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HOUSE BILL NO. 2808

Offered January 22, 2019

A *BILL to provide a new charter for the Town of Capron in Southampton County and to repeal Chapter 188 of the Acts of Assembly of 1914, which provided a charter for the Town of Capron.*

Patron—Tyler

Unanimous consent to introduce

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

*CHARTER
FOR THE
TOWN OF CAPRON.
CHAPTER 1.
INCORPORATION AND BOUNDARIES.*

§ 1.1. Incorporation.

A. *Be it enacted by the General Assembly of Virginia that the Town of Capron, in the County of Southampton, as the same has heretofore been or may hereafter be laid off in lots, streets, and alleys, has been made a town corporate by the name of the "Town of Capron," and by that name has exercised the powers conferred upon towns by the General Assembly and the Code of Virginia, and is subject to all the provisions of said Code, and to all laws now in force, or which may hereafter be enacted in reference to the government of towns of less than 5,000 inhabitants, so far as the same are not inconsistent with the provisions of this act.*

B. *The inhabitants of the territory comprised within the present limits of the Town of Capron, hereinafter referred to as "Town," as such limits are now or may hereafter be altered and established by law, constitutes and continues a body politic and corporate, known and designated as the "Town of Capron," and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and have a corporate seal that it may alter, renew, or amend at its pleasure by proper ordinance.*

§ 1.2. Boundaries.

The territory embraced within the Town is that territory in the County of Southampton, Virginia, established in the Acts of the General Assembly, and all Acts amendatory thereof, by annexation and by the order of the Circuit Court of Southampton County as follows, beginning at a point on the Courtland road about 70 yards northeast of the intersection of said road with Main Street; thence in a westerly direction along said Courtland road to the northeast corner of J.N. Applewhite's residence lot; thence along said Applewhite's lot in a westerly direction a straight line a distance of 70 yards; thence in a southerly direction parallel with Main Street and 70 yards distance from same to a point within 70 yards of the northern line of the Southern Railway's right-of-way; thence westerly parallel with the said right-of-way and 70 yards north of same to Church Street; thence westerly across said Church Street and along the northern boundary of said right-of-way to a point 140 yards west of said Church Street; thence in a southeasterly direction across said right-of-way, parallel with Church Street and 140 yards west of same to a point 140 yards west of the intersection of Church and Main Streets; thence south in a line 140 yards west of the western boundary of Main Street and parallel with the same to the new road; thence easterly along said new road across Main Street to a point 140 yards east of the eastern boundary of Main Street and opposite the intersection of the new road and Main Street; thence in a northerly direction along a line parallel with Main Street and 140 yards east of the eastern boundary of same to a point within 140 yards of Elm Avenue; thence in a easterly direction parallel with Elm Avenue and 140 yards opposite a culvert in said Avenue, thence in a northerly direction across said Avenue at culvert to the north side of the Southern Railway's right-of-way; thence westerly along said right-of-way to a point 70 yards east of the eastern boundary line of Main Street; thence in a northerly direction parallel with said Main Street and 70 yards east of same to the Courtland road, the point of beginning.

**CHAPTER 2.
POWERS.**

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers that are now or hereafter may be conferred upon

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HB2808

59 or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and
60 completely as though such powers were specifically enumerated herein, and no enumeration of
61 particular powers by this Charter shall be held to be exclusive, and the Town shall have, exercise, and
62 enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations
63 now pertaining to and incumbent on the Town as a municipal corporation.

64 § 2.2. Adoption of powers granted by the Code of Virginia.

65 The powers granted in § 2.1 of this Charter include specifically, but are not limited to, all powers set
66 forth in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia.

67 CHAPTER 3.

68 MAYOR AND TOWN COUNCIL.

69 § 3.1. Composition of Town Council; election qualification and term of office of Mayor and Council
70 Members.

71 The Town shall continue to be governed by a Mayor and a Town Council composed of six Council
72 Members, all of whom shall be qualified electors of the Town and shall serve for terms of two years
73 and until their successors are appointed or elected and qualified as provided by law.

74 § 3.2. When terms of office to begin.

75 Terms of office for Mayor and Council Members shall begin on the first day of July next following
76 their election.

77 § 3.3. Oath of office.

