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HOUSE BILL NO. 503

Offered January 8, 2014

Prefiled January 6, 2014

A *BILL to provide a new charter for the Town of Victoria, in Lunenburg County, and to repeal Chapter 158, as amended, of the Acts of Assembly of 1916, which provided a charter for the Town of Victoria.*

Patron—Wright

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

**CHARTER
FOR THE
TOWN OF VICTORIA.
Chapter 1.**

*Incorporation, Boundaries, and Powers.***§ 1. Incorporation.**

The inhabitants of the territory in Lunenburg County contained within the boundaries prescribed in § 2 hereof is, be, and shall continue to be a body politic and corporate, in fact and in name, under the name and style of the Town of Victoria; and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal that it may alter at its pleasure, and shall have and exercise all the powers conferred by and be subject to all laws of the Commonwealth now in force, or that may hereafter be enacted for the government of towns of the Commonwealth, so far as the same are not inconsistent with the provisions of this act.

§ 2. Boundaries.

The boundaries of the Town of Victoria is that territory in Lunenburg County, established on the 14th day of March, 1908, as found in the Common Law Order Book 5, Page 422, and territory added by an annexation decree by the Circuit Court of Lunenburg County dated November 11, 1971, as found in Common Law Civil Book 16, Page 513, or as the same may be hereafter altered by law.

§ 3. Powers.

In addition to the powers and authority that are now or may hereafter be granted to towns by the general laws and the Constitution of the Commonwealth of Virginia, including but not limited to the powers set forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia, and any acts amendatory thereof or supplemental thereto, and the powers enumerated elsewhere in this charter, the town shall have the powers set forth below, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth of Virginia to the town, but not herein specified.

(1) Eminent domain. The town shall also have all powers of eminent domain that are now or may be granted to a municipal corporation under the laws of the Commonwealth and to exercise such power with respect to land and improvements therein, machinery and equipment for any lawful purpose of the town.

(2) Taxation. The town shall have the power to raise annually by taxes and assessments, as permitted by general law, in the town, such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the town, in such manner as the council shall deem expedient. In addition to, but not as a limitation upon, this general grant of power the town shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, local general retail sales and use tax as provided by law, and capitation taxes; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation, or calling without such a license, and require taxes to be paid on such licenses in respect to all businesses, professions, vocations, and callings that cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of all owners of vehicles of all kinds for the privilege of using the streets and other public places of the town, require taxes to be paid on such licenses, and prohibit the use of streets, alleys, and other public places in the town without such license, said town to have the power to require as a condition precedent to the issuance of motor vehicle

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59 licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all
60 personal property taxes then due and payable to the town by the license applicant. In addition to the
61 other powers conferred by law, the town shall have the power to impose, levy, and collect, in such
62 manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the
63 use of water, sewer, gas, electricity, telephone, and any other public utility service within the town or
64 upon the amount paid for any one or more of such public utility services, and may provide that such tax
65 shall be added to and collected with bills rendered consumers and subscribers for such services.

66 (3) Indebtedness. The council may, in the name of and for the use of the town, incur indebtedness by
67 issuing its bonds or notes for the purposes, in the manner, and to the extent provided for in this Charter
68 and by the general law of the Commonwealth. Bonds and notes in anticipation of bonds when the
69 issuance of bonds has been authorized as hereinafter provided may be issued for any purpose for which
70 towns are authorized to issue bonds by the Constitution or general laws of the Commonwealth. Notes in
71 anticipation of collection of revenue may be issued when authorized by the council at any time during
72 the fiscal year.

73 (4) The council shall have the power and authority to provide places for the interment of the dead in
74 or near the town, and to acquire the lands necessary therefor. The council shall also have the power to
75 prescribe and enforce all needful rules and regulations, not inconsistent with the laws of the
76 Commonwealth, for the use, protection, and ornamentation of the cemetery; to set aside, at their
77 discretion, by metes and bounds, a portion thereof for the interment of strangers and the indigent poor;
78 to divide the remainder into burial lots and sell or lease the same, and to execute all proper deeds or
79 other writings in evidence of such sale or lease and to prescribe what class or condition of persons
80 shall be admitted to interment in the cemetery. The money from such sale or lease of burial lots shall be
81 invested, used, and employed for the use, protection, preservation, and ornamentation of said cemetery.
82 The cemetery, when established and enclosed, shall be exempt from all state, county, and municipal
83 taxation.

