor or other violation of the laws or ordinances of said town to work on the public streets, parks, or other public works of the town; and on the requisition of the judges of the General District and Circuit Courts, it shall be the duty of the police of the town to deliver such person to the duly authorized agent of the town for such purposes from day to day as he may be required. For the purpose of carrying into effect the police regulations of the town, the town may, subject to the provisions of general law, be allowed the use of the facilities of the Southwest Virginia Regional Jail Authority, or the jails of other counties or municipalities, or the use of the facilities of Bland Correctional Farm, for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the town;

10. To prohibit begging, and to prohibit or regulate the soliciting by any person, group of persons, firm, corporation, charitable organization, and the like and the peddling or hawking of any article for sale within the town, provided that such prohibition or regulation shall not be applied with respect to persons duly licensed and regulated exclusively by the Commonwealth of Virginia; the town, however, shall have the right to require the purchase of a local license by any person, firm, or corporation hawking or peddling any article for sale within the town;

11. To provide for the protection of the town's property, real and personal, the prevention of the pollution of the town's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, cemeteries, airports, and other public property, whether located within or without the town. For the purpose of enforcing such regulations, all town property wherever located shall be under the police jurisdiction of the town. Any member of the police force of the town or employee thereof appointed as a special policeman shall have power to make arrests for violation of any ordinance, rule, or regulation adopted pursuant to this section; and the General District Court of the county wherein the offense occurs shall have the jurisdiction of all cases arising thereunder without the town;

12. To prevent any obstruction of or encroachment on, over, under, or in any street, alley, sidewalk, or other public place; to provide penalties for maintaining any such obstruction or encroachment; to remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and to collect the sum charged in any manner provided by law for the collection of taxes; to require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; to authorize encroachments upon streets, alleys, sidewalks, or other public places, subject to such terms and conditions as the council may prescribe; and to recover possession of any street, alley, sidewalk, or other public place or any other property of the town by suit of action;

13. To regulate, in the interest of public health, the production, preparation, distribution, and sale of milk, other beverages and foods for human consumption, and the places within the town in which they are produced, prepared, distributed, sold, served, or stored; to regulate the construction, installation, maintenance, and condition of all water and sewer pipes, connections, toilets, water closets, and plumbing fixtures of all kinds; to regulate the construction and use of septic tanks and dry closets, and the sanitation of swimming pools; to compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; to regulate or prohibit connections to and use of sewers; to prevent the connecting of roof drains and storm sewers to the sanitary sewer system; to regulate or prohibit the use of garbage disposal units connected to the sanitary sewer system; and to make and enforce all regulations necessary to preserve and promote public health and sanitation to protect the inhabitants of the town from contagious, infectious, or other diseases;

14. To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is

305 provided for conviction of such violation;

306 15. To prescribe penalties for the violation of any town ordinance, rule, or resolution, not exceeding
307 the penalty provided by general law for the violation of a Class 1 misdemeanor;

308 16. To make and adopt a comprehensive plan for the town, and to that end all plats and replats
309 hereafter made subdividing any land within the town into streets, alleys, roads, and lots or tracts shall
310 be submitted to and approved by the council or such official or board, including the Richlands planning
311 commission, as the council designates in any regulations controlling the orderly subdivision of land it
312 may adopt before such plats or replats are filed for record or recorded in the office of the Clerk of
313 Tazewell County, Virginia;

314 17. To declare the practice of going in and upon private residences in the Town of Richlands by
315 solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been
316 requested or invited so to do by the owner or owners, occupant or occupants of such private residences,
317 for the purpose of (i) soliciting orders for the sale of goods, wares, and merchandise; (ii) disposing of
318 similar items; (iii) peddling; or (iv) hawking to be a nuisance and punishable as such as a
319 misdemeanor, provided that the power referred to in this section shall not apply with respect to persons
320 duly licensed and regulated by the Commonwealth of Virginia; and

321 18. To create a sinking fund commission to have full power and control over and administration of a
322 sinking fund or funds for the redemption of bonds, issued heretofore or issued hereafter, in conformity
323 with general law.

