

23100847D

HOUSE BILL NO. 2005

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 1 of Article II, § 1 of Article III, as amended, § 1 of Article IX, and § 1 of Article XI of Chapter 540 of the Acts of Assembly of 1950 and to repeal § 2 of Article III, § 1 of Article VIII, and § 1 of Article X of Chapter 540 of the Acts of Assembly of 1950, which provided a charter for the Town of Haymarket in Prince William County, relating to municipal elections; town council; boundaries; obsolete provisions.

 Patron—Roem

 Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Article II, § 1 of Article III, as amended, § 1 of Article IX, and § 1 of Article XI of Chapter 540 of the Acts of Assembly of 1950 are amended and reenacted as follows:

Article II. Corporate Limits.**§ 1. (1) The limits of said town shall be as follows:**

Beginning in the center of John Marshall Highway (Virginia State Route 55) a distance of 2,241.57 feet northwesterly from a pipe driven into the said highway where it intersects Carolina Road (State Route 625); thence North 35 degrees 21 minutes 25 seconds East, with Peters, 1,800 feet (passing through a concrete marker at 40.07 feet) to a concrete marker; thence, with Peters, Robinson (or Robertson), Thomas, King, and Jordan, South 57 degrees 31 minutes 39 seconds East, 4,474.04 feet crossing Carolina Road (Virginia State Route 625) and passing through concrete markers at 1,855.82 feet and 1,892.42 feet respectively, to a concrete marker; thence, with Jordan, Prince William County School Board and Stanton, South 35 degrees 21 minutes 25 seconds West, a distance of 3,500 feet crossing John Marshall Highway (Virginia State Route 55) and passing through concrete markers at 1,599.78 feet and 1,680.22 feet respectively to a concrete marker just southwesterly from the Southern Railway Company's right-of-way; thence, with Stanton, Bleight, Tyler, and Rust, South 58 degrees 09 minutes 59 seconds West, 4,476.84 feet crossing Carolina Road (Virginia State Route 625) just northeasterly from a bridge and passing through concrete markers at 1,671.11 feet and 1,711.61 feet, respectively to a concrete marker; and thence with Rust and Fletcher (following the old Clarkson line) North 35 degrees 21 minutes 25 seconds East, a distance of 1,750 feet crossing the Southern Railway Company's right-of-way at about 800 feet and passing through a concrete marker at 1,709.93 feet to the place of beginning, containing 361.59288 acres, more or less, according to a survey based on true bearings made by R. J. Ratcliffe, Surveyor of Prince William County, Virginia. *The boundaries of the Town, until altered, shall be as shown in Chapter 540 of the Acts of the General Assembly of 1950 as modified by a boundary line adjustment entered into between the Town of Haymarket and the County of Prince William, approved by Circuit Court order recorded in the Prince William County land records as Instrument number 201402260012836.*

Article III. Administration and Government.

§ 1. (1) The ~~councilmen~~ council members and mayor in office on the effective date of this act April 7, 1950 shall continue in office until the first day of July of the year following termination of their respective terms or until their respective successors shall have been duly elected and qualified.

(2) On the first Tuesday after the first Monday in ~~May~~ November, 1974 2024, and every two years thereafter, there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and six other electors, who shall be denominated ~~councilmen~~ council members, and the mayor and ~~councilmen~~ council members shall constitute the Town council. They shall enter upon the duties of their offices on the first day of ~~July~~ January next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an the oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed of office as prescribed by general law.

(3) There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law. [Repealed]

INTRODUCED

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59 (4) The council shall judge of the election, qualification, and returns of its members; may fine them
60 for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned
61 be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as
62 the council may prescribe. Any vacancy occurring otherwise during the term for which such person was
63 elected shall be filled by the council by the appointment of any one eligible to such office. A vacancy
64 in the office of mayor shall be filled by the council from the electors of the town, and any member of
65 the council may be eligible to fill such vacancy. *[Repealed]*

66 (5) A majority of the members of the council shall constitute a quorum for the transaction of
67 business.

68 (6) Each member of the council may receive a salary to be fixed by the council, payable at such
69 times and in such manner as the council may direct; but the salary paid to any one member during any
70 year shall not exceed the sum of one hundred dollars per annum. The mayor may receive a salary to be
71 fixed by the council, payable in such manner and at such times as the council may direct, not to exceed
72 the sum of five hundred dollars per annum; and such salary shall be in lieu of any fees he is entitled to
73 enter up as part of the costs and receive in the trial of cases of violation of the ordinances of the town
74 as hereinafter provided for.