84 (5) The council shall have the power and authority to provide for the removal, transport, and
85 containing of garbage, rubbish, recyclables, or other waste and to set, bill, and collect costs, fees, and
86 rates for such service, and to provide such service within the boundaries of the town and within one
87 mile thereof, either directly by employees of the town or by contract.

88 Chapter 2.

89 Administration and Government.

90 § 4. Powers vested in council.

91 All powers of the town as a body politic and corporate shall be vested in the council. The town shall
92 be governed by a council that shall be composed of six members and a mayor, each elected at large.
93 Each member of council, including the mayor, shall be a qualified voter and a bona fide resident of the
94 town. A bona fide resident of the town is one who lives in the town and intends to do so in the future,
95 maintains a physical place within the town where he dwells, and provides documentation of such
96 residency by personal tax form or similar government documentation relating to residency.

97 § 5. Election of mayor and council.

98 The mayor shall be elected for a term of two years. The members of council and mayor in office at
99 the effective date of this amendment are hereby continued in office for the terms for which they were
100 elected. On the first Tuesday in May 1972, there shall be elected by the electors of the town three
101 councilmen from the town at large. On the first Tuesday in May 1974 and every two years thereafter,
102 there shall be elected by the electors of the town three councilmen from the town at large, who shall
103 serve for terms of four years each. The mayor and councilmen shall take office on the first day of July
104 following their election.

105 § 6. Electors of town.

106 The electors of the Town of Victoria shall be bona fide residents within the corporate limits of the
107 town and who are otherwise qualified to vote in the Commonwealth.

108 § 7. Municipal officers.

109 The municipal officers of the town shall consist of such officers set forth in this Charter and such
110 other officers as may be provided for by the council. The council may appoint such committees of the
111 council and create such boards and departments of town government and administration with such
112 powers and duties and subject to such regulations as it may seem fit, consistent with the provisions of
113 this Charter and the general laws of the Commonwealth. The town council is hereby authorized to fix
114 the salary of the mayor, members of the town council, the town manager, members of boards or
115 commissions, and all appointed officers and employees of said town, at a sum not to exceed any
116 limitations placed thereon by the laws of the Commonwealth of Virginia.

117 § 8. Removal of appointees.

118 All members of committees, boards, and commissions appointed by the council may be removed by
119 the council unless otherwise provided by the general law.

120 § 9. Appointments.

It shall be lawful for any officer appointed by the council, any committee, municipal board, mayor, or the head of any department to fill two or more of the offices whose incumbents are appointed by the council or by any appointing power designated by the council, subject to the same penalties, liabilities, and requirements as to each of said offices as would apply to the incumbents thereof if held by different persons.

§ 10. Oath of office.

The mayor, councilmen, and all municipal officers of said town shall, before entering upon the duties of their respective offices, be sworn in accordance with the laws of the Commonwealth by anyone authorized to administer oaths, which said oaths shall be subscribed in writing and filed with the clerk of the council.

§ 11. Failure to qualify for office.

If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall, for 20 days after the beginning of his term of office, fail to file such bond with such security as may be required of him by the council, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled as prescribed in this Charter or by general law.

§ 12. Books, records, and documents.

All books, records, and documents used by any elected or appointed town officer, official, or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this Charter, the general laws of the Commonwealth, or the Town of Victoria Town Code as responsible for the keeping of such books, records, and documents shall, within 10 days after the end of his term of office, deliver to the town clerk all such books, records, documents, and town property. Upon the end of any such person's term of office, or upon the resignation or removal from office of any such person, the town clerk shall provide all such persons written notice of the requirements of this provision of this charter. Any person failing to deliver such books, records, documents, and property shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 and not more than \$500, or imprisoned for not more than six months, or both, at the direction of the court or jury before whom the case is tried.

Chapter 3.

Mayor and Vice Mayor.

§ 13. Mayor; salary.