324 Article III.

325 The Council.

326 § 3.1. Composition; qualifications of members.

327 The governing body of the Town of Richlands shall consist of a mayor and six council persons
328 elected at large. All of them shall be residents and qualified voters of the town.

329 § 3.2. Nominations and elections.

330 The mayor and members of council in office on the effective date of this act shall serve until their
331 successors have been elected and qualified. Municipal elections within the Town of Richlands shall take
332 place on the first Tuesday after the first Monday in November of each even numbered year and shall
333 coincide with the November general elections. At each such regular municipal election, three council
334 members shall be elected for terms of four years each and a mayor shall be elected for a term of two
335 years. The terms of office for the council members and mayor so elected shall commence on January 1,
336 immediately following such election, and shall continue until their successors have been elected and
337 qualified. The council shall be a continuing body and no measure pending before such body shall abate
338 or be discontinued by reason of expiration of the term or removal of any of its members.

339 § 3.3. Vacancies.

340 Vacancies in the council shall be filled [~~for the unexpired term by a majority of the remaining~~
341 ~~members. The present council shall continue in office until the expiration of the terms for which they~~
342 ~~were elected as provided by general law~~] .

343 § 3.4. Powers.

344 All powers of the town and the determination of all matters of policy shall be vested in the council.
345 Except as otherwise provided in this Charter, the council is empowered to:

346 1. Appoint and remove the town manager, the town clerk, and the town attorney; and authorize the
347 execution of written contractual employment agreements between the town and certain key personnel
348 thereof, including, but not limited to, the foregoing, in lieu of their appointment, notwithstanding the
349 provisions of item 1 g of § 3.9;

350 2. Adopt the budget of the town;

351 3. Inquire into the conduct of any office, department, or agency of the town and make investigations
352 as to municipal affairs;

353 4. Appoint members of the planning commission, the board of zoning appeals, the recreation
354 commission, and the members of any and all other boards, agencies, and commissions authorized by this
355 Charter or by general law, and fill any vacancies thereon; approve and confirm appointments
356 recommended by the town manager for police chief, sergeant of police, and animal control officer; and
357 determine the desirability and necessity for committees comprised of any of its own members, the
358 feasibility of citizen membership thereon, and approve and confirm appointments thereto recommended
359 by the mayor;

360 5. Create a housing authority;

361 6. Adopt and modify the official map of the town;

362 7. Pass all laws and ordinances relating to its municipal affairs subject to the Constitution and
363 general laws of the Commonwealth and this Charter and may from time to time amend, re-amend, or
364 repeal any or all of its ordinances for the proper regulation, management, and government of the town
365 and impose fines and penalties for the violation or nonobservance thereof;

366 8. Compel the attendance of its members and punish its members for disorderly behavior by an

affirmative vote of five members of the council, and expel a member;

9. Require and secure such bonds for any of the town employees as it may deem necessary;

10. Keep a journal of its proceedings, which journal shall be open to public inspection; and

11. Fix the salaries and wages of all officers and employees of the town as herein otherwise specifically provided.

§ 3.5. Mayor.

The mayor shall preside over the meetings of the council, but is not a member thereof, have the same right to speak therein as members, and vote only in case of a tie, but shall have no veto. The mayor shall be recognized as the head of the town government for all ceremonial purposes, the purpose of military law, and the service of civil process. At the regular meeting of the council held in the month of January following a municipal election, the council shall choose, by a majority vote of all the members thereof, one of their number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor and, if a vacancy shall occur in the office of mayor, shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor, the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor.

§ 3.6. Fixing compensation of mayor, council, and clerk.

The council may from time to time fix and adjust the compensation for the services of the mayor, council, and clerk.

§ 3.7. Rules of procedure.