75 (7) The mayor shall preside at the meetings of the council and perform such other duties as are
76 prescribed by this charter and by general law, and such as may be imposed by the council consistent
77 with his office. The mayor shall have no right to vote in the council, except in case of a tie ~~he the~~
78 ~~mayor shall have the right to cast a vote to break the same by his vote; tie, but he the mayor shall have~~
79 ~~the right to veto as provided in § 1 (8) of this Article III. He~~ The mayor shall have the following duties:
80 to take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully
81 executed and obeyed; and shall have and exercise all power and authority conferred by general law on
82 mayors of towns not inconsistent with this charter. He shall be ex officio a conservator of the peace
83 within the town and within one mile of its corporate limits; and shall have jurisdiction to issue process
84 for and try all cases for the violation of the town ordinances, subject to an appeal to the Circuit Court of
85 Prince William County, Virginia, and impose such punishment and/or fines as may be prescribed for
86 violation of the same, and he shall have power to issue executions for all fines and costs imposed by
87 him; or he may require an immediate payment thereof, and in default of such payment he may commit
88 the defaulting party to the Prince William County Jail until such fine and costs shall be paid, such
89 commitment, however, not to be for more than twelve months. He may release persons accused or
90 convicted of the violation of a town ordinance upon the giving of sufficient bail to be fixed by him. He
91 shall; to see that peace and good order are preserved and that persons and property within the town are
92 protected. He shall; to authenticate by his signature such documents and instruments as the council, this
93 charter, or the laws of this Commonwealth require. He shall; and from time to time recommend to the
94 council such measures as he may deem seem needful for the welfare of the town.

95 (8) Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes
96 operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it *The*
97 *mayor may veto an ordinance or a resolution having the effect of an ordinance by transmitting it, with*
98 *his objections the reasons for the veto* in writing, to the town clerk who shall enter the *reasons for the*
99 *mayor's objections veto* at length on the minute books *book* of the council. The council shall may
100 thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of
101 all the members elected to the council shall agree to pass the ordinance or resolution, it shall become
102 operative notwithstanding the objection veto of the mayor. In all such cases, the votes of members of the
103 council upon such reconsideration and the names of the members voting for and against the ordinance or
104 resolution shall be entered on the minute book of the council. If any ordinance or resolution *having the*
105 *effect of an ordinance* shall not be returned by the mayor within five days (Sunday excepted) after it
106 shall have been presented to him *passage by the council*, it shall become operative in like manner as if
107 he had signed it *without the mayor's signature*, unless his *the mayor's* term of office or that of the
108 council; shall expire *expires* within said five days.

109 (9) The council shall, as soon as practicable after qualification, and biennially thereafter following the
110 regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the
111 absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority,
112 and jurisdiction, of the mayor *except the power to veto*; and in the event of a vacancy for any reason in
113 the office of mayor, he shall act as mayor until a mayor is duly appointed by the Town council or is
114 elected. The member of the council who shall be chosen vice-mayor shall continue to have all of the
115 rights, privileges, powers, duties and obligations of ~~councilman~~ *a council member* even when performing
116 the duties of mayor during the absence or disability of the mayor of the town.

117 (10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at
118 least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two
119 members of the council in writing; and no other business shall be transacted at a special meeting except
120 that stated in the call, unless all members be present and consent to the transaction of such other

business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings *consistent with the terms of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia) as then in effect.*

(11) The council shall keep a minute book, in which the clerk shall note the proceedings of the council; and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) The council may adopt rules for regulating its proceedings; ~~but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council.~~

(13) There shall be appointed by the council at its first meeting in ~~September~~ *March*, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of two years. The council may provide a salary for the treasurer. ~~He~~ *The treasurer* shall give such bond, with surety and in such penalty as the council prescribes. ~~He~~ *The treasurer* shall receive all money belonging to the town; and keep correct accounts of all receipts from all sources and of all expenditures of all departments. ~~He~~ *The treasurer* shall be responsible for the collection of all taxes, license fees, levies and charges due to the town; and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(14) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited ~~at least once during the term for which he is elected by a competent accountant selected by the council; such examination and audit to be reported to the council in accordance with general law.~~

(15) The council may in its discretion designate the place of deposit of all town funds, *consistent with state law*, which shall be kept by the treasurer separate and apart from ~~his~~ *the treasurer's* personal funds.

