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SENATE BILL NO. 1073

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on February 17, 2017)

(Patron Prior to Substitute—Senator Obenshain)

A BILL to amend and reenact §§ 2.1, 2.2, 3.2, 3.5, 3.6, and 4.1 of Chapter 207 of the Acts of Assembly of 1984, which provided a charter for the Town of Bridgewater; to amend Chapter 207 of the Acts of Assembly of 1984 by adding sections numbered 2.3 through 2.8; and to repeal § 3.7 of Chapter 207 of the Acts of Assembly of 1984, relating to general and operational powers of the town; town elections; appointed officers.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1, 2.2, 3.2, 3.5, 3.6, and 4.1 of Chapter 207 of the Acts of Assembly of 1984 are amended and reenacted and that Chapter 207 of the Acts of Assembly of 1984 is amended by adding sections numbered 2.3 through 2.8 as follows:

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein; and no enumeration of particular powers in this charter shall be held to be exclusive, and the Town shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the Town as a municipal corporation.

(a) Powers authorized in Code of Virginia. The Town shall have and may exercise any or all powers now or subsequently authorized for exercise by towns in Title 15.2 or elsewhere in the Code of Virginia of 1950, as amended, regardless of whether such powers are set out or incorporated by reference in this charter. All ordinances in force in the Town of Bridgewater as of July 1, 2017, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council.

(b) Powers exercised by governing body. All powers vested in the Town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the Town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the Town and the Town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the Town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

(c) Repeal of prior inconsistent acts and charters. All acts and parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the Town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind. Upon the effective date of this charter, all references to the Town superintendent in the Town's resolutions, ordinances, code provisions, contracts, and all other official acts and governing documents then in effect shall be deemed as referring to the Town manager.

§ 2.2. Adoption of Financial powers granted by the Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.1-837 through 15.1-907, including subsequent amendments thereof.

(a) Generally. In accordance with the Constitution of Virginia and the United States Constitution, the Town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the Town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the Town, in such manner as the council deems necessary or expedient. The Town shall impose no tax on its bonds.

(b) Assessments for local improvements. The Town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) Water, light, and sewerage rates; rates and charges for public utilities or services, etc., operated,

60 *etc., by Town. The Town may establish, impose, and enforce water, light, and sewerage rates and rates*
61 *and charges for public utilities, or other service, products, or conveniences, operated, rendered, or*
62 *furnished by the Town and assess, or cause to be assessed, water, light, sewerage, and other public*
63 *utility rates and charges directly against the owner or owners of the buildings, or against the proper*
64 *tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then*
65 *the council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may*
66 *be by such ordinance prescribed before furnishing such services to such tenant.*

67 *§ 2.3. Contractual powers; gifts; grants.*

68 *(a) Acquisition of property generally; holding, selling, leasing, etc., Town property. The Town may*
69 *acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any*
70 *estate or interest therein, within or without the Town or state and for any of the purposes of the Town.*

71 *(b) Debts and evidence of indebtedness. The Town may contract debts, borrow money, and make and*
72 *issue evidence of indebtedness.*

73 *(c) Gifts. The Town may accept or refuse gifts, donations, bequests, or grants of any kind from any*
74 *source, absolutely or in trust, which are related to the Town's powers, duties, and functions, or for*
75 *educational, charitable, or other public purposes, and do all the things and acts necessary to carry out*
76 *the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell,*
77 *lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such*
78 *gifts, grants, bequests, and devises.*

79 *§ 2.4. Operational powers.*

80 *(a) Generally. The Town may provide for the organization, conduct, and operation of all*
81 *departments, offices, boards, commissions, and agencies of the Town, subject to such limitations as may*
82 *be imposed by this charter or otherwise by law, and may establish, consolidate, abolish, or change*
83 *departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the*
84 *powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and*
85 *agencies or the powers, duties, and functions thereof are specifically established or prescribed by*
86 *charter or otherwise by law.*

87 *(b) Records and accounts. The Town shall provide for the control and management of the Town's*
88 *affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and*
89 *systems of accounting by the departments, boards, commissions, or other agencies of the local*
90 *government necessary to give full and true accounts of the affairs, resources, and revenues of the*
91 *municipal corporation and the handling, use, and disposal thereof.*

92 *(c) Expenditure of money. The Town may expend money of the Town for all lawful purposes.*

93 *(d) Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of Town*
94 *departments. The Town may construct, maintain, regulate, and operate public improvements of all kinds,*
95 *including municipal and other buildings, comfort stations, markets, and all buildings and structures*
96 *necessary or appropriate for the use and proper operation of the various departments of the Town, and*
97 *may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary*
98 *for such improvements, or any of them.*