The mayor shall be elected by the qualified electors of the town for the term of two years. The mayor's salary shall be fixed by the town council and shall not be diminished during the mayor's term of office.

§ 14. Mayor; powers.

The mayor shall preside at meetings of the council and shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes but shall have no administrative or judicial duties. The mayor shall not have the authority to veto any action of the council. The mayor shall have a vote in the council.

§ 15. Vice mayor.

The council, at its first meeting after its election, shall elect from its membership one of its members as vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of mayor, the vice mayor may vote as a member of the town council.

§ 16. Absence or disability of mayor and vice mayor.

If both mayor and vice mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town manager or town clerk shall call the meeting of the council to order and shall preside during the meeting until the council elects an acting mayor. This shall not be construed to vest in the town manager or town clerk any of the powers and duties of the mayor, except as expressly stated in this section.

§ 17. Vacancy in office of mayor.

In case a vacancy shall occur in the office of mayor, the vacancy shall be filled as provided by general law.

Chapter 4.

Council.

§ 18. Council; powers.

All powers of the town as a body politic and corporate shall be vested in the town council. The council shall be the policy-determining body of the town and shall be vested with all of the rights and

182 powers conferred on councils in towns, not inconsistent with this Charter. In addition to the foregoing,
183 the council shall have the following powers:

184 (1) To have full power to inquire into the official conduct of any office or officer under its control
185 and to investigate the accounts, receipts, disbursements, and expenses of such town employees; for these
186 purposes it may subpoena witnesses, administer oaths, and require the production of books, papers, and
187 other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he
188 shall be deemed guilty of a misdemeanor.

189 (2) To provide for the performance of all the governmental functions of the town and to that end to
190 provide for and set up all departments and agencies of government that shall be necessary. Whenever it
191 is not designated in this Charter what office or employee of the town shall exercise any power or
192 perform any duty conferred upon or required of the town or any officer thereof, by general law, then
193 any such power shall be exercised or duty performed by that officer or employee of the town so
194 designated by ordinance or resolution of council. Any activity that is not assigned by the provisions of
195 this Charter to specific departments or agencies of the town government shall be assigned by the
196 council to the appropriate department or agency. The council may further create, abolish, reassign,
197 transfer, or combine any town functions, activities, or departments. The council, in its discretion, may
198 appoint the same person to more than one appointive office.

199 (3) To fix a schedule of compensation for all town officers and employees. The council may by
200 ordinance define certain classes of town employees whose salaries shall be set by the town manager.

201 (4) To prescribe the amount and condition of surety bonds to be required of such officers and
202 employees of the town as the council may designate.

203 § 19. Meetings.

204 The town council shall, by ordinance, fix the time of their stated meetings, and no business shall be
205 transacted at a special meeting unless two-thirds of all members of the council be present, but that for
206 which it shall be called.

207 § 20. Special meetings.

208 The town council may be convened at any time upon the call, in writing, of the mayor or any three
209 members thereof, but if all members of the council shall be present at such meetings, any action taken
210 or resolution or ordinance passed at such meeting shall be valid though there should have been no call
211 in writing for said meeting or such call be irregular, or not served upon all the members of the council.
212 Service of the notice of a call of any special meeting shall be had upon all the members of the council
213 and the mayor, who do not sign the call. Such notice may be served by delivering a copy of such call in
214 writing to the party in person, or, if he be not found at his usual place of abode or his usual place of
215 business in the town, if any, by delivering such copy and giving such information of its purport to his
216 spouse or any person found at his usual place of abode who is a member of his family and over the age
217 of 16 years, or who is in his employment; and if he be not found at his usual place of abode or place of
218 business, if any, within the town, or any such person be found at his usual place of abode, by leaving
219 such copy posted at the front door of the said place of abode or place of business.

220 § 21. Quorum.

221 The mayor and three councilmen, or in the absence of the mayor, four councilmen, shall constitute a
222 quorum for the transaction of business, except as herein otherwise provided. But no vote shall be
223 reconsidered or rescinded at any special meeting, unless at such special meeting there be present as
224 large a number of the council as were present when such vote was taken.

225 § 22. Rules; ordinances.