The council is empowered, subject to the provisions of this Charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall not be less frequently than once each month. They shall also provide for the calling of special meetings by the mayor or any three members of the council and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council. The meetings of the council shall be open to the public, and executive or closed meetings shall only be held for those express purposes set out in the Virginia Freedom of Information Act. A majority of the council shall constitute a quorum for the transaction of business.

§ 3.8. Ordinances.

A. Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or resolution, and all ordinances, except ordinances making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

B. The enacting clause of all ordinances passed by the council shall be: "Be it ordained by the council of the Town of Richlands." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than seven days apart, unless the requirement of such reading has been dispensed with by the affirmative vote of four of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council, and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the members.

C. All ordinances and resolutions passed by the council shall be in effect from and after 30 days from the date of their passage, except that the council may, by the affirmative vote of two-thirds of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of town property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed. No measure increasing a tax or license, or providing for any new form of tax, shall be adopted until notice has been published 30 days previous to its passage in a paper of general circulation in the town.

D. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the town clerk.

E. Every member, when present when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon.

§ 3.9. Appointees.

At the first meeting in January following each council election, or as soon thereafter as practicable,

428 *the council shall:*

429 *1. Appoint a town manager who shall be the administrative and executive head of the municipal*
430 *government. The town manager shall be chosen by the council without regard to political beliefs and*
431 *solely upon the basis of his executive and administrative qualifications. At the time of his appointment,*
432 *the town manager need not be a resident of the town or the Commonwealth but during the tenure of*
433 *office shall reside within the town. The town manager shall be appointed for an indefinite period and*
434 *shall hold office during the pleasure of the council. Compensation shall be provided by the council by*
435 *ordinance or resolution. The town manager may be bonded as the council may deem necessary. During*
436 *the absence or disability of the town manager or in case of a vacancy, the council may designate some*
437 *properly qualified person to perform the duties of the office during such absence, disability, or vacancy.*
438 *No council person shall receive such appointment during the term for which he or she shall have been*
439 *elected, nor within one year after the expiration of his or her term. Neither the council nor any of the*
440 *members shall direct or request the appointment, as hereinafter provided, of any person to office by the*
441 *town manager or by any of the town manager's subordinates. Except for the purpose of inquiry, the*
442 *council and its members shall deal with the administrative service solely through the town manager, and*
443 *neither the council nor any member thereof shall give orders to any subordinates of the town manager,*
444 *either publicly or privately. The town manager shall have the authority duties as follows:*

445 *a. To ensure that all laws, ordinances, resolutions, and by-laws of the council are faithfully enforced;*

446 *b. To appoint such officers and employees, as the council shall determine and authorize as are*
447 *necessary for the proper administration of the affairs of the town with the power to discipline and*
448 *remove any such officer or employee, but the town manager shall report each appointment of any officer*
449 *having supervisory or administrative authority to the council for confirmation at the next meeting*
450 *thereof following any such appointment. The chief of police so appointed by the town manager and*
451 *confirmed by the council shall have the power to discipline subordinates for just cause;*

452 *c. To attend all meetings of the council, with the right to take part in the discussion, but having no*
453 *vote;*

454 *d. To recommend to the council for adoption of such measures as the town manager may deem*
455 *necessary or expedient;*

456 *e. To make reports to the council from time to time upon the affairs of the town and to keep the*
457 *council fully advised of the town's financial condition and its future financial needs;*

458 *f. To prepare and submit to the council a tentative budget for the next fiscal year as provided by*
459 *general law and by this Charter;*

460 *g. To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the*
461 *council and to act as town purchasing agent;*

462 *h. To supervise and control all encumbrances, expenditures, and disbursements; to insure that budget*
463 *appropriations are not exceeded and to appoint, or upon resolution of the council to act as, the town*
464 *treasurer with the following duties:*

465 *(1) To be the collector and custodian of all funds belonging to the town and to deposit such funds in*
466 *such depositories as may be designated by the council;*

