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HOUSE BILL NO. 866
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by Delegate Rush
on January 30, 2014)

(Patron Prior to Substitute—Delegate Rush)

A BILL to amend and reenact §§ 1.02, 2.01, 2.03, and 2.04, as amended, §§ 2.09, 2.10, 2.11 and 2.12, § 2.16, as amended, §§ 2.23, 2.24, 2.25 and 2.27, §§ 2.28, 2.31 and 2.32, as amended, § 3.19, §§ 3.20 and 3.21, as amended, § 4.01, § 4.06, as amended, § 4.10, §§ 6.02 and 7.01, as amended, and §§ 7.03, 7.10, 7.11 and 7.14 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.

Be it enacted by the General Assembly of Virginia:

1. That §§ 1.02, 2.01, 2.03, and 2.04, as amended, §§ 2.09, 2.10, 2.11 and 2.12, § 2.16, as amended, §§ 2.23, 2.24, 2.25 and 2.27, §§ 2.28, 2.31 and 2.32, as amended, § 3.19, §§ 3.20 and 3.21, as amended, § 4.01, § 4.06, as amended, § 4.10, §§ 6.02 and 7.01, as amended, and §§ 7.03, 7.10, 7.11 and 7.14 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 town government and administration with such powers and duties and subject to such regulations as it

HOUSE SUBSTITUTE

HB866H1

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 § 2.09. ~~Oaths of office~~ *Mayor, councilmen and municipal officers to be sworn in before entering upon*
 83 *duties; duration of oath.*

84 The mayor, councilmen and all municipal officers of said town shall, before entering upon the duties
 85 of their respective offices, be sworn in accordance with the laws of the State of Virginia by anyone
 86 authorized to administer oaths under the laws of the State. *Oaths of municipal officers of the town taken*
 87 *upon original appointment shall be considered to remain in effect for the duration of time the municipal*
 88 *officer remains in the respective office and new oaths shall not be required for reappointment of*
 89 *municipal officers to the respective office.*

90 § 2.10. Certificate of oath.

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

97 § 2.11. ~~Neglect of~~ *Effect of neglect to take* oath.

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

104 § 2.12. ~~Surrender of papers and property~~ *Delivery of town property, books and papers to successor in*
 105 *office.*

106 If any person, having been an officer of said town, shall not within ten days after he shall have
 107 vacated or been removed from office, and upon notification of request of the council within such time
 108 as it may allow, deliver to his successor in office all property, books and papers belonging to the town
 109 or appertaining to such office, in possession or under his control, he shall forfeit and pay to the town a
 110 sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records
 111 and documents used in any office by virtue of any provision of this ~~act~~ *Charter*, or of any ordinances or
 112 order of the town council, or any superior officer of said town, shall be deemed the property of said
 113 town and appertaining to said office, and the chief officer thereof shall be held responsible therefor.

114 § 2.16. Vacancy in office of mayor.

115 In case a vacancy shall occur in the office of the mayor, the vacancy shall be filled by the method
 116 provided in § 2.01 for filling vacancies in *the* council.

117 § 2.23. ~~Replacing of expelled member~~ *Filling vacancy on council when member disqualified or*
 118 *expelled.*

119 If any member of the council shall be adjudged by the council disqualified or be expelled, under the
 120 previous § 2.22, a special election shall be held under the general election laws of the Commonwealth to
 121 fill such vacancy, for the unexpired term.

122 § 2.24. ~~Absenteeism~~ *Power of council when member voluntarily absent from meetings consecutively*
123 *for three months; irregular elections.*

124 If any member of said council be voluntarily absent from its meetings consecutively for three
125 months, his seat may be declared vacant by the council, and the unexpired term filled by appointment as
126 provided in § 2.01 (b).

127 Where not otherwise provided for by the laws of this State the town council shall by ordinance
128 provide for any irregular elections not herein or by the State laws provided for, and appoint the
129 necessary officers to conduct the same.

