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HOUSE BILL NO. 866

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend and reenact §§ 1.02, 2.01, 2.03, and 2.04, as amended, §§ 2.10 and 2.11, § 3.21, as amended, § 4.01, § 4.06, as amended, § 4.10, § 7.01, as amended, and §§ 7.03 and 7.10 of Chapter 240 of the Acts of Assembly of 1954, which provided a charter for the Town of Christiansburg, and to repeal §§ 7.04, 7.06, 7.07, and 7.08 of Chapter 240 of the Acts of Assembly of 1954, relating to boundaries, town council, and town officers and powers.

Patron—Rush (By Request)

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 1.02, 2.01, 2.03, and 2.04, as amended, §§ 2.10 and 2.11, § 3.21, as amended, § 4.01, § 4.06, as amended, § 4.10, § 7.01, as amended, and §§ 7.03 and 7.10 of Chapter 240 of the Acts of Assembly of 1954 are amended and reenacted as follows:

§ 1.02. The boundaries.

The present boundaries of the town are as set forth in ~~annexation orders~~ *a voluntary boundary adjustment effective at midnight on the thirtieth day of April, 2009*, entered on the ~~ninth~~ *tenth* day of ~~October, 1974~~ *April, 2009*, and of record in ~~Chancery Order~~ *book No. 39, page 442, et seq. as Order Instrument No. 2009023593 and 2009023717 and Deed Instrument No. 2009003478* of the Clerk's Office of the Circuit Court of Montgomery County, Virginia, and are incorporated herein by reference thereto. *Future annexation orders and voluntary boundary adjustments as appropriately approved and recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia, shall act to amend these boundaries of the Town upon their effective dates and times.*

§ 2.01. Vesting of administration and government in council; composition of council; election and term of council members; council to be continuing body; vacancies in council.

The administration and government of the town is vested in the council composed of a mayor and six councilmen, all of whom shall be electors of the town.

(a) The council shall be elected in the manner provided by law. Three council members shall be elected on the November 2011 general election date and every four years thereafter. A mayor and three other council members shall be elected on the November 2013 general election date and every four years thereafter.

Terms of office shall begin on the first day of January next following their election. Each council member and the mayor elected as hereinabove provided shall serve for the term stated or until his successor has been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

(b) Vacancy in the council or in the office of mayor shall be filled within ~~sixty~~ *forty-five* days, for the unexpired term, by a majority vote of the remaining members *for the remainder of the unexpired term or until a special election as required by the Code of Virginia; provided, that if the term of office to be filled does not expire for two years or more after the next regular election for council member, following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and should a majority of the remaining members of Council fail to agree or act, the appointment may be made by the circuit court until a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term as required by the Code of Virginia.* The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms ~~and the candidate receiving the next highest number of votes shall be entitled to the unexpired term caused by such vacancy.~~

(c) Notwithstanding any provisions of law to the contrary, any person shall be qualified to fill a vacancy on council or as mayor who is a resident of the town and is a qualified elector therein, except that a member of council shall not be qualified to fill a vacancy as mayor.

§ 2.03. Municipal officers.

The municipal officers of said town shall, in addition to the mayor, consist of treasurer, chief of police, clerk of the town council, town manager and town attorney; and the mayor may appoint such committees of the council as he may see fit, and the council may create such boards and departments of

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59 town government and administration with such powers and duties and subject to such regulations as it
60 may see fit, consistent with the provisions of this act and the general laws of this State. The said
61 treasurer and clerk may be one and the same person if the council ~~deem~~ *deems* it more expedient.

62 No employee of the town or either of the officers of treasurer, chief of police, clerk of the town
63 council, town manager or town attorney shall be required at the time of their employment or
64 appointment to be a resident of the town.

65 § 2.04. Town manager.

66 The council of the town may, in its discretion appoint a town manager who may also serve as town
67 engineer. Upon appointment of a town manager, he shall be vested with the administrative and executive
68 powers of the town and shall hold office during the pleasure of the council. He shall receive such
69 compensation as may be fixed by the council. He shall see that within the town the laws, ordinances,
70 resolutions and bylaws of the council are faithfully executed and that the duties of the various other
71 appointed town officers, members of the police, fire and public works departments and all other
72 departments of the town government, are faithfully performed. He shall have power to investigate their
73 acts, have access to all books and documents in their offices and may examine them or their
74 subordinates on oath, but the evidence given by the persons so examined shall not be used against them
75 in any criminal proceedings. He shall attend all meetings of the council *as deemed reasonably practical*
76 *by council* and recommend for adoption such measures as he may deem expedient. He shall make
77 reports to the council from time to time as to the affairs of the town, keep the council fully advised as
78 to the town's financial condition and its future financial needs. He shall prepare and submit to the
79 council a tentative budget for each fiscal year. The town manager shall perform such other duties as
80 may be prescribed by the council and shall be bonded in such amount as the council may deem
81 necessary.

82 § 2.10. Certificate of oath.

83 When the mayor, councilmen, treasurer, clerk, and ~~sergeant~~ *police chief* take the oaths required of
84 them, duplicate certificates of the court or person administering the same, stating the fact of their having
85 been taken, shall be obtained by the person taking the same and be by him delivered for record as
86 follows: one to the clerk of the circuit court of Montgomery County and one to the clerk of the town
87 council. When any other municipal officer takes the oath required of him, a certificate as aforesaid, shall
88 be secured by him and delivered to the clerk of the town council.