467 *(2) To have custody of all investments and invested funds of the town in a fiduciary capacity;*

468 *(3) To disburse by check all money payable by the town. If the treasurer is a person other than the*
469 *town manager, all checks shall be countersigned by the town manager;*

470 *(4) To protect the interest of the town by withholding the payment of any claim or demand by any*
471 *person, firm, or corporation against the town until any indebtedness or other liability due from such*
472 *person, firm, or corporation shall first have been settled and adjusted; and*

473 *(5) To perform such other duties as may be prescribed or requested by council.*

474 *2. Appoint a town clerk, who also may be the town manager, for an indefinite term. The town clerk*
475 *shall receive such compensation as shall be provided by the council by ordinance or resolution and*
476 *shall have the following duties:*

477 *a. To be custodian of the corporate seal;*

478 *b. To give notice of council meetings;*

479 *c. To keep a journal of council proceedings;*

480 *d. To authenticate by the town clerk's signature and record in full in a book kept for the purpose of*
481 *all ordinances and resolutions; and*

482 *e. To perform such other duties as may be prescribed or requested by council.*

483 *3. Appoint a town attorney, for an indefinite term who shall be an attorney-at-law licensed to*
484 *practice under the laws of the Commonwealth. The town attorney shall receive such compensation and*
485 *fees as shall be provided by the council by ordinance or resolution. The town attorney shall have the*
486 *following powers and duties:*

487 *a. To be legal advisor of the council, the town manager, and all departments, boards, commissions,*
488 *and agencies of the town, in all matters affecting the interest of the town and shall upon request furnish*
489 *a written opinion on any question of law involving their respective official powers and duties;*

b. To prepare, at the request of the town manager or any member of the council, ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his or her opinion as to the form and legality thereof;

c. To draw or approve all bonds, deeds, leases, contracts, or other instruments to which the town is a party or in which it has an interest; and

d. To represent the town as counsel in any civil case in which it is interested and in criminal cases when so required by the town council.

Article IV.

Financial Administration.

§ 4.1. Budgets and appropriations.

A. The fiscal year of the town shall begin on July 1 and end on June 30 of the succeeding year.

B. The time for preparation and approval of the budget and the contents thereof, along with publication, notice, public hearing, amendments, and report-filing requirements with the Auditor of Public Accounts, etc., shall be accomplished in accordance with the provisions of Chapter 25 of Title 15.2 of the Code of Virginia, *mutatis mutandis*.

C. Any portion of an annual appropriation, except for capital expenditures, remaining unexpended and unencumbered at the close of the fiscal year, shall lapse.

D. The town council may originate or initiate capital improvements and obtain input as to projects from the town planning commission and town manager as to feasibility and means of financing for the ensuing fiscal year. The council shall have the power to accept, reject, or amend any proposed program and means of financing, but except in the case of emergency as provided in item B of § 3.8 of this Charter, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation be included in the budget adopted by it. No appropriation for a capital improvement project shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and then retained for use on other capital improvement projects or returned to the general fund, as council may deem appropriate.

§ 4.2. Bids and purchases.

The council may fix the requirements under which purchases of equipment, materials, and supplies are to be made in accordance with the provisions of the Virginia Public Procurement Act (Title 2.2, Chapter 43 of the Code of Virginia).

§ 4.3. Independent audit.

Prior to the end of each fiscal year, the council, in accordance with § 15.2-2511 of the Code of Virginia, shall designate one or more qualified certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the town government and shall mail a copy of their report to each member of the town council and to the town manager. The auditors shall post-audit the books and documents kept by the treasurer and any separate or subordinated accounts kept by any other office, department, or agency of the town government.

§ 4.4. Liens.

A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, together with all penalties and interest at the rate established by ordinance adopted pursuant to § 58.1-3916 of the Code of Virginia. The procedure for collecting taxes, for selling real estate for town taxes, and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the Commonwealth to the same extent as if the provisions of general law were herein set out at length. The town and its treasurer shall have the benefit of all other additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under general law. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession.

