

Chapter C

CHARTER

§ C-1. Election and appointment of officers, etc.¹²

There shall be elected by the qualified voters of said Town every two years, on the first Tuesday in May of every even-numbered year, one elector thereof, who shall be denominated the Mayor, and six electors, who shall be denominated the Councilmen of said Town; the Mayor and six Councilmen shall constitute the Council of said Town. The Town Council may appoint a Treasurer, Commissioner of Revenue and shall have the authority to employ a Town Clerk, a Town Manager, and the same person may serve in one or more of such capacities, and whenever deemed wise a health or sanitary officer, and such other officers as it may deem wise and necessary for the proper conduct of the government of said Town, and appoint committees and boards, and prescribe and fix their duties, and shall have power to fix the salary and compensation of said Treasurer, Town Clerk, Town Manager and such other officers, necessary, but such compensation shall be fixed by said Council before the officer chosen shall assume the duties of his office. (1980 Acts, ch. 43)

§ C-2. Repealed by 1980 Acts, ch. 43.

§ C-3. Repealed by 1980 Acts, ch. 43.

§ C-4. Terms of office; vacancies.

The Mayor and members of Council shall enter upon the duties of their office on the first day of July, next succeeding their election, and shall continue in the office until their terms have expired, and their successors shall have been elected and qualified. In case of a vacancy in the office of Mayor, or Councilmen, elected by the electors of said Town, caused by death, resignation or otherwise, such vacancy shall be filled by a majority vote of the Town Council from the electors of the Town for the unexpired term. (1980 Acts, ch. 43)

-
- 1. Editor's Note: Printed herein is the Town Charter, as contained in the order of the Circuit Court of the County of Appomattox of June 2, 1925, granting a Charter to the Town of Appomattox. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets. The Circuit Court order establishing the corporate entity and the current territorial limits are set out as Appendixes A and B to the Charter.**
 - 2. State law reference: Election of Mayor and Council for cities and towns, Code of Virginia § 24.2-222.**

§ C-5. Mayor's authority, duties and right to vote.

The Mayor shall preside over the meetings of the Town Council and shall have the same right to speak therein as the Councilmen. However, he shall not have the right to vote except in the case of a tie, in which event he shall be entitled to cast one vote. He shall be recognized as the head of the Town for all ceremonial purposes, the purposes of military law and the service of civil process. (2008 Acts, ch. 286)

§ C-6. Enactment of ordinances and veto power of Mayor.

Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the Mayor. If he approves, he shall sign it, but if not, he shall return it to the Clerk of the Council; and the Council shall enter the objection at length on its journal and proceed to reconsider it. If after such reconsideration two-thirds of all the members elected to the Council shall agree to pass the ordinance or resolution, it shall become operative, notwithstanding the objections of the Mayor. If any ordinance or resolution shall not be returned by the Mayor within five days (Sunday excepted), and after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the Council shall expire within the said five days.

§ C-7. Appointment of Town Manager; powers and duties of Town Manager.

There shall be a Town Manager who shall be the chief operating officer of the Town and shall be responsible to the Town Council for the proper administration of the Town government. He shall be appointed by the Town Council for an indefinite period and shall hold office during the pleasure of the Town Council. The Town Manager shall also have the following duties and powers, subject to the approval of Council:

1. To see that all laws and ordinances are enforced.
2. To exercise supervision and control over all administrative departments and divisions.
3. To attend all regular meetings of the Town Council, with the right to take part in the discussion, but having no vote.
4. To recommend to the Town Council for adoption such measures as he may deem necessary or desirable.
5. To keep the Town Council advised as to the present and future needs of the Town and as to all operations of its government.
6. To perform all such duties as may be prescribed by the Charter, or be required of him by the Town Council.

(2008 Acts, ch. 286)

§ C-8. Repealed by 2008 Acts, ch. 286.**§ C-9. Mayor's annual report to Council.**

The Mayor shall communicate to the Town Council annually, at the beginning of each fiscal year, or oftener, if he be required, a general statement of the condition of the Town in relation to its government, finances and improvements, with such recommendations as he may deem proper; and may from time to time communicate to the Council such suggestions and recommendations as he shall deem proper.

§ C-10. President pro tempore.