78 The Mayor and Council Members shall each, before entering upon the duties of their office, make
79 oath or affirmation that they will truly, faithfully, and impartially discharge the duties of their office to
80 the best of their abilities, so long as they shall continue therein. The Clerk of the Circuit Court of
81 Southampton County, Virginia, shall administer such oath.

82 § 3.4. Election and term of Vice Mayor.

83 The Town Council, by a majority vote at the first meeting following each council election, shall elect
84 from its members a Vice Mayor who shall serve at the discretion of the Town Council.

85 § 3.5. Vacancies in office of Mayor and Council Members.

86 Vacancies in the office of the Mayor and Council Members shall be filled for the unexpired portion
87 of the term by a majority vote of the Council Members within 90 days after the vacancy occurs. Persons
88 so elected to fill vacancies shall be qualified voters and residents of the Town.

89 § 3.6. Town Council a continuing body.

90 The Town Council shall be a continuing body, and no measures pending before such body or any
91 contract or obligation incurred shall abate or be discontinued by reason of the expiration of the term of
92 office or removal of any of its members.

93 § 3.7. Powers and duties of Mayor and Vice Mayor.

94 The Mayor shall be the chief executive officer of the Town and shall have and exercise all power
95 and authority conferred by general law not inconsistent with this Charter. The Mayor shall be
96 recognized as the head of the Town government for all ceremonial purposes. The Mayor shall preside
97 over the meetings of the Town Council and perform such other duties as may be prescribed by this
98 Charter, Town ordinances, the general laws, and such as may be imposed by the Town Council
99 consistent with the office. The Mayor shall be entitled to vote upon measures pending before the Town
100 Council only in the event of a tie. The Mayor shall see that the duties of the various Town officers are
101 faithfully performed. The Mayor shall see that peace and order are preserved and that persons and
102 property are protected within the Town and the corporate limits thereof. The Mayor may issue all
103 warrants charging violation of any ordinances of the Town. During the absence of the Mayor or the
104 inability of the Mayor to act, the Vice Mayor shall possess the powers and discharge the duties of the
105 Mayor.

106 § 3.8. Absence or inability of Mayor and Vice Mayor.

107 If both the Mayor and Vice Mayor are absent or unable to act, the Town Council shall, by a
108 majority vote of the members present, elect from its members a person to serve as acting Mayor at that
109 meeting or until either the Mayor or Vice Mayor is present and able to act. Whenever it is necessary to
110 elect an acting Mayor pursuant to this section, the acting Mayor shall possess the powers and discharge
111 the duties of the Mayor from the time of election until the Mayor is present and able to act. The Town
112 Clerk or acting Town Clerk shall call the meeting of the Town Council to order and shall preside until
113 an acting Mayor is elected. This shall not be construed to vest in the Town Clerk any of the powers and
114 duties of the Mayor, except as expressly stated in this section.

115 § 3.9. General powers and duties of the Town Council.

116 A. The Town Council shall be responsible for the determination of all matters of policy for the Town
117 and for ensuring the implementation thereof.

118 B. The Town Council shall have the full powers and authority that are now or may hereafter be
119 granted to councils of towns by the general laws of the Commonwealth of Virginia and by this Charter.

120 C. The Town Council shall have the power to make motions, adopt ordinances and resolutions,

enforce the same, and exercise all powers granted by this Charter and by the laws of the Commonwealth of Virginia.

D. The Town Council may create and appoint such boards, bodies, departments, officers, or consultants, define their duties, and set compensation as may be permitted or required by this Charter, Town ordinances, or the general laws of the Commonwealth of Virginia.

E. The Town Council shall have the power to establish rules for the collection of garbage and other debris and the disposal of offal, ashes, leaves, limbs, garbage, carcasses of unclaimed dead animals, and other refuse; to make reasonable charges therefor; to acquire and operate equipment for the disposal of such materials; to ensure that operators are legally licensed to operate such equipment; and to contract and regulate the collection and disposal thereof.

F. The Town Council shall have the power to acquire by purchase, gift, devise, condemnation, or otherwise property, real or personal, or any estate therein within or without the Town for any legal purpose of the Town and to hold, improve, lease, sell, or otherwise dispose of the same or any part thereof, including any property owned by the Town.

G. The Town Council shall have the power to construct, maintain, regulate, and operate Town property of all kinds, including municipal and other buildings.