89 § 2.11. ~~Neglect of~~ *Effect of neglect to take* oath.

90 If any person elected or appointed to any office in said town shall neglect to take such oath ~~on or~~
91 ~~before the day on~~ *within thirty days of taking office or appointment of* which he is to enter upon the
92 discharge of the duties of his office, ~~or shall, for twenty days after the beginning of his term of office,~~
93 ~~fail to give such bond with such security as may be required of him by the council of said town,~~ he
94 shall be considered as having declined said office, and the same shall be deemed vacant, and such
95 vacancy shall be filled as prescribed in this act or by the general laws of this State.

96 § 3.21. *Annual audit of financial records; fiscal year.*

97 The council shall have the financial records of the town audited by a certified public accountant
98 ~~biannually~~ *annually*, as soon after the close of the fiscal year as it practicable or at any other time
99 deemed necessary by the council. The fiscal year begins ~~September one of each year~~ and ends ~~August~~
100 ~~thirty one of the following year in accordance with the Code of Virginia.~~

101 ~~The town council may, by resolution, change the fiscal year where it would seem to be to the best~~
102 ~~interest of the town.~~

103 § 4.01. *Town plan generally; subdivision.*

104 The town is empowered to make and adopt a comprehensive plan for the town, and to that end all
105 plats and replats hereafter made subdividing any land within ~~two miles of~~ its corporate limits into
106 streets, alleys, roads and lots or tracts shall be submitted to and approved by the council within such
107 limitations as they may prescribe before such plats or replats are filed for record or recorded in the
108 office of the clerk of the circuit court of Montgomery County, Virginia.

109 The town council shall have the authority to require real estate subdividers within the corporate
110 limits of the town to construct, at the subdividers' expense, water mains, sewer mains, streets, drainage,
111 sidewalks, curbs and gutters. Such construction to be as prescribed by and under the direction of the
112 town council.

113 The town council shall have the authority to negotiate with subdividers without the corporate limits
114 as to the construction of water mains, sewer mains, and as to water and sewer service.

115 § 4.06. *Waterworks, sewage disposal facilities, etc.; eminent domain.*

116 (a) The town council shall have the power and authority to acquire or otherwise obtain control of, or
117 establish, maintain, operate, extend and enlarge waterworks, sewerage systems and treatment facilities,
118 gasworks, electric plants, airports and other public utilities within or without the limits of the town; to
119 acquire within or without the limits of the town by purchase, or otherwise, whatever land may be
120 necessary for acquiring, locating, establishing, maintaining, operating, extending and enlarging said

waterworks, electric plants, airports, and other utilities, and rights of way, rails, pipes, manholes, poles, conduits and wires connected therewith; establish rates, rules and regulations for all public utilities operated by the town, any or all of which rates, rules and regulations the council may alter at any time without notice. The town council may, by ordinance, prohibit the waste and unnecessary use of water.

(b) The town of Christiansburg may exercise the power of eminent domain with respect to land and improvements thereon, machinery and equipment, for any lawful purposes of said town.

The powers set forth in ~~§§ 15.1-837 through 15.1-915 inclusive of Chapter 18 of Title 15.1 Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2~~ of the Code of Virginia as in force on January 1, 1968, the date of the enactment of this charter are hereby conferred on and vested in the town of Christiansburg. In addition, the town of Christiansburg shall have the powers set forth in ~~§§ 33-70.1 33.1-119 through 33-70.11 33.1-129 of the Code of Virginia~~. When certificates are issued pursuant to ~~§§ 33-70.1 33.1-119 through 33-70.11 33.1-129~~, inclusive, of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, they may be issued by the town council, signed by the town manager, or the mayor, and countersigned by the town treasurer. Such certificate shall have the same effect as a certificate issued by the State Highway Commissioner of the Virginia Department of Transportation under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of ~~§§ 33-70.1 33.1-119 through 33-70.11 33.1-129~~, inclusive, of the Code of Virginia shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities.

§ 4.10. *Grade of streets, sidewalks, etc.; permits for street openings.*

The town council shall have the exclusive authority to determine the grades for all streets, sidewalks, curbs, gutters and alleys not in conflict with the State Virginia Department of Highways Transportation, and shall have the right to require permits for, and control of any opening in any street under its jurisdiction.

§ 7.01. *Contracts for erection of public improvements and buildings; interest of council members in contracts.*

All contracts for the erection of public improvements and buildings within the jurisdiction of the town where the estimated cost thereof exceeds three thousand dollars shall be in compliance with the Code of Virginia, and in all cases where practicable, shall be let to the lowest responsible bidder, all things considered, and the party to whom any contract is let shall give bond as the council may require, but in no event shall any contract be let to any member of the town council, nor shall any member have any interest in such contract.

§ 7.03. *Protection of persons and property and preservation of peace and order.*

The town council shall have the power and authority to protect the persons and property of the inhabitants of the town and others within the town, restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame and gambling houses; to prevent and punish lewd or indecent conduct or exhibitions in the town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year; and for any violation of such ordinances may impose fines and other punishments in addition to those prescribed by the laws of the State.

§ 7.10. *Working of prisoners.*

Any person confined in jail as provided in this charter or for violations of town ordinances may be required to work on the streets and public works of said town during the time of confinement. Any person refusing so to work may be subjected to solitary confinement with a diet of bread and water for a period not exceeding thirty-six hours.

2. That §§ 7.04, 7.06, 7.07, and 7.08 of Chapter 240 of the Acts of Assembly of 1954 are repealed.