226 The town council shall have authority to adopt rules for the regulation of their proceedings and to
227 appoint such officers and committees as they deem proper; but no tax shall be levied or corporate debt
228 contracted, unless by a vote of two-thirds of the council, which vote shall be by yeas and nays, and
229 recorded in the journal; nor shall any ordinance be passed or resolution adopted having for its object
230 the appropriation of money exceeding the sum of thirty thousand dollars except by the recorded
231 affirmative vote of a majority of all members elected to the council.

232 § 23. Journal of proceedings.

233 A journal shall be kept of the proceedings of the town council, and at the request of any member
234 present the yeas and nays shall be recorded on any question. At the next regular meeting the journal of
235 proceedings of the previous meeting shall be approved and signed by the person who was presiding
236 when the previous meeting adjourned or, if he be not then present, by the person presiding when said
237 journal was approved.

238 § 24. Clerk of the council.

239 The clerk of the council shall keep said journal and shall record the proceedings of the council at
240 large thereon and keep the same properly indexed.

241 § 25. Council may compel attendance of members; malfeasance or misfeasance in office.

242 The town council shall have authority to compel the attendance of its members, punish its members
243 for disorderly behavior, and by a vote of two-thirds of its members expel a member for malfeasance or

misfeasance in office. Any member of the council or other officer of the town who shall have been convicted of a felony while in office shall thereby forfeit his office.

§ 26. Filling vacancy on council.

If any council person shall be adjudged by the council disqualified or expelled, the vacancy shall be filled as provided by general law.

§ 27. Absence from council meetings.

If any member of said council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council and the vacancy shall be filled as provided by general law.

Chapter 5.

Public Utilities.

§ 28. Water and sewers and other public utilities.

The town council shall have power and authority to acquire or otherwise obtain control of or establish, maintain, operate, extend, and enlarge waterworks, gasworks, electric plants, and other public utilities within or without the limits of the town; and to acquire within or without the limits of the town by purchase, condemnation, or otherwise whatever land may be necessary for acquiring, establishing, maintaining, operating, extending, and enlarging said waterworks, electric plants, and other utilities, and the right-of-way, rails, pipes, poles, conduits, and wires connected therewith or any of the fixtures or appurtenances thereof, provided that said town shall not have the right to acquire by condemnation the steam and electric plants, gasworks, and waterworks, or water-power fixtures and appurtenances, or any part thereof, owned and operated in whole or in part on August 1, 1915, by any manufacturing or public service corporation, for the purpose of acquiring, establishing, operating, or enlarging its electric plant or waterworks.

§ 29. Pollution of water.

The town council shall have the power and authority to prevent the pollution of the water and injuries to waterworks, for which purpose their jurisdiction shall extend to five miles above the same.

§ 30. Protect utilities from injury.

The town council shall have the power and authority to protect from injury the waterworks, gasworks, and electric works of the town, whether within or without the town, by ordinances prescribing adequate penalties of the injury thereof.

§ 31. Connection to water and sewer.

The town council shall have the power and authority to require owners or occupiers of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipeline or conduit to make connections therewith, and to use sewer pipes and conduits and water furnished by the town, under such ordinances and regulations as the council may deem necessary to secure the proper sewerage and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties under the provisions of this act.

§ 32. Charges.

The town council shall have the power and authority to fix and impose the charges and dues to be paid by the owners or occupiers of the properties or persons served thereby for tapping or using such sewers, pipes, or conduits and for the use of water supplied by the town; to make and pass all such ordinances and to enforce the same as may be necessary and proper to compel the payment of said fees and charges by the imposition and collection of reasonable fines and penalties, to be collected as are other fines and penalties under the provisions of this act; and to pass ordinances prohibiting the use of the town sewerage or water system through any such connections the fees and charges for which have not been paid, and the use of the town sewerage through any connections with any property and of the delivery of water supplied by the town on or to any property when the fees and charges for the use of the town sewerage system through connections with such property or for water delivered by the town on such property or the delivery of town water to any person delinquent in the payment of the fees and charges for such connections, for the use of the town sewerage system or for water supplied to him by the town.

Chapter 6.

Streets, Alleys, and Walkways.

§ 33. Streets, et cetera, and cemeteries.

