

PART I

CHARTER*

* **Editors Note:** Printed herein is Acts 1926, chapter 163, as adopted by the General Assembly of Virginia, and approved on March 17, 1926. Amendments to the act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings 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.

State Law References: Charter not affected by local government law, Code of Virginia, §§ 15.2-100, 15.2-1103.

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Sec. 1. Town incorporated; powers generally.

The Town of Shenandoah, in the County of Page, shall continue to be a town corporate, in the name and style of the Town of Shenandoah and as such shall have and exercise all the powers conferred upon towns of less than five thousand inhabitants by the general laws of this state concerning towns now in force or that hereafter may be enacted for the government of towns so far as the same are not inconsistent with this act [this Charter].

Sec. 2. Boundaries.

The boundaries of said town shall be as follows: Beginning on the east side of the Shenandoah River, at the corner between D. W. Wyant and Shenandoah Iron and Lumber Mining and Manufacturing Company; thence north thirty-nine east, one hundred and fifty-five and two-tenths poles, to a large pine tree near a pond, and east of the Gem furnace; continuing the same course one hundred and seventy-nine and four-tenths poles in all, to a bunch of white oaks north twenty-five west, eight-tenths of a pole from a stake, corner to J. H. Pollard's acre lot; thence north fourteen and three-fourths west, one hundred and thirty-five poles to a locust tree on a hill; the same course continuing and forty-one eightieths mile to a stake on the line between Dovel and Singlinger; thence north seventy-eight west, one hundred and fifty-six poles to the corner between William Peters and George Kite, at the river; thence up the river to the beginning.

Sec. 3. Government vested in town council; composition of council and qualifications of members.

The government of said town shall be vested in a town council, which shall be composed of the mayor and six councilmen, each of whom shall be a qualified voter within the said town.

Sec. 4. Election of mayor; term of office.

The mayor shall be elected on the first Tuesday in May, nineteen hundred seventy-four, and every two years thereafter, and shall hold office for two years from the first day of July next succeeding his election.

(Acts 1962, ch. 124, § 1; Acts 1972, ch. 108, § 1)

Sec. 4.1. Election and term of councilmen--Prior to 1974.

Six councilmen shall be elected on the second Tuesday in June, nineteen hundred sixty-three,

and shall hold office from the first day of September next succeeding their election for the following terms: the three candidates for councilman receiving the largest number of votes shall hold office for terms of four years each, and the three candidates for councilmen receiving the next highest number of votes shall hold office for terms of two years each; and each two years thereafter, three councilmen shall be elected to hold office for terms of four years from the first day of September next succeeding their election.

(Acts 1962, ch. 124, § 1)

Editors Note: This section should be construed in pari materia with section 4.2 and with Code of Virginia, § 24.2-222, which provides, in pertinent part, that "Except as provided in Code of Virginia, § 24.2-222.1, and notwithstanding any other provision of law, general or special, . . . any election of mayor or councilmen of a city or town whose charter provides for such elections at two-year or four-year intervals shall take place at the May general election of an even-numbered year"

Sec. 4.2. Same--Beginning 1974.

Notwithstanding the provisions of section 4.1, there shall be six councilmen, who shall serve four-year staggered terms as provided in section 4.1; three of whom shall be elected on the first Tuesday in May, nineteen hundred seventy-four, and shall hold office from the first day of July following their election, and three of whom shall be elected on the first Tuesday in May, nineteen hundred seventy-six and shall hold office from the first day of July following their election.

(Acts 1972, ch. 108, § 1)

Sec. 5. Appointment, qualification, bonds and terms of town officers; filling vacancies.

The council shall appoint a clerk and town sergeant, and if they deem it advisable a deputy town sergeant, and also a town treasurer and such other officers as the council may deem necessary and proper, all of whom shall hold office at and during the pleasure of the council, and said officers shall qualify and execute bonds in the manner prescribed by resolution of the council, and the council shall have power to fill the vacancy in any of these offices created by death, resignation, removal or otherwise.

(Acts 1999, SB 726, § 1)

Sec. 5a. Appointment of justice of the peace; term; powers generally; compensation; substitute justice.