In case of the absence or inability of the Mayor, the president pro tempore of the Council, to be chosen by a majority of the Council present at a legal meeting, or in his absence or inability some other member of the Council chosen in the same manner, shall possess the same power and discharge the municipal duties of the Mayor during such absence or inability.

§ C-11. Oath of office; bonds.³

Every person elected a Councilman of said Town shall take an oath faithfully to execute the duties of his office, to the best of his judgment; the person elected Mayor shall take the oath prescribed by law for state officers, and the person appointed Treasurer shall likewise take the same form of oath as the Mayor, and shall give bond, with corporate surety, in a penalty to be fixed by the Town Council, payable to the Town by its corporate name, and with condition for the faithful discharge of his duties, and it shall be his especial duty to collect all taxes and levies of the Town, receive all fines, for the violation of the Town ordinances, receive all license fees and tax imposed by the Town Council, issue all licenses and keep accurate account of the same, and publish a statement of all collections and disbursements of said Town, and not in conflict with the general law of the State of Virginia. (2008 Acts, ch. 286)

§ C-12. General powers of Council.⁴

The Council of said Town, shall have power to lay off streets, walks, and alleys, construct, alter, improve and light the same and keep the same in good order, and assess the adjacent owner or owners with such amount as it may deem best for local improvements to the extent permitted by the Constitution of Virginia and the general laws of this state, to lay off public grounds and provide all buildings proper for the Town; to provide a prison house; to prescribe the time for holding markets and regulate the same; to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and cause any nuisance to be abated; to regulate the keeping of gun powder and other combustibles, and provide magazines for the

3. State law reference: Form of general oath required of officers, Code of Virginia § 49-1.

4. State law reference: Assessments for local improvements, Code of Virginia § 15.2-2404 et seq.

same; to provide in or without the Town water works and places for the interment of the dead; to prevent the pollution of water and injury to water works, to make regulations for the protection of the public health, to make regulations for the purpose of guarding against danger from accidents by fire, to provide for the weighing or measuring of hay, coal and other articles for sale, and regulate the transportation thereof through the streets; protect the property of the Town and its inhabitants, and preserve peace and good order therein. For carrying into effect these and other powers, they may make ordinances and by-laws, and prescribe fines or other punishments for violation thereof, as permitted by general law.

The Town shall have all powers that may be conferred upon or delegated to Towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in Code of Virginia §§ 15.2-1100 - 15.2-1132. (1980 Acts, ch. 43)

§ C-13. Public streets, alleys and walkways.

All streets, cross streets, roads and walkways, which have already been laid off and opened to the public, by the proper authorities, and now used by the public as such, and all streets, cross streets, alleys, roads and walkways, which may have heretofore been opened and used as such according to law, or which may, at any time be located, surveyed and opened in said Town, or any extension of the same, within the corporate limits of the Town, shall be and they are hereby established as public streets, alleys, roads and walkways of the Town.

§ C-14. Dedication of streets, alleys and walkways.

Any street, alley, or walkway heretofore or hereafter reserved or laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the Town, by a plan or plat of record, shall be deemed and held to be dedicated to public use as and for public streets, alleys or walkways, as the case may be, of the Town, unless it appears by said record that the street, alley or walkway so reserved is designated for private use, and whenever any street, sidewalk, alley, walkway, or lane in the Town shall have been opened and used as such by the public for the period of five years the same shall thereby become a street, alley, walkway or lane for public purposes, unless notice of the contrary intention on the part of the land owner be given in writing to the Mayor of the Town, who shall report the receipt of such notice to the Council that it may be spread on the journal; and the Council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, and walkways and lanes laid out by them.

§ C-15. Quorum and procedures of Council; tax and debt limits.⁵

The Council of the said Town, four members whereof shall constitute a quorum for the transaction of business, may adopt rules for the regulation of their proceedings, but no tax shall be levied or corporate debt contracted unless by a vote of two-thirds of the Council, which vote shall be taken by the yeas and nays, and recorded on the journal, and such debt shall be subject to such limitation as to amount as provided in the constitution and general laws of the Commonwealth of Virginia. The Mayor shall preside over the Council, and when he is absent they [it] may appoint one of their number president pro tempore. A journal shall be kept of their proceedings, and at the request of any member present, the yeas and nays shall be recorded on any question. At the next meeting, the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not present, by the person presiding when they were read. (1983 Acts, ch. 315, § 1)