130 § 2.25. General powers of council; management of municipal and fiscal affairs and of town property.

131 The town council shall have, subject to the provisions of this ~~aet~~ *Charter* and the general laws of
132 this State, the management and control of the fiscal and municipal affairs of the town, and of all
133 property, real and personal, belonging to the town.

134 § 2.27. Same; *as to ordinances and bylaws, taxes and licenses, appointment of officers, etc..*

135 For carrying into effect the powers granted by this ~~aet~~ *Charter* and the general laws of this State, the
136 town council may make ordinances and by-laws, and prescribe fines and other punishments for violation
137 thereof, levy taxes and licenses, keep town guard, appoint a collector of taxes and levies, and such other
138 officers as they may deem proper, define their powers, prescribe their duties and compensation, and take
139 from any of them a bond, with surety, in such penalty as the council may deem proper, payable to the
140 town by its corporate name, and with condition for the faithful discharge of the said duties.

141 § 2.28. Clerk of the council.

142 The clerk of the council shall be appointed by ~~it~~ *the town council*, and shall attend the meetings of
143 the council and shall keep permanent records of its proceedings; and also keep such other papers,
144 documents and records pertaining to the town as may be determined by the council; he shall be
145 custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and
146 shall attest the same; he shall give notice to all parties, presenting petitions or communications; he shall
147 give to the proper department or officials ample notice of the expiration or termination of any franchise,
148 contract or ~~agreements~~ *agreement*; he shall publish such records and ordinances as the council is
149 required to publish, and such other records and ordinances as it may direct; he shall upon final passage
150 transmit to the proper departments or officials copies of all ordinances or resolutions of the council
151 relating in any way to such departments or to the duties of such officials, and he shall perform such
152 other acts and duties as the council may, from time to time, allow or require.

153 § 2.31. Chief of police.

154 The town council shall have the power and authority to appoint a chief of police and to provide for
155 the employment of such additional police officers and ~~privates~~ *other support staff* as it may deem
156 necessary or proper, to prescribe rules and regulations for the government thereof, to prescribe their ~~rate~~
157 ~~of~~ *pay structure*; and in addition thereto the mayor, or in his absence, the vice-mayor, or in the absence
158 of both, any councilman, shall have the power and authority whenever the regular police force of the
159 town is inadequate to meet the needs of the occasion, to appoint and swear in such additional or special
160 policemen as he may deem requisite for a term of service not to exceed ten days and at such
161 compensation as the council may fix for special policemen. The duties and powers of such special
162 policemen shall be the same as that of ~~private~~ *patrol officer* of the regular police force.

163 § 2.32. Police force.

164 The police force shall be under the control of the town manager, and during any time that the office
165 of *the* town manager is not filled, or in the absence of the town manager, under the control of the
166 mayor, for the purpose of enforcing peace and order and executing the laws of the state and ordinances
167 of the town. They shall perform such other duties as the council may prescribe. For the purpose of
168 enabling them to execute their duties, each policeman is hereby invested with all the power and
169 authority which belongs to the office of the constable at common law in criminal cases.

170 § 3.19. *Execution of bonds, etc.*

171 All bonds, and other evidences of indebtedness of the town, shall be signed by the Mayor and
172 countersigned by the clerk of the council, who shall affix the corporate seal of the town and attest the
173 same.

174 § 3.20. Sinking funds.

175 (a) There shall be set apart from the revenues of the town an annual amount to be covered into a
176 sinking fund sufficient to pay, at or before maturities, all outstanding bonded indebtedness of the town.
177 This does not include so-called short term obligations of the town. The council may, in its discretion,
178 annually, from time to time, set aside such additional sinking funds for equipment and capital
179 improvements as it may deem advisable.