H. The Town Council shall have the power to grant franchises for public utilities in accordance with the provisions of the Constitution of Virginia, Town ordinances, and general laws, provided, however, that the Town shall at all times have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the Town, any and all public utilities for the Town and to sell the services thereof, any existing franchises notwithstanding.

I. The Town Council shall have the following powers to regulate and prohibit public nuisances:

1. To regulate and compel the abatement and removal of nuisances within the Town, or upon property owned by the Town beyond its limits, at the expense of the person or persons causing the same or of the owner or occupant of the grounds or premises whereon the same may be, and to collect said expenses by suit or motion, or by distress and sale, including transportation through streets, smoke and dust, noise, things detrimental to public health, and sidewalks.

2. To require all lands, lots, and other premises within the Town to be kept clean, sanitary, and free from stagnant water, weeds, filth, and unsightly deposits, to make them so at the expense of the owners and occupants thereof, and to collect said expenses by suit, lien, and by distress and sale.

3. To regulate and prohibit animals being kept or running at large in the Town or any portion thereof.

4. To regulate or prohibit the conduct of any dangerous, offensive, or unhealthful business, trade, or employment; the transportation of any offensive substance; the manufacture, storage, transportation, possession, and use of any explosive or flammable substance; and the use and exhibition of fireworks and the discharge of firearms. The Town Council may regulate the maintenance of safety devices on storage equipment for such substances or items as provided by the Constitution of Virginia and § 15.2-1113 of the Code of Virginia, as amended from time to time.

5. To prohibit indecent and disorderly conduct within the Town limits.

6. To prohibit and punish for mischievous, wanton, or malicious damage to public property and private property.

J. The Town Council shall have the power to offer and pay rewards for the apprehension and conviction of criminals.

K. The Town Council shall have the power to provide fire protection, suppression, and public safety.

L. The Town Council shall have the power to name or alter the names of streets within the Town limits.

M. The Town Council shall have the power to establish, regulate, and maintain parks, playgrounds, and public grounds and to keep them lighted and in good repair.

N. The Town Council shall have the power to plant, maintain, or remove shade trees and shrubs along the streets and upon such public grounds to prevent the obstruction of such streets and highways.

O. The Town Council shall have the power to take such actions as to promote the beautification of the Town.

P. The Town Council shall have the power to extend or contract the corporate limits of the Town as provided by the Constitution and general laws of the Commonwealth of Virginia in force at the time.

Q. The Town Council shall have the power to put into force and effect by ordinance any and all of the foregoing powers and any other powers and authorities of the said council given by this Charter, Town ordinances, or any state law, or any amendments thereto; and to prescribe punishment for the violation of any Town ordinance, rule, or regulation, or of any provision of this Charter.

R. The Town Council shall have the power to regulate the size and improvement of lots or parcels of land within the Town limits, including the authority to adopt zoning ordinances and appoint a planning commission, a board of zoning appeals, and a zoning administrator as permitted by the Constitution and

182 *general laws of the Commonwealth of Virginia.*

183 *S. The Town Council shall have the power to own, operate, and regulate a water system, sewage*
184 *system, or both.*

185 *T. The Town Council shall have the power to own, operate, and regulate a Town cemetery, a Town*
186 *dump, and other lands outside the Town limits.*

187 *§ 3.10. Meetings of Town Council.*

188 *The Town Council shall hold at least one public meeting each month with a time and date being*
189 *fixed by ordinance. A journal shall be kept of its official proceedings. The Town Clerk upon the request*
190 *of the Mayor or any three Council Members shall call special meetings. Reasonable notice of such*
191 *special meeting shall be given to each Council Member and the Mayor as set forth in the Constitution*
192 *of Virginia and Title 15.2 of the Code of Virginia, as amended from time to time.*

193 *§ 3.11. Rules of order and procedure.*

194 *The Town Council shall establish its own rules of order and procedure and may punish its own*
195 *members and other persons for violations thereof.*

196 *§ 3.12. Town Council to fix salaries.*

197 *The Mayor and Town Council may receive a stipend for each regular monthly meeting attended or a*
198 *per diem allowance for services, the amount thereof to be fixed by the Town Council during the budget*
199 *process of an election year.*