§ C-16. License taxes.⁶

In addition to the state tax on any license, the Council of said Town may, except when prohibited by general law, on anything for which a license is so required in said Town, or deemed necessary by the Council, impose a tax for the privilege of doing the same, and require a license to be obtained, and said Council may, in any case in which they see fit, require from the person or corporation or firm so licensed bond, with sureties in such penalty, and with such condition as they may deem proper, or make other regulations concerning the same. They may also impose a tax and require a license to be obtained on all automobiles operated in said Town, owned by persons, firms or corporations living within said Town, and for the privilege of keeping in the Town for hire any automobiles, auto-bus, truck or other wheeled carriage. (Acts 1958, ch. 93)

§ C-17. Powers of Council generally.⁷

The Council of said Town shall have power and authority to organize and maintain one or more fire companies; to restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality, obscenity, and profanity; to preserve peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses, to prevent lewd, indecent, and disorderly conduct or exhibitions in said Town, and to expel therefrom persons guilty of such conduct; to prevent, forbid and punish the storing, transporting, selling, making and giving away of intoxicating liquors and beverages; to control and regulate the sale of, and control the firing of guns, pistols and other firearms and fireworks in the said Town; to regulate the use, speed and

5. State law reference: Procedure of Town Councils, levy of taxes, Code of Virginia § 15.2-1400 et seq.

6. Editor's note: Vehicles subject to local registration are described in Code of Virginia § 46.2-752. State law reference: Local license taxes, Code of Virginia § 58.1-3700 et seq.

7. Editor's note: Code of Virginia § 15.2-915, restricts the local control of firearms.

parking of cars and vehicles on the streets of said Town, and running of horses; and the running at large in the limits of said Town of hogs, cows, horses, mules and other animals, and other disorders, and may make such rules and regulations, and fix such punishment for the violation thereof, and prohibit and punish the doing of all other things prohibited by state law, as may be deemed proper and not in conflict with the statute laws of the State of Virginia.

§ C-18. Repealed by 1983 Acts, ch. 315, § 2.

§ C-19. Road district and road tax.

In consideration that the said Town shall work and keep in order all streets, alleys and roads within its corporate limits, except state highways, the residents and property therein shall be exempt from the payment of all county and district road taxes heretofore or hereafter charged and levied against the same, and for this purpose the Council of said Town may impose a tax on all property mentioned under § C-20 hereof, not to exceed thirty-five cents on the one hundred dollar value thereof, which shall be in addition to the tax levy authorized in §§ C-17 and C-20 hereof, and the Town of Appomattox shall constitute a separate road district in the County of Appomattox.

§ C-20. Special license tax on shows, etc.

The said Council shall also have power to impose a special license tax on all shows, performances and exhibitions which may be given in said Town (except for schools, religious and literary entertainments) and jurisdiction of the corporation authorities of said Town for the purpose of imposing and collecting said license tax on shows, performances and exhibitions shall extend one mile beyond the corporate limits thereof.

§ C-21. Powers and jurisdiction of members of Council.⁸

§ C-22. Creation of bonded indebtedness.

The Council of the Town shall have authority to create bonded debts in the name of the Town as provided in the Constitution and general laws of the Commonwealth of Virginia, for such purpose. (1978 Acts, ch. 100)

§ C-23. Enactment of ordinances.

For carrying into effect the powers granted by this Charter and general laws of this state, the Town Council may make ordinances and by-laws, and prescribe the fines and other punishment for violation thereof, but no general ordinance or by-laws or regulation having the effect of an ordinance shall become operative until published in some newspaper published in the

8. Editor's Note: The provisions of this section, concerning the judicial powers of the Mayor and Town Council, have been deleted since they were superseded by state law reorganizing the judicial system of the state.

Town, or until publicly posted in the Town at such place or places as the Council may direct, but any ordinance establishing a Town code shall be taken as duly published when copies thereof have been printed and made available for the public.

§ C-24. Use of county jail.⁹

The Town of Appomattox shall have the use of the jail of the County of Appomattox to aid the constituted authorities of said Town in maintaining peace and good order, and generally for the enforcement of its ordinances and by-laws, unless for good cause the judge of said county shall prohibit such use.

9. State law reference: County to provide jail, Code of Virginia § 15.2-1638.