Article V.

Planning, Zoning, and Subdivision Control.

§ 5.1. Power to adopt a comprehensive plan.

In addition to the powers granted elsewhere in this Charter, the council shall have the power to adopt by ordinance a comprehensive plan for the physical development of the town to promote health, safety, morals, comfort, prosperity, and the general welfare. The comprehensive plan may include but shall not be limited to the following:

1. The general location, character, and extent of all streets, highways, avenues, boulevards, roads, lanes, alleys, walks, parks, squares, playfields, playgrounds, recreational facilities, stadia, swimming pools, airports, and other public places or ways, change of use, or extension thereof;

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2. The general location, character, and extent of all public buildings, schools, and other public property and of utilities, whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration, or extension thereof; and

3. A comprehensive zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

§ 5.2. Town planning commission generally.

There shall be a town planning commission consisting of seven members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with that person's term of office. One member shall be the town manager appointed for a term concurrent with that person's term in such capacity. There shall be five citizen members, who shall be qualified voters of the town, appointed for a term of four years, one of whom may be a member of the board of zoning appeals. Citizen members appointed previous to the effective date of this Charter shall continue to serve as members of the commission until the expiration of the terms for which they were appointed. A vacancy on the commission shall be filled by the council by appointment for the unexpired term only. Members may be removed for malfeasance in office. Members of the planning commission may be reimbursed for actual expenses they may incur but shall otherwise serve without compensation.

§ 5.3. Organization and expenditures of planning commission.

The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for reelection, and shall appoint a secretary. The commission shall hold at least one regular meeting once a year, so long as the town's population does not exceed 7,500. Other regular meetings may be held when desired by the commission. Special meetings of the commission may be (i) called by the chairman or by two members upon written request to the secretary and (ii) held upon referral of a matter pursuant to the town's zoning ordinance, by either the council or the zoning administrator. The commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Four members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects, and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor.

§ 5.4. Powers and duties of the planning commission.

The town planning commission when requested by the council, shall make and approve a comprehensive plan which, with accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the town and its environs which will in accordance with existing and future needs and best promote health, safety, morals, comfort, prosperity, and general welfare, as well as efficiency and economy in the process of development. The comprehensive plan shall recommend methods of implementation, which may include but need not be limited to an official map, a capital improvements program, a subdivision ordinance, a zoning ordinance, and zoning district maps.

§ 5.5. Approval of comprehensive plan by the planning commission.

The planning commission may approve the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, the parts corresponding to major geographical sections or geographical or topographical divisions of the town or with functional subdivisions of the subject matter of the plan, and may approve any amendment or extension thereof or addition thereto. Before the approval of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one public hearing thereon, which may be a joint meeting with council, as provided for by general law following giving of notice in the manner required by general law. The approval of the plan or of any such part, amendment, extension, or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan approved, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was approved thereby, and each amendment, alteration, extension, or addition thereto approved thereby shall be certified to the council.

§ 5.6. Legal status of comprehensive plan.

Whenever the planning commission shall have approved a comprehensive plan for the town or one or more parts thereof, geographical, topographical, or functional, and the comprehensive plan or such part or parts thereof shall have been approved by the council, it shall be certified and filed in the office of the clerk of the Circuit Court of Tazewell County, then and thereafter no street, square, park or other

public way, ground, open space, public building, or structure shall be constructed or authorized in the town or in the planned section or division thereof until and unless the general location, character, and extent thereof has been submitted to and approved by the commission. No public utility, whether publicly or privately owned, shall be constructed or authorized in the town or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission. Such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground, or open space, the location of which has been approved by the commission. No ordinance giving effect to or amending the comprehensive zoning plan as provided in § 5.7 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within 60 days from the date of the official submission to it shall be deemed approval.

§ 5.7. Zoning.