99 *§ 2.5. Utilities; public improvements.*

100 *(a) Water works and water supply. The Town may own, operate, and maintain water works and*
101 *acquire in any lawful manner in any county of the state such water, lands, property rights, and riparian*
102 *rights as the council may deem necessary for the purpose of providing the Town with an adequate water*
103 *supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or*
104 *without the corporate limits of the Town, and charge and collect water rents therefor; erect and*
105 *maintain all necessary dams, pumping stations, and other works in connection therewith; make*
106 *reasonable rules and regulations for promoting the purity of the Town water supply and protecting it*
107 *from pollution and for this purpose exercise full police powers and sanitary patrol over all lands*
108 *comprised within the limits of the watershed tributary to any such water supply wherever such lands*
109 *may be located in this state; impose and enforce adequate penalties for the violation of any such rules*
110 *and regulations and prevent by injunction any pollution or threatened pollution of such water supply*
111 *and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest*
112 *in lands, property rights, and riparian rights or materials for any such use exercise within the state all*
113 *powers of eminent domain provided by the laws of this state. For any of the purposes aforesaid, said*
114 *Town may, if the council shall so determine, acquire by condemnation, purchase, or otherwise any*
115 *estate or interest in such lands or any of them in fee.*

116 *(b) Streets; parks, playgrounds, etc.; infrastructure; vehicles. The Town may establish, maintain,*
117 *improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of*
118 *its public infrastructure and public works, in such manner as best serves the public interest, safety, and*
119 *convenience; regulate, limit, restrict, and control the services and routes of and rates charged by*
120 *vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit*
121 *poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas*

pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the Town's prescribed requirements.

(c) Public utilities. Subject to the provisions of the Constitution of Virginia, this charter, and general law, the Town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(d) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant. The Town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof, and require and regulate the collection and disposal thereof.

§ 2.6. Nuisances; sanitary conditions, etc.

The Town may compel the abatement and removal of all nuisances within the Town; require all lands, lots, and other premises within the Town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the Town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; and require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures.

§ 2.7. Police powers.

(a) The Town may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The Town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the Town or its inhabitants; prescribe any penalty for the violation of any Town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the state; pass and enforce all by-laws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the Town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said Town, or in the council, court, or offices thereof, or which may be necessarily incident to a municipal corporation.

§ 2.8. Miscellaneous powers.

(a) Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings. The Town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) Fees for permits, etc. The Town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) Cemeteries. The Town may provide in or near the Town lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The Town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plat for which the said donation, gift, or bequest shall have been made.

(d) Injunctive relief. The Town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance.

§ 3.2. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the Town by a majority vote of the remaining members of council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the Town by a majority vote

183 of the council in accordance with general law.

184 § 3.5. Vice mayor.

185 The Biennially, at its organizational meeting, the town council shall, by a majority of all of its
186 members, elect a vice mayor from its membership at its first meeting to serve for a term of two years in
187 the absence of or during the disability of the mayor; and the vice mayor shall possess the powers and
188 discharge the duties of the mayor when serving as mayor.

189 § 3.6. Meetings of council.

190 (a) Organizational meeting. The town council's organizational meeting held for the purposes set forth
191 in § 15.2-1416 of the Code of Virginia shall be its first meeting held after January 1 of each year.

192 (b) Regular meetings. The council shall fix the time of its regular meetings, which shall be at least
193 once each month; and, except as herein provided, the council shall follow Robert's Rules of Order, latest
194 edition, for rules of procedure necessary for the orderly conduct of its business except where
195 inconsistent with the laws of the Commonwealth of Virginia. Minutes shall be kept of its official
196 proceedings, and its meetings shall be open to the public unless an executive session is called according
197 to law.

198 (c) Special meetings. Special meetings may be called at any time by the mayor or any four members
199 of the council, provided that the members of the council are given reasonable notice of such meetings.
200 No business shall be transacted at the special meeting except that for which it shall be called. If the
201 mayor and all the members of the council are present, this provision requiring prior notice for special
202 meetings is waived.

203 (d) Rules of procedure. From time to time, the council shall adopt rules of procedure governing its
204 meetings, such rules not being inconsistent with state law.

205 § 4.1. Appointments.

206 The town council may appoint the following officers:

207 A. (a) Town Superintendent manager. A town superintendent manager who shall be responsible to
208 the town council for the proper administration of all affairs of the Town, for the control and supervision
209 management of all town departments, employees and property, for the appointment, supervision, and
210 dismissal of town employees, including the treasurer and police chief, if any, for the preparation and
211 implementation of an annual budget, and for any other duties as prescribed by the council;

212 B. Town Treasurer. A town treasurer, whose duties shall be to receive all money belonging to the
213 Town, to keep correct accounts of all receipts from all sources and of all expenditures, to be responsible
214 for the collection of all license fees, taxes, levies and charges due to the Town, to disburse the funds of
215 the Town as the council may direct, and other such duties as prescribed by the council;

216 C. (b) Town Attorney attorney. A town attorney who shall be an attorney at law licensed to practice
217 under the laws of the Commonwealth. The Town Attorney town attorney shall receive such
218 compensation as provided by the council and shall have such duties as prescribed by the council; and

219 D. Police Chief. The council in its discretion may provide for a chief of police whose duties shall be
220 as prescribed by the council. The Town shall have no town sergeant; and

221 E. (c) Other Officers officers. The council may appoint any other officers that the council deems
222 necessary and proper.

223 2. That § 3.7 of Chapter 207 of the Acts of Assembly of 1984 is repealed.