

ABINGDON, TOWN OF
County of Washington.

Established, 1778, c. XXII.

Charter, 1803, c. 9.

Charter, 1806, c. 35.

Incorporation and charter, 1834, c. 238.

Charter, 1871, c. 140; repealed 1890, c. 331.

Charter, 1890, c. 331; repealed 1900, c. 171.

Charter 1900, c. 171; repealed 1950, c. 425.

Charter, 1950, c. 425, repealed 1978, c. 76.

Charter, 1978, c. 76.

Chapter 1.

Incorporation, Form of Government and Boundaries.

§ 1.1. Incorporation.--The inhabitants of the territory comprised within the present limits of the town of Abingdon, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Abingdon, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance. (1978, c. 76)

§ 1.2. Form of government.--The municipal government provided by this charter shall be known as the "town manager plan". Pursuant to its provisions, and subject only to the limitations imposed by the Constitution of Virginia and by this charter, all powers of the town shall be vested in an elective council, hereinafter referred to as "the council", which shall enact local legislation, adopt budgets, determine policies, and appoint the town manager, who shall execute the laws and administer the government of the town. (1978, c. 76)

§ 1.3. Boundaries.--The boundaries of the town shall be as established by the annexation order of the Circuit Court of Washington County, Virginia, entered in Law Order Book "S", page 173, on the 17th day of April, 1948, and an order of the Circuit Court of Washington County, Virginia, contracting the corporate limits of the town of Abingdon as entered on November 22, 1950, in Law Order Book 27, page 24, which are incorporated herein by reference and made a part hereof. (1978, c. 76)

Chapter 2.

Powers.

§ 2.1. General grant of powers.--The town of Abingdon shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise, and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation. (1978, c. 76)

§ 2.2. Adoption of certain sections of the Code of Virginia.--The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1978, c. 76)

§ 2.3. Eminent domain.--The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of Abingdon. (1978, c. 76)

Chapter 3. Council.

§ 3.1. Election, qualification and term of office for councilmen.--The town of Abingdon shall be governed by a town council composed of five councilmen, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of councilman. The councilmen in office at the time of the adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for councilmen shall be held on the first Tuesday in May, 1978, and on the first Tuesday in May of every second year thereafter. The councilmen elected the first Tuesday in May, 1978, and thereafter shall enter upon their duties on the first day of July next succeeding their election, and shall each serve for a term of four years or until their successors have qualified. (1978, c. 76)

§ 3.2. Vacancies on council.--Vacancies on the council shall be filled promptly from among the qualified voters of the town, by a majority vote of the remaining members of the council. (1978, c. 76)

§ 3.3. Council a continuing body.--The council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1978, c. 76)

§ 3.4. Mayor.--At its first meeting, the council shall choose by a majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council, have the same right to speak therein as other members and shall have a vote but no veto. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process, and shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. The vice-mayor shall in the absence or disability of the mayor perform the duties of the mayor. In the absence or disability of both mayor and vice-mayor the council shall, by majority vote of those present choose one of their number as acting mayor. (1978, c. 76)

§ 3.5. Vacancy in office of mayor