A. Powers of council. In addition to the powers granted elsewhere in this Charter, the council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets; secure safety from fire, panic, and other danger; promote health, sanitation, and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate public and private transportation and the supplying of public utility services and sewage disposal; and facilitate provision for schools, parks, playgrounds, and other public improvements and requirements. The comprehensive zoning plan shall include the division of the town into districts with such boundaries as the council deems necessary to carry out the purposes of this Charter and shall provide for the regulation and restriction of the use of the land, buildings, and structures in the respective districts and may include but shall not be limited to the following:

1. It may permit specified uses of land, buildings, and structures in the districts and prohibit other uses;
2. It may restrict the height, area, and bulk of buildings and structures in the districts;
3. It may establish setback building lines and prescribe the area of land that may be used as front, rear, and side yards and courts and open spaces;
4. It may restrict the portion of the area of lots that may be occupied by buildings and structures;
5. It may prescribe the area of lots and the space in buildings that may be occupied by families;
6. It may require that space and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles; and
7. It may provide that land, buildings, and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed, or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event within a reasonable period of time to be specified in the ordinance.

B. The regulations and restrictions shall be uniform and shall apply equally to all land, buildings, and structures and to the use and to each class or kind thereof throughout such district, but the regulations and restrictions applicable in one district may differ from those provided for other districts.

C. The council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after full compliance with the provisions of §§ 15.2-2204 and 15.2-2286 of the Code of Virginia.

D. The town planning commission acting as the zoning commission shall recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report or reports and hold a public hearing thereon before submitting its final report, and the council of the Town of Richlands shall take such action on the preliminary report or reports, and also on the final report of the commission, as it shall deem necessary.

E. The council may appoint a board of zoning appeals and in the regulations and restrictions adopted pursuant to the authority of this Charter may provide that the board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary in the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general

674 purpose and intent and in accordance with general or specific rules therein contained.

675 The board of zoning appeals shall consist of five members, each to be appointed for a term of five
676 years and removable for cause by the appointing authority, upon written charges and after public
677 hearing. Vacancies shall be filled by the council for the unexpired term of any member whose term
678 becomes vacant after the effective date of this Charter. Members of the board of zoning appeals in
679 office on the effective date of this Charter shall continue to hold office until expiration of their present
680 terms. Members may be reappointed to succeed themselves. Members shall hold no other public office in
681 the town except that one member may be a member of the planning commission. The board shall select
682 a chairman, a vice-chairman, and a secretary and shall adopt rules in accordance with the provisions of
683 any ordinance adopted pursuant to this Charter.

684 Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer,
685 department, board, or bureau of the town affected by any decision of the zoning administrator in
686 accordance with the provisions of the zoning ordinance.

687 F. The board of zoning appeals shall have the following powers:

688 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision,
689 or determination made by an administrative official in the enforcement of this Charter or any ordinance
690 adopted pursuant thereto;

691 2. To hear and decide uses permissible on appeals and other special exceptions to the terms of the
692 ordinance upon which such board is required to pass under such ordinance; and

693 3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will
694 not be contrary to the public interest where owing to special conditions a literal enforcement of the
695 provisions of the ordinance will result in exceptional and peculiar hardship, and so that the spirit of the
696 ordinance shall be observed and substantial justice done.

697 G. In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or
698 may modify the order, requirement, decision, or determination appealed from, and may make such
699 order, requirement, decision, or determination as should be made and to that end shall have all the
700 powers of the administrative officer charged by the ordinance with enforcement. The concurring
701 affirmative vote of three members of the Board shall be necessary to reverse any order, requirement,
702 decision, or determination of the administrative officer or to decide in favor of the applicant in any
703 matter over which it has jurisdiction. The board shall act by formal resolution which shall set forth the
704 reason for its decision and the vote of each member participating therein which shall be spread upon its
705 records and shall be open to public inspection. The board may, upon the affirmative vote of three
706 members, reconsider any decision made and, upon such reconsideration, render a decision by formal
707 resolution. Every decision of the board shall be based upon a finding of fact which may be based on
708 sworn testimony, which finding of fact shall be reduced to writing and preserved among its records.