(16) There shall be appointed by the council, at its first regular meeting in ~~September~~ *March* after its election, a clerk of the council, who need not be a resident of the town, and who shall hold office at the pleasure of the council. ~~He~~ *The clerk* shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. ~~He~~ *The clerk* shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. ~~His~~ *The clerk's* compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

(17) There shall be appointed by the council at its first regular meeting in ~~September~~ *March* or as soon as practicable thereafter, a town sergeant, who shall also be chief of police; and shall hold office at the pleasure of the council. ~~His~~ *The town sergeant's* duties shall be such as the council prescribes. ~~He~~ *The town sergeant* shall be vested with the powers of a conservator of the peace. ~~His~~ *The town sergeant's* compensation shall be fixed by the council.

(18) The council may appoint a trial justice for the town who shall serve at the pleasure of the council and until his successor is appointed by the council and qualifies. He shall be an attorney at law licensed to practice under the laws of the Commonwealth; but he need not be a resident of the town.

The trial justice is hereby vested with all the power, authority and jurisdiction and charged with all the duties within and for the town of Haymarket, and in criminal matters for one mile beyond the corporate limits thereof, which are or may hereafter be conferred upon the trial justice by the laws of the State of Virginia; so far as the same may be applicable; and not in conflict with the provisions of this charter; and any amendments of the trial justice laws of this State shall be considered as amendments also of this section of this charter if the same are applicable hereto.

Fees and costs shall be assessed by the trial justice and shall be collected as provided by the laws of the State of Virginia relating to trial justices as the same shall now be or as hereby amended. All fees and costs collected by the said trial justice and all fines collected for violations of all laws and ordinances of the town shall be paid into the town treasury for the use and benefit of the town.

Removals may be taken, and appeals from the decisions of the trial justice may be taken, to the Circuit Court of Prince William County in the same manner, upon the same terms and shall be tried in the same way as removals or as appeals from the decision of trial justices; as the case may be; are provided to be taken and tried by the laws of the State of Virginia, relating to trial justices as the same shall now be or as hereafter amended.

The council may also appoint such clerk or clerks as may in their discretion be necessary, provide for just compensation therefor and provide necessary records.

The council of said town shall provide a salary to compensate such trial justice in such amount and payable at such times as the council shall deem proper, and the council may provide also for a vacation period, either with or without pay, and for such duration, as in the judgment of the council may be proper.

Like provisions may be made for a substitute justice, and when such substitute acts, he shall receive

the compensation which would have been paid him had the principal acted, and which compensation shall be deducted from salary or allowance made to the principal.

The town of Haymarket may combine with the county of Prince William for the use of one trial justice and one substitute trial justice for such combined town and county, in such manner as may be provided by the laws of the State of Virginia relating to trial justices; and if the town of Haymarket and the county of Prince William shall at any time combine for the use of one trial justice and one substitute trial justice for the said town and the said county, the laws of the State of Virginia relating to trial justices, so far as applicable, shall control and not this section of this charter. *[Repealed]*

(19) The council may appoint or select such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties.

(20) All ordinances, resolutions and bylaws passed by the council take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage.

Article IX. Additional Powers.

§ 1. In addition to powers elsewhere mentioned in this charter and the powers conferred by general law and the Constitution, the town shall have the following powers:

(1) To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent noisome or offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of billboards and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow, and any obstruction.

(2) To extinguish and prevent fires, and to establish, regulate and control a fire department or division; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired; and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblages, entertainments or amusements. *[Repealed]*

(3) To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline, and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town. *[Repealed]*

(4) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs, and prevent the introduction and sale in said town of any articles or thing intended for human consumption which is adulterated, impure, or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for the town, with authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the State and the United States. *[Repealed]*

(5) To provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers. *[Repealed]*

(6) To provide and maintain, either within or without the town, charitable, recreative, curative, corrective, detention or penal institutions.

(7) To regulate poultry or other fowl, hogs, dogs or other animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations

and penalties as the council may think proper.