All streets, cross streets and alleys, and walkways that have already been laid off and opened according to the plats of the several subdivisions of the town, to-wit, the plat or survey of the Tidewater Townsite Corporation, the Tidewater Improvement Company, the Victoria Land Company, and the survey and plat of A. D. Kaylor, made in 1915, and all streets, cross streets and alleys, and walkways that have heretofore been opened and used as such, or which may at any time be located, surveyed, and opened in said town, or any extension of the same within the corporate limits of the town, shall be and

305 *they are hereby established as public streets, alleys, and walkways of the town.*

306 *§ 34. Public street, alley, or walkway.*

307 *Any street, alley, or walkway heretofore or hereafter reserved or laid out in the division or*
308 *subdivision into lots of any portion of the territory within the corporate limits of the town, by a plan or*
309 *plat of record, shall be deemed and held to be dedicated to public use as and for a public street, alley,*
310 *or walkway, as the case may be, of the town, unless it appears by said record that the street, alley, or*
311 *walkway so reserved is designated for private use, and whenever any street, sidewalk, alley, or walkway*
312 *or lane in the town shall have been opened and used as such by the public for the period of five years,*
313 *the same shall thereby become a street, alley, walkway, or lane for public purposes, unless notice of the*
314 *contrary intention on the part of the land owner be given in writing to the mayor of the town, who shall*
315 *report the receipt of such notice to the council that it may be spread on the journal; and the council*
316 *shall have the same authority and jurisdiction over, and right and interest therein, as they have by law*
317 *over the streets, alleys, walkways, and lanes laid out by them; and all streets, alleys, and walkways*
318 *hereinafter laid out in the division or subdivision into lots of any portion of the territory within the*
319 *corporate limits of the town shall be made to conform to existing streets, alleys, and walkways, both in*
320 *widths and their courses and directions.*

321 *§ 35. Public street, alley, or walkway; maintenance; encroachment.*

322 *The town council shall have the authority to open, close, alter, improve, widen, or narrow streets,*
323 *avenues, alleys, and walkways; to have them kept in good condition and properly lighted; to prevent the*
324 *cumbering of the streets, sidewalks, alleys, lanes, or bridges of the town in any manner whatever; to*
325 *prevent the building of any structure, obstruction, or encroachment over, under, or in any street,*
326 *sidewalk, or alley in said town; and to plant or permit to be planted along said streets shade trees.*

327 *§ 36. Parks.*

328 *The town council shall have the power and authority in their discretion to establish and maintain*
329 *parks, playgrounds, and boulevards and cause the same to be laid out, equipped, and beautified.*

330 *§ 37. Building lines; regulations.*

331 *The town council shall have the power and authority in particular districts or along particular*
332 *streets to prescribe and establish building lines, or to require property owners in certain localities or*
333 *districts to leave a certain percentage of the lots free from buildings; to regulate the height of buildings;*
334 *and to make regulations concerning the building of houses in the town.*

335 *§ 38. Regulation of public streets; speed limits; dangerous activities.*

336 *The town council shall have the power and authority to prevent the riding or driving of horses or*
337 *other animals and automobiles, motorcycles, and other wheeled vehicles at an improper speed; throwing*
338 *stones or engaging in any employment or sport on the streets, sidewalks, or public alleys, dangerous or*
339 *annoying to passengers.*

340 *§ 39. Taxes and assessments; abutting property.*

341 *The town council shall have the power and authority to impose taxes and assessments upon the*
342 *abutting land owners for making and improving the walkways upon then existing streets, and improving*
343 *and paving then existing alleys, and for either the construction, or for the use of sewers; but the same*
344 *when imposed shall not be in excess of the peculiar benefits resulting therefrom to such abutting land*
345 *owners. All such taxes and assessments upon abutting land owners for the improving of walkways, for*
346 *improving and paving alleys, and for constructing sewers shall be made in accordance with the*
347 *provisions of the general laws of this Commonwealth.*

348 *§ 40. Use of public streets for utilities; consent of council.*

349 *No street, gas, railway, water, steam or electric heating, electric light or power company, cold*
350 *storage, compressed air, viaduct, conduit, telephone or bridge company, nor any corporation,*
351 *association, person, or partnership engaged in these or like enterprises shall be permitted to use the*
352 *streets, alleys, or public grounds of the town without the previous consent of the corporate authorities of*
353 *the town.*