The council of the said Town of Shenandoah shall at its first meeting in September in the year in which its members are elected appoint a justice of the peace for the said town, who shall be an elector of said town, and who shall enter upon the duties of his office immediately upon qualification in the manner prescribed by law for the qualification of justices of the peace, and shall continue in office until his successor shall have been appointed and qualified. His term of office shall be coincident with that of the other officers of said town. The said justices of the peace shall be clothed with all the powers, authority and jurisdiction in both civil and criminal matters within said town as are now vested in and conferred upon the mayors of incorporated

towns of this Commonwealth by the general laws of the state, and an appeal shall lie to the circuit court of Page County in all cases and in the same manner in which appeals are now granted and taken from the decision of the mayors of towns. The said justices of the peace shall receive as compensation for his services the same fees that are allowed by law to justices of the peace, and such other compensation as the town council may prescribe.

If for any reason the said justice of the peace shall be unable to perform the duties of his office, or shall be absent from the County of Page, the council of said town may appoint some other person as a substitute for said justice of the peace, who shall act in his place and stead during such time as said justice of the peace shall be unable to perform the duties of his office, or shall be absent from the said County of Page.

(Acts 1928, chs. 301, § 1, and 347, § 1; Acts 1932, ch. 318, § 1)

Editors Note: The office of justice of the peace has been abolished; see Code of Virginia, § 19.2-30. Attention is invited to Code of Virginia, § 16.1-69.7 which provides that on and after July 1, 1973, there shall be in each city and in each county a general district court and a juvenile and domestic relations district court. Code of Virginia, § 16.1-69.8(d) provides that the municipal court or other court, however called, having general civil and criminal jurisdiction in any town shall be abolished, and all jurisdiction and power conferred upon any such court shall pass to the general district court and juvenile and domestic relations district court of the county wherein the town is located. Code of Virginia, § 16.1-69.1 provides that all provisions of municipal charters inconsistent with Code of Virginia, title 16.1 are, except as otherwise provided, repealed to the extent of such inconsistency.

Sec. 6. Mayor--Chief executive officer of town; without judicial powers.

The mayor shall be the chief executive officer of the town, and shall by virtue of his office possess no power, authority or jurisdiction to try violations of the ordinances of the town or to act as a justice of the peace in either civil or criminal matters, and all such power, authority and jurisdiction as is customarily exercised by the mayor of towns shall be vested in a justice of the peace to be appointed by said council as herein more fully set forth.

(Acts 1928, chs. 301 and 347; Acts 1932, ch. 318, § 1)

Editors Note: The office of town justice of the peace has been abolished. See the editor's note under § 5a.

Sec. 7. Same--Salary.

The salary of the mayor shall be fixed by the town council.

(Acts 1928, chs. 301 and 347; Acts 1952, ch. 473, § 1)

Sec. 8. Same--To preside over council; right to vote.

The mayor shall preside over the council, but shall have no vote except in the case of a tie.

Sec. 9. Same--Filling of vacancy.

In case a vacancy shall occur in the office of mayor the vacancy shall be filled by appointment by the council of anyone eligible to such office.

Sec. 10. Election of president pro tempore in mayor's absence.

If the mayor be absent during any meeting of the council, it shall elect one of its number as president pro tempore.

Sec. 11. Public utilities--Acquisition, maintenance, etc., of waterworks and other utilities.

The Town of Shenandoah shall have the right to maintain, operate, acquire, construct and keep waterworks and electric plants, and any other plants or property which towns have the right to conduct, maintain, acquire, operate and construct under the general laws of this state.

Sec. 12. Same--Appointment of officers; establishment of regulations; fixing of rates.

For the purpose of properly conducting its waterworks, electric plant and other public works, the council may employ such officers, agents and employees as it may deem necessary, and fix the compensation of the same; may promulgate and establish such rules and regulations in regard to the use and maintenance of such water, water systems, electric plant and public works as it thinks best; may fix the rates for the use of water, electricity, et cetera, from its works, and provide for the collection of the same; may change and alter the rates at any time, without notice; and the council shall be the sole judge of the rates to be charged for such service; and the council is granted all the powers which a municipal corporation has in the operation of its public works.

Sec. 13. Sewers and sewage systems.

The town may construct, maintain and operate sewers and sewage systems, and charge for connections therewith, and the use thereof such rates as the council may deem proper, and may change the same from time to time. The council may establish and promulgate any rules and regulations in regard to the connection, or continued use thereof as it may deem proper; may refuse any connection, and disconnect the same if for any reason the connection, or continued use thereof, becomes inimical to the public welfare, or detrimental to the sewerage system, or if the charges therefor be unpaid, and the council may be the sole judge when the same is to be disconnected or when the connection is to be refused.