(8) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, the setting off of fireworks or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby; and to prohibit and punish the abuse of animals. *[Repealed]*

(9) To establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers as may be deemed advisable.

(10) To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety of the town from coming to town from without the same; and to expel therefrom any such person who has been in the town less than twelve months. *[Repealed]*

(11) To exercise full police powers and establish and maintain a department or division of police.

(12) To restrain and punish drunkards, vagrants, and street beggars; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill fame and gambling houses and punish operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the town; to prevent and punish lewd, indecent, and disorderly exhibitions in the town. To prohibit and punish gambling and betting disturbances of the peace, disorderly conduct, and public swearing and cursing, within the town. *[Repealed]*

(13) To prohibit and punish mischievous, wanton, or malicious damage to school, church, and public property, as well as to private property. *[Repealed]*

(14) To prohibit minors from and punish them for frequenting, playing or loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same. *[Repealed]*

(15) To compel persons sentenced to confinement in jail for any violation of the laws or ordinances of the town to work on the public streets, parks, or other public works of the town; and on the requisition of the Mayor it shall be the duty of the sergeant of the town or the sheriff of Prince William County to deliver such persons to the duly authorized agent of the town for such purposes from day to day as they may be required. For the purpose of carrying into effect the police regulations of the town, the town shall have the use of the county jail of Prince William County for the safe keeping and confinement of all persons who shall be sentenced to Imprisonment under the ordinances of the town. *[Repealed]*

(16) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

(17) To pass and enforce all by-laws, rules, regulations, and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of the citizens and their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court of officers, thereof or which may be a necessary incident to a municipal corporation.

(18) To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, government, peace, health, trade, commerce, or industries of the town, or its inhabitants.

(19) To offer and pay rewards for the apprehension of criminals.

(20) To provide by ordinance a system of meat and milk inspection, and appoint milk and meat inspectors, agents, or officers to carry the same into effect; to prevent, license, regulate, control, and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges; and to provide reasonable penalties for the violation of such ordinances. *[Repealed]*

(21) To establish, organize, administer or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State. *[Repealed]*

(22) To inspect, test measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures, and scales. *[Repealed]*

(23) To make and enforce ordinances, insofar as not prohibited by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise. *[Repealed]*

(24) To require every owner or operator of motor vehicles residing in the town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the

305 same by making application to the treasurer of the town, or such other person as may be designated by
306 the council; to issue such license, and to require the owner to pay the annual license fee therefor to be
307 fixed by the council, provided that the license fee shall not exceed the amount charged by the State on
308 such machines. The council shall have the right to require the operator of the motor vehicle to attach a
309 proper license plate on a conspicuous part of the motor vehicle and to keep same thereon in plain view
310 for common observation. The council may prorate such license fee over periods of not less than three
311 months. *[Repealed]*

312 (25) Insofar as not prohibited by general law, to control, regulate, limit and restrict the operation of
313 motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of
314 automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the
315 town to be used by motor vehicle carriers operating in and through the town and to prescribe different
316 routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to
317 prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare
318 and safety. *[Repealed]*

319 (26) To make and enforce and effect by ordinances any and all the laws of this State.

320 (27) To put into force and effect by ordinances any and all the foregoing powers, and any other
321 powers and authority of the council given by this charter, or any State law, or any amendments thereto;
322 and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any
323 provision of this charter, the penalty not to exceed five hundred dollars (\$500.00) fine or twelve months'
324 imprisonment in jail, or both. *[Repealed]*

325 (28) The enumeration of particular powers by this charter shall not be deemed to be exclusive, and
326 in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such
327 powers, it is intended that the Town council shall have and may exercise all powers which, under the
328 Constitution and laws of this State, it would be competent for this charter specifically to enumerate.

329 Article XI. Miscellaneous.

330 § 1. (1) If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a
331 court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the
332 remainder of the act, but shall be confined in its operation to the part of the act directly involved in the
333 controversy in which the judgment shall have been rendered.

334 (2) This act may be referred to or cited as the Haymarket Charter of 1950 2022.

335 2. That § 2 of Article III, § 1 of Article VIII, and § 1 of Article X of Chapter 540 of the Acts of
336 Assembly of 1950 are repealed.