709 H. Any person or persons, jointly or severally, aggrieved by a decision of the board of zoning
710 appeals, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present
711 to a court of record a petition, duly verified, setting forth that such decision is illegal in whole or in
712 part, specifying grounds of the illegality. The procedure for such judicial review shall be in accordance
713 with the provisions of the zoning ordinance.

714 I. Whenever any building or structure is erected, constructed, reconstructed, altered, repaired, or
715 converted, or whenever any land, building, or structure is used in violation of any ordinance adopted in
716 accordance with subsection B of § 5.7, the town may institute and prosecute appropriate action or
717 proceedings to prevent such unlawful act and to restrain, correct, or abate such violation or to prevent
718 any unlawful act, conduct, or use of such property.

719 J. The enforcement of the zoning ordinance provisions, and penalties for violations thereof, shall be
720 as set forth herein.

721 **§ 5.8. Subdivision control.**

722 A. In order to provide for the orderly subdivision of land within the town, there is hereby conferred
723 upon the town the power to adopt regulations and restrictions relative to the subdivision of land in the
724 manner hereinafter provided. Such regulations and restrictions may prescribe standards and
725 requirements for the subdivision of land which may include but shall not be limited to the following: the
726 location, size, and layout of lots so as to prevent congestion of population and to provide for light and
727 air; the width, grade, location, alignment, and arrangement of streets and sidewalks with relation to
728 other existing streets, planned streets, and the comprehensive plan; access for fire-fighting apparatus;
729 adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public
730 utilities; suitable sites for schools, parks, and playgrounds, and planting of shade trees and shrubs;
731 naming and designation of streets and other public places; laying out and constructing sidewalks;
732 procedure for making variations in such regulations and restrictions; requirements for plats of
733 subdivisions and their size, scale, contents, and other matters; the erection of monuments of a specified
734 type for making and establishing property and street, alley, sidewalk, and other lines; the extent to
735 which and the manner in which new streets shall be graded, graveled, or otherwise improved; and

water, sewer, and other utility mains, piping, connections, or other facilities installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the council or its designated agents may accept a bond in an amount and with surety or conditions satisfactory to the council or its designated agents, providing for such securing to the council for the actual construction and installation on such improvements and utilities within a period specified by the council or its designated agents.

B. The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been published in accordance with general law. The notice shall specify the time, and the place at which persons affected may appear before the council and present their views.

C. After the hearing as provided in subsection A of § 5.8 the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the town and may adopt such regulations and restrictions applicable in an area outside such limits, provided that such regulations and restrictions shall not be adopted or become effective or applicable except in the manner and to the extent provided by the general laws of the Commonwealth.

D. When such regulations have been adopted, a certified copy thereof and all amendments thereto shall be filed in the office of the building and zoning inspector and in the office of the clerk of the Circuit Court of Tazewell County.

E. Any owner or any proprietor of any tract of land situated within the corporate limits of the Town of Richlands, who subdivides the same, shall cause a plat of such subdivision with reference to known or permanent monuments to be made and recorded in the office of the clerk of the Circuit Court of Tazewell County. No such plat of the subdivision shall be recorded unless and until it shall have been submitted and approved by the town council or its designated agent in accordance with regulations adopted under this Charter and so certified by the person authorized to make such certificate.

F. From and after the date on which such regulations and restrictions become effective in the town or in any area outside the town but within two miles thereof, no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in subsection D of § 5.8. No owner of land in the town or outside area in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided in the office of the clerk of the Circuit Court of Tazewell County.