Sec. 14. Town to constitute separate road district.

The Town of Shenandoah shall constitute a separate road district and no property in the town shall be liable for any assessment for road purposes in the County of Page.

Sec. 15. Town to constitute school district; appointment and term of trustees.

The Town of Shenandoah shall continue to be a single and separate school district, under the name and title of Milnes school district, and the council shall have the power to appoint three

school trustees to serve, one, two and three years, respectively, and annually thereafter it shall appoint a school trustee for said district to serve for three years.

Editors Note: The above section should be construed in the light of Code of Virginia, title 22.1, chs. 4 and 5 (Code of Virginia, § 22.1-25 et seq.).

Sec. 16. Appointment of additional policemen.

If at any time the mayor shall believe that an emergency exists, or that it is necessary for the good order and preservation of the laws that additional policemen be provided, he shall have the right to furnish and qualify such additional policemen, whose compensation shall be fixed by the council.

Sec. 17. Bonded indebtedness.

The bonded indebtedness of said town shall be limited to the provisions of the present Constitution of Virginia, and the manner of creating same shall be in accordance therewith.

Sec. 18. Adoption of ordinances.

All ordinances of the town, must, before becoming effective, be enacted by a majority vote of the council, and be approved by the mayor, and if disapproved by the mayor, shall become effective, only upon the affirmative vote of the council by at least four members thereof entered of record.

Sec. 19. Duties of town clerk.

It shall be the duty of the town clerk to keep a correct and proper record of the proceedings of the council, and to publish in such manner as the council may indicate, the bylaws, ordinances and resolutions that may from time to time be adopted. He shall, under such ordinances and resolutions as the council may adopt, issue licenses to all persons engaged in a pursuit, business, occupation, calling, profession or other purpose for which a license shall be required, shall prepare the tax tickets, and shall perform such other duties as may be required of him by the council and by the provisions of this act [this Charter], for which services he shall receive such compensation as the council may determine to be right and proper.

(Acts 1952, ch. 473, § 1)

Sec. 20. Duties of town treasurer.

The treasurer of said town shall be the disbursing agent of the town and may have the custody of all moneys. He shall receive all moneys belonging to and received by the town and keep a correct account of all receipts from all sources and expenditures of all departments. He shall collect all taxes and assessments, light bills, water rents, and other charges belonging to and payable to the town, and for that purpose he is hereby vested with any and all powers which are now or may hereafter be vested in county and city treasurers for the collection of county, city and state taxes under the general law.

(a) No money shall be paid out by the town treasurer except by order of the council and upon a warrant of the clerk of the council, countersigned by the mayor.

(b) He shall keep and deposit all moneys or funds in such manner and only in such places as may be determined by ordinance.

(c) He shall annually at the end of each fiscal year publish, either in a newspaper published in Page County or by posting in front of the treasurer's office, a statement showing all

the receipts and income of the said town and from what source, and all disbursements made and for what purpose.

(d) He shall make such other reports, from time to time, as may be required by ordinance or by resolution of the council.

(e) His compensation for the performance of his duties shall be fixed by the council.

(Acts 1952, ch. 473, § 1)

Sec. 21. Powers and duties of town sergeant.

The town sergeant shall be a conservator of the peace, and in civil cases that may rise within the corporate limits of the town he shall be vested with all the powers which the general laws of this state confer upon sheriffs; his jurisdiction as a police officer, except as otherwise provided by law, shall extend one mile beyond the corporate limits. He shall possess the like right of distress and power in collecting municipal taxes possessed by a sheriff in collecting state and county taxes. He shall receive as compensation for the discharge of his duties, unless otherwise ordered, the same fees as a sheriff, and he may receive such other compensation as may be

prescribed by the town council.

(Acts 1928, chs. 301 and 347; Acts 1952, ch. 473, § 1)

Sec. 22. Clerk, treasurer and sergeant to be under control of council; removal.

The clerk, treasurer and sergeant shall be under direct control of the council, and shall perform such other duties as may be required of them by this act [this Charter] and by resolutions or ordinances of the council. And they shall be subject to removal by a vote of at least four members of the council for incompetence, misconduct or negligence of duty, after reasonable notice.