354 *§ 41. Use or occupancy of public streets or easements; consent of council.*

355 *No person or corporation shall occupy or use any of the streets, avenues, parks, bridges, or any*
356 *other public places or public property of the town, or any public easement of the town of any*
357 *description, in a manner not permitted to the general public, without having first obtained the consent*
358 *thereto of the town council or a franchise therefor; and any person, shall be fined an amount*
359 *established therefor by ordinance of the council, such fine to be recovered in the name of the town and*
360 *for its use; and such occupancy shall be deemed a nuisance to be abated.*

361 *§ 42. Ordinances to regulate use of public streets.*

362 *The town council shall have the power and authority to make and enforce ordinances to secure the*
363 *safe and expeditious use of the streets and alleys of the town, to regulate traffic thereon, and for the*
364 *protection of persons and property thereon or near thereto.*

365 *§ 43. Encroachment.*

366 *In every case where a street or alley in said town has been or shall be encroached upon by a fence,*

building, porch, projection, or otherwise, in addition to being a nuisance subject to abatement, as herein provided, it shall be the duty of the town council to require the owner, if known, or if unknown, the occupant of the premises encroaching, to remove the same within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed and collect from the owner, or if the owner be unknown, from the occupant, all reasonable charges therefor, with costs, by the same process that they are herein empowered to collect taxes. No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to or confer any rights upon the person claiming thereunder as against the town.

§ 44. Condemnation.

The town council shall not take or use any private property for streets or other public purposes without making to the owner thereof just compensation for the same, but in cases where the town council cannot by agreement with the owner or owners thereof obtain title to any land needed for streets or any municipal building or other public purposes, it shall be lawful for the council to acquire the same by condemnation proceedings in accordance with the general laws of this Commonwealth.

Chapter 7.

Town Officers.

§ 45. Town officers.

There is hereby created the town officers of town manager, chief of police, clerk of the council, and treasurer. The town manager shall report to the council. The chief of police, clerk of the council, and treasurer shall report to, and serve at the pleasure of, the town manager, who shall set their compensation and duties, consistent with this Charter and the Code of Virginia.

§ 46. Town Manager; generally.

A town manager shall be appointed by and serve at the pleasure of the council. The town manager shall be responsible to the council for the proper administration of the town government. The amount of and type of compensation for the town manager shall be fixed by the council. The town manager need not be resident of the town or the Commonwealth at the time of appointment but may reside outside of the town while in office only with the prior approval of the council. Council may enter into a contract agreement with the manager.

§ 47. Town Manager; duties enumerated.

The town manager shall be the chief executive officer of the town. The town manager shall be responsible to the council for the proper management and administration of all town affairs placed in his charge by or under this charter, and, in addition to such responsibilities as directed by the council, the town manager shall have the following powers and duties to:

(1) Exercise supervision and control over all administrative departments, offices, agencies, and units, including delegation of such authority to managers and officers of the town, except as otherwise provided by law, ordinance, this Charter, or personnel rules adopted pursuant to the Code of Virginia;

(2) Attend all council meetings, and shall have the right to take part in discussion but may not vote;

(3) Execute all contracts on behalf of the town;

(4) See that all laws, provisions of this Charter, and acts and ordinances of the council subject to enforcement by the town manager or by officials subject to the town manager's direction and supervision are faithfully executed and enforced;

(5) Prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget;

(6) Examine regularly the books and papers of every officer and department of the town and report to the council the condition in which he finds them;

(7) Make such other reports as the council may require concerning the operations of town departments, offices, and agencies subject to the town manager's direction and supervision;

(8) Keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the town manager deems desirable; and

(9) Perform such other duties as are specified in this Charter or may be prescribed by the council.

§ 48. Town manager; absence or disability.

The council shall designate a properly qualified person to act as town manager in the case of the absence, incapacity, death, or resignation of the town manager, until his return to duty or the appointment of his successor. The mayor of the town may serve as town manager, but in no event shall the mayor serve as town manager for greater than six months.