180 (b) All sinking funds set aside for the payment of the bonded indebtedness of the town shall be used
181 exclusively in the payment or purchase and redemption of such outstanding bonds. When any sinking
182 funds are not immediately needed for the purpose for which they were provided, they may be invested

183 in securities as provided for by ~~§ 26-40~~ § 15.2-2500 of the Code of Virginia under the then existing
 184 laws of the Commonwealth of Virginia for public sinking funds, to such extent as the council shall
 185 deem proper or expedient.

186 § 3.21. *Annual audit of financial records; fiscal year.*

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

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

193 § 4.01. *Town plan generally; subdivision.*

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

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

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

205 § 4.06. *Waterworks, sewage disposal facilities, etc.; eminent domain.*

206 (a) The town council shall have the power and authority to acquire or otherwise obtain control of, or
 207 establish, maintain, operate, extend and enlarge waterworks, sewerage systems and treatment facilities,
 208 gasworks, electric plants, airports and other public utilities within or without the limits of the town; to
 209 acquire within or without the limits of the town by purchase, or otherwise, whatever land may be
 210 necessary for acquiring, locating, establishing, maintaining, operating, extending and enlarging said
 211 waterworks, electric plants, airports, and other utilities, and rights of way, rails, pipes, manholes, poles,
 212 conduits and wires connected therewith; establish rates, rules and regulations for all public utilities
 213 operated by the town, any or all of which rates, rules and regulations the council may alter at any time
 214 without notice. The town council may, by ordinance, prohibit the waste and unnecessary use of water.

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

217 The powers set forth in ~~§§ 15.1-837 through 15.1-915~~ inclusive of Chapter 18 of Title 15.1 Chapter
 218 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
 219 the enactment of this charter are hereby conferred on and vested in the town of Christiansburg. In
 220 addition, the town of Christiansburg shall have the powers set forth in §§ ~~33-70.1~~ 33.1-119 through
 221 ~~33-70.11~~ 33.1-129 of the Code of Virginia. When certificates are issued pursuant to §§ ~~33-70.1~~ 33.1-119
 222 through ~~33-70.11~~ 33.1-129, inclusive, of the Code of Virginia, as amended, and acts amendatory thereof
 223 and supplemental thereto, they may be issued by the town council, signed by the town manager, or the
 224 mayor, and countersigned by the town treasurer. Such certificate shall have the same effect as a
 225 certificate issued by the State Highway Commissioner of the Virginia Department of Transportation
 226 under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property
 227 of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether
 228 within or without the town; provided, that the provisions of §§ ~~33-70.1~~ 33.1-119 through ~~33-70.11~~
 229 33.1-129, inclusive, of the Code of Virginia shall not be used except for the acquisition of lands or
 230 easements necessary for streets, water, sewer or utility pipes or lines or related facilities.

231 § 4.10. *Grade of streets, sidewalks, etc.; permits for street openings.*

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

236 § 6.02. *Connection with and use of town sewer or water pipe lines.*

237 The town council shall have the power and authority to require the owners or occupiers of the real
 238 estate within the corporate limits of the town to use such sewer pipes and conduits and water furnished
 239 by the town under such ordinances and regulations as the council may deem necessary to secure the
 240 proper sewerage thereof and to improve and secure good sanitary conditions; and shall have the power
 241 to enforce the observance of all such ordinances and regulations by the imposition and collection of
 242 fines and penalties, to be collected as other fines and penalties, under the provisions of this aet Charter.

243 § 7.01. *Contracts for erection of public improvements and buildings; interest of council members in*
 244 *contracts.*

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

251 § 7.03. *Protection of persons and property and preservation of peace and order.*

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

260 § 7.10. *Working of prisoners.*

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

265 § 7.11. *Continuation of existing ordinances.*

266 All ordinances now in force in the town of Christiansburg, not inconsistent with this ~~aet~~ *Charter*,
267 shall be and remain in force until altered, amended or repealed by the town council.

268 § 7.14. *Title of Charter.*

269 This ~~aet~~ *Charter* may for all purposes be referred to or cited as the Christiansburg Charter of 1954,
270 *as amended.*

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