Sec. 23. Council--Meetings; quorum.

The council shall have regular or stated meetings twice a month, at such time as shall be fixed by their body, and such extra or special meetings as may be called by the mayor or by three other members of the council, for the transaction of stated or special business; but the purpose for which a special or extra meeting is called must be stated in writing. Four members of the body shall constitute a quorum for the transaction of any business.

Sec. 24. Same--To judge election and qualifications of members; power to fill vacancies.

The council shall be the judge of the election and qualification of its members, and it shall have the power to fill all vacancies in its own body and in any other office of the town, for the unexpired term.

Sec. 25. Same--Election of committees.

The council may elect such committees for the various departments of the town as it may desire from its members. The committees shall be elected at the regular meeting in September, nineteen hundred and twenty-seven, and vacancies shall be filled by the council as they occur.

Editors Note: The mayor-elect and councilmen-elect now take office on the first day of July of even-numbered years, and the current procedure of the council to hold its organizational meetings accordingly. See §§ 4--4.2.

Sec. 26. Same--Powers enumerated.

The town council may make ordinances and bylaws for carrying into effect the provisions of this act [this Charter]; may enact ordinances to secure and promote the general welfare of the inhabitants of the town, including the right to appropriate and pay over to any person, firm, corporation or association, as an inducement for the location of any plant, manufacturing establishment or industry within its corporate limits, such reasonable sum or sums as may be necessary for such purpose, or, in lieu of such payment or in addition thereto, to acquire such lands and buildings, or to acquire such lands and erect such buildings thereon, as may be necessary for the use of such plant, establishment or industry, and to lease or sell such land and buildings to such person, firm, corporation or association at such price and on such terms and conditions as it may deem advisable; may prescribe fines and other punishments for the violation of any of the ordinances of the town; may levy and impose privileges and all other kinds of taxes not prohibited by state law; provided, that said tax levy shall be laid at the first regular meeting of the council in August, or as soon thereafter as possible; may prevent any animals or fowls from running at large on the streets of the town, and subject such animals or fowls to such confiscation, penalties, et cetera, and impose such fines on the owners thereof, as it may deem proper; may impose taxes not prohibited by the general laws on all animals in the town; may prohibit cruelty to animals or fowls, and provide penalties therefor; may restrain and punish beggars, peddlers and vagrants; may prevent and disperse riots;[,] disturbances and unlawful or disorderly assemblages; may suppress houses of ill fame and bawdy houses, and may provide that upon evidence of general reputation that such houses, or other places, are used for the purpose of lewdness, the same shall be abated as nuisances; may punish and prohibit wagering and betting regardless of the amount won or lost; may prevent or restrain indecent or lewd conduct, pictures or exhibitions in the town; may prohibit immoral and lewd picture shows, or motion pictures calculated to injure the morals of the town; may prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town; may offer rewards for the apprehension of persons committing felonies in the town, not to exceed one hundred dollars in each case; to prescribe rules and regulations for the location and orderly building of blacksmith shops, garages, and all other shops, structures and control or prevent the storage of firecrackers, gunpowder or other works manufactured or prepared therefrom, kerosene oil, gasoline, or other combustible materials.

To compel the abatement and removal of all nuisances within the said town at the expense of the person or persons causing the same or the owner or occupant of the ground or premises wherein the same may be found, and to require all lands and 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 at the expense of the owners or occupants thereof; to regulate or prevent slaughterhouses or other noisome and offensive business within the town and generally to define, prohibit, abate and suppress and prevent all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants.

(Acts 1938, ch. 11, § 1)

Sec. 26a. Organization and maintenance of volunteer fire department; police powers of fire chief and wardens.

The town council may organize and maintain a volunteer fire department for the purpose of extinguishing fires and protecting the buildings and property located within said town from destruction by fires and conflagrations; and said council may enact ordinances and regulations for the control and regulation of said fire department.

The council of said town shall annually at the first meeting in September elect or appoint for said fire department a principal engineer, who shall be designated chief of the fire department, and at the same time shall elect or appoint four fire wardens, and the duties of said officers shall be such as are prescribed under the general laws of the state and the ordinances of said Town of Shenandoah. In addition to the above powers and duties, the said fire chief and four wardens,

when on active duty in attendance upon a fire, shall have the authority and power to make arrests for the violation of any state law or town ordinance, and to said extent are hereby constituted special police of said town.