§ 49. Council-manager relationship.

Except for the purpose of conducting administrative inquiries and hearings by the council or a committee thereof, the mayor and members of the council shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. Neither the mayor nor any member

of council shall in any manner individually dictate employment matters or the appointment or removal of any town administrative official or employee whom the town manager or any of his subordinates are empowered to supervisor, direct, or appoint or prevent the town manager from exercising his own judgment in employment matters or the appointment of officials or employees in the town's administrative service.

§ 50. Chief of police.

The chief of police shall perform the duties, receive the compensation, and be subject to the liabilities prescribed by this act, the ordinances and regulations of the town, and the laws of the Commonwealth and also shall have the powers and discharge his duties within the corporate limits of the town and to the distance of one mile beyond the same.

§ 51. Clerk of the council.

The clerk of the council shall attend the meetings of the council and keep a record of its proceedings and keep such record properly indexed. He shall have the custody of the corporate seal of the town and affix the same whenever required so to do by the laws of the Commonwealth or the ordinances, bylaws, and regulations of the council. He shall keep all papers that by the laws of the Commonwealth, the provisions of this act, or the ordinances, bylaws, and regulations of the council are required to be filed with or kept by him. He shall further perform such other acts and duties as are required of him by the laws of the Commonwealth and as the council may, from time to time, require.

§ 52. Treasurer.

The treasurer shall perform, oversee, and direct all the duties in relation to the assessment of property for the purpose of levying the town taxes or levies; shall see to the billing and collection of all fees, bills, taxes, and licenses chargeable and owed within the corporate limits of the town and for any services provided outside of the corporate limits of the town; and shall perform such other duties in relation to the assessments of property, collections of moneys due the town, payment of the debts and obligations of the town, reporting on the financial condition of the town, and other subjects of collection taxation, and finance as may be ordered by the town council or the town manager.

(1) The treasurer shall receive all money belonging to the town and, unless it be otherwise provided by the town council, shall collect all property and license taxes, levies, and assessments that may be levied by the town council, and such other moneys due the town as the council may direct, and may segregate funds and may establish and manage special funds to be applied and administered in such a manner consistent with the Code of Virginia.

(2) The town treasurer, or other officer at the direction of the council whose duty it is to collect town taxes, shall commence to receive the town levies on or before the first day of November of each year, or as soon thereafter as the person may receive copies of the commissioner of the revenue's books, and continue to receive the same up to the fifth day of December or, if such date is a nonbusiness day, the next business day. The treasurer, or such other officer at the direction of the council, shall provide all timely notices of sums dues and owing and for all other notices as required by the Code of Virginia for the proper administration and collection of fees, taxes, and levies by the town. Any person failing to pay any town levies to the treasurer or other such officer by the fifth day of December of the year in which assessed shall incur penalties and interest provided by ordinance adopted pursuant to, and as authorized by, the Code of Virginia and shall further have liens placed upon such property for town taxes and levies assessed or charged thereon. Consistent with the provisions of the Code of Virginia, the town treasurer is further authorized to charge and collect such fees and costs the town determines by ordinance to recoup its costs associated with the collection of any and all fees, taxes, and levies.

(3) All disbursements of town moneys shall be by check or order of the Town of Victoria signed by the treasurer and countersigned by the clerk of the council, unless the treasurer and clerk of the council be the same person, in which event the said checks and orders shall be countersigned by the mayor. In the absence of the treasurer or the clerk, said checks shall be countersigned by the mayor or vice mayor.

(4) The treasurer shall further keep such books, schedules, and records and in such manner as the council may prescribe or the town manager may require, which books, records, and other papers shall be subject to the inspection of the mayor, the members of the town council, any committee or agent thereof, and the town manager. He shall receive for his services such compensation as the council may from time to time direct.

Chapter 8.

Effect of Charter.

§ 53. Ordinances to remain in force.

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

§ 54. Acts in conflict with Charter.

All acts or part of acts in conflict with this Charter are hereby repealed, insofar as they affect the provisions of this Charter.

490 2. That Chapter 158, as amended, of the Acts of Assembly of 1916 is repealed.

INTRODUCED

HB503