G. The recordation of the plat shall operate to transfer in fee simple to the town or the county in which the land lies, such portion thereof as is on the plat set apart for streets, alleys, easements, or other public use or purpose and to create a public right of passage over or use of the same. The owner or owners of the land subdivided may construct, reconstruct, operate, and maintain with the consent of the town or the county where the land lies, sewers, gas and water pipes, or electric lines along or under the streets, alleys, easements, or other land devoted to public use, provided that it shall not obstruct or hinder the passage over the streets, alleys, or other property devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate, and maintain such works.

H. Any plat or part thereof recorded may be vacated, with the consent of the council or of the governing body of the county wherein the land lies, or both where the plat has been approved by both, by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated which shall be duly executed, acknowledged, and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements, and other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat or part thereof may be vacated upon the application of the owners of the lots in the plat and with the approval of the council or governing body of the county, or both where the plat has been approved by both, and shall not be vacated otherwise. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated" and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded.

I. In case of any violation or attempted violation of the provisions of this Charter, or of any of the provisions of the regulations adopted as authorized in this Charter, the council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such violation or attempted violation, to restrain, correct, or abate such violation or attempted violation, or to prevent any act which would constitute such violation. Any owner or proprietor of any tract of land who subdivides such tract of land and who violates any of the provisions of the regulations adopted under the authority of this Charter shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars and not more than \$200, and each day after the first, during which the violation continues, shall constitute a

797 *separate violation.*

798 **§ 5.9. Present comprehensive plan; comprehensive zoning plan; subdivision regulations.**

799 *Portions of the comprehensive plan, and the comprehensive zoning plan as heretofore adopted,*
800 *approved, and filed, with all amendments thereto, and the subdivision control regulations as heretofore*
801 *adopted, approved, and filed, with all amendments thereto, are hereby validated and confirmed as if the*
802 *same had been prepared, adopted, approved, and filed in accordance with the provisions of this article.*
803 *Every amendment or addition thereto or extension thereof and every other comprehensive plan or*
804 *portion thereof, comprehensive zoning ordinance, or subdivision control ordinance henceforth adopted*
805 *shall be in accordance with the provisions of this article. Where existing ordinances are at variance*
806 *with the provisions of this article, they shall be deemed to be amended in accordance with the*
807 *provisions of this article.*

808 **Article VI.**

809 **General Provisions.**

810 **§ 6.1. Officers to hold over until their successors are appointed and qualified.**

811 *Whenever under the provisions of this Charter any officer of the town or member of the board or*
812 *commission is elected or appointed for a fixed term except the mayor and vice-mayor, such officer, or*
813 *member shall continue to hold office until his successor is appointed and qualified.*

814 **§ 6.2. Present ordinances and rules and regulations continued in effect.**

815 *All ordinances of the town and all rules, regulations, and orders legally made by any department,*
816 *board, commission, or officer of the town in force at the effective date of this Charter, insofar as they*
817 *or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in*
818 *accordance with the provisions of this Charter.*

819 **§ 6.3. General powers.**

820 *The Town of Richlands and all the officers thereof elected or appointed in accordance with the*
821 *provisions of this Charter shall be clothed with all the powers and subject to all the provisions of*
822 *general law not in express conflict with the provisions of this Charter.*

823 **§ 6.4. Severability.**

824 *If any clause, sentence, paragraph, section, or part of this Charter shall, for any reason, be*
825 *adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not*
826 *affect, impair, or invalidate the remainder of this Charter, but shall be confined in its operation to the*
827 *clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which*
828 *judgment shall have been rendered.*

829 **§ 6.5. Validation of contracts, etc.**

830 *All contracts and obligations heretofore or hereafter made by the council of the Town of Richlands,*
831 *while in office, not inconsistent with this Charter or the Constitution or the general laws of this*
832 *Commonwealth shall be and are hereby declared to be valid and legal.*

833 **§ 6.6. Citation of Act.**

834 *This act may for all purposes be referred to or cited as the Town of Richlands Charter of 2013.*

835 **2. That Chapter 271, as amended, of the Acts of Assembly of 1992 is repealed.**