(Acts 1932, ch. 318, § 1)

Sec. 27. Capitation tax.

The council may impose a tax of fifty cents per annum upon the residents of the town, male and female, who have attained the age of twenty-one years.

Editors Note: The constitutional authority and the statutory authority for the above section have been repealed.

Sec. 28. Licensing.

The town council may require a license tax for anything for which a state license tax is required, and for which under the general laws of the state a license tax may be required by a city or town

and in addition thereto, within the limitations imposed by the Constitution and laws of the state and of the United States, the council may impose a license tax on any business or thing carried on or done in the town, whether a license tax is required therefor by the state or not.

Sec. 29. Laying of sewers, sidewalks, etc., levy and collection of special assessments therefor.

The said council shall have the power, whenever they deem it expedient, to lay sewers and to have the sidewalks, footways, and gutters along any street or alley in said town, as of such width as they may prescribe, properly paved or otherwise suitably improved, altered or repaired, as they may think fit, and for such purpose may lay and levy and collect a special tax from the abutting property owners, the town shall bear one-half of the expense of constructing new sidewalks and other improvements and conveniences above specified, and such abutting property owners shall be assessed to pay the other half, which assessment shall be proportioned to the number of feet that such property fronts the said improvements or conveniences. Such special tax shall be collected in the same manner as other taxes are collected, and in all cases where a lessee or tenant shall pay such special tax it shall be an offset or credit against a like amount of rent then due or that may thereafter accrue.

Sec. 30. Bonds.

The town council shall have the power and authority, without reference to a vote of the people,

to provide by ordinance for the issuance of new bonds, for the redemption and liquidation of any lawfully issued bonds, when they fall due, become subject to call, or can for any reason be refunded or redeemed. Said new bonds shall not exceed in amount the original bonds to be redeemed, liquidated, or refunded, may be registered, serial or coupon, and shall be sold, at not less than par, to the highest bidder for cash; provided, that no such new bonds shall bear a higher rate of interest than six per centum per annum; and provided, further, that the proceeds of the sale of the new bonds so issued shall be used only in the payment of the old bonds, which are subject to call, redemption or can otherwise be refunded or redeemed. Such bonds shall be paid in lawful money of the United States and a sinking fund shall be created and maintained sufficient to redeem such bonds at maturity, and be applied to such redemption and to no other purpose.

Sec. 31. Regulation of buildings and building lines.

The council shall have the right, in certain localities and upon certain streets to be named by them, to prescribe and locate building lines, and regulate the height and construction of buildings and require building permits for the regulation of the same; and to make regulations regarding the building and construction of houses in the town.

Sec. 32. Licensing and regulating shows, circuses, etc.

The council shall have the right to license and regulate the holding and location of shows,

circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of the same or any of them within the town.

Sec. 33. Prohibition ordinances.

The council shall have the right to make and enforce ordinances similar to the prohibition laws of the state.

State Law References: Alcoholic beverages, Code of Virginia, § 4.1-100 et seq.

Sec. 34. Removal of snow from sidewalks; skating or riding bicycles thereon.

The council shall have the right to require the owners of real estate abutting upon paved or other improved sidewalks to remove the snow therefrom, to prevent skating or riding of bicycles thereon, and of all other improper uses thereof, and to punish such violation by fine.

Sec. 35. Punishment of offenses.

The town council may, by ordinance, impose punishment for any offense upon which a punishment is imposed by the State of Virginia.

Editors Note: Specific state laws make certain exceptions to the above section.

Sec. 36. Applicability of general laws of state; powers enumerated in Charter not exclusive.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of this state; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of this state to town councils, but not herein specified.

Sec. 37. Ordinances continued in force.

All ordinances now [March 17, 1926] in force in the Town of Shenandoah, not inconsistent with this act [this Charter], shall be and remain in force until altered, amended or repealed by the town council.

Sec. 38. Severability of provisions.

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

Sec. 39. Repealing clause.

All acts or parts of acts in conflict with the provisions of this act [this Charter] are hereby repealed; provided, however, that the present members of the town council, and other officers of the corporation, shall continue in office until the first day of September, nineteen hundred and twenty-seven, or until their successors have qualified.