200 *CHAPTER 4.*

201 *APPOINTIVE OFFICERS.*

202 *§ 4.1. Appointment.*

203 *The Town Council may appoint such officers of the Town as it deems necessary. Such officers may*
204 *include, but shall not be limited to, a Town Clerk, a Town Treasurer, a Supervisor of Public Works, and*
205 *a Town Sergeant. Officers appointed by the Town Council shall perform such duties as may be specified*
206 *in this Charter, by the laws of the Commonwealth of Virginia, by Town ordinances, and by the Town*
207 *Council.*

208 *§ 4.2. Terms of office.*

209 *Officers, deputies, and assistant officers appointed by the Town Council shall serve at the will and*
210 *pleasure of the Town Council.*

211 *§ 4.3. Appointment of one person to more than one office.*

212 *The Town Council in its discretion may appoint the same person to more than one appointive office,*
213 *subject to such limitations as are set forth in the Constitution of Virginia and Title 15.2 of the Code of*
214 *Virginia, as amended from time to time.*

215 *§ 4.4. Residence of officers and employees.*

216 *Any appointive officer or employee of the Town may be appointed and serve whether the appointee*
217 *be a resident or nonresident of the Town.*

218 *CHAPTER 5.*

219 *FINANCIAL PROVISIONS.*

220 *§ 5.1. Fiscal year.*

221 *The fiscal year of the Town shall begin July 1 of each year and end on June 30 of the year*
222 *following, but the same may be changed by action of the Town Council where not inconsistent with the*
223 *laws of the Commonwealth of Virginia.*

224 *§ 5.2. Assessment of taxes.*

225 *A. The Town Council shall provide to Southampton County's Commissioner of Revenue current Town*
226 *tax rates for personal and real estate property within the Town limits and collect the same to any extent*
227 *not prohibited by the laws of the Commonwealth of Virginia, such rates to be established by the Town*
228 *Council.*

229 *B. The Town shall have the power to impose a business license fee and shall collect a percentage of*
230 *gross sales reported to the Town Clerk by each business annually, such rate to be established by the*
231 *Town Council.*

232 *§ 5.3. Registration of motor vehicles.*

233 *The Town shall have the power to impose license requirements and collect the same to any extent*
234 *not prohibited by the laws of the Commonwealth of Virginia.*

235 *§ 5.4. Other revenue-generating activity.*

236 *The Town shall have the power to engage in other revenue-generating activities to any extent not*
237 *prohibited by the laws of the Commonwealth of Virginia.*

238 *§ 5.5. Actions against the Town for damages, etc.*

239 *The Town Council is authorized and empowered to compromise any claim for damages or any suit*
240 *or action brought or threatened against the Town.*

241 *§ 5.6. Creation of debt; election on issuance of bonds.*

242 *The Town Council shall have the power to borrow money, encumber the assets of the Town, and*
243 *issue bonds under any provisions of the Constitution of Virginia and general laws of the Commonwealth*

244 of Virginia.

245 § 5.7. Bonds of officers and employees.

246 The Town Council may require any or all Town officers and employees to give bond for the faithful
 247 and proper discharge of their duties. As used herein, "officers and employees" shall include officers,
 248 employees, and consultants paid solely or partly by the Town. The Town may pay a premium on such
 249 bonds from the Town funds and may provide for individual surety bonds or for a bond covering all
 250 officers and employees or any group thereof. The bond shall be payable to the Town as its interest may
 251 appear in the event of a breach of the conditions thereof.

252 CHAPTER 6.

253 MISCELLANEOUS.

254 § 6.1. Elections governed by state law.

255 All Town elections shall be held and conducted in the manner prescribed by the laws of the
 256 Commonwealth of Virginia.

257 § 6.2. Present ordinances continued in effect.

258 All ordinances now in force in the Town, not inconsistent with this Charter, shall be and remain in
 259 force until altered, amended, or repealed by the Town Council.

260 § 6.3. Applicability outside the Town.

261 All ordinances of the Town, so far as they are applicable, shall apply on, in, or to all land,
 262 buildings, and structures owned by or leased or rented to the Town and located outside the Town.

263 § 6.4. Severability of provisions.

264 If any clause, sentence, paragraph, or part of this Charter shall for any reason be adjudged by any
 265 court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the
 266 remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph, or
 267 part thereof directly involved in the controversy in which such judgment shall have been rendered.

268 **2. That Chapter 188 of the Acts of Assembly of 1914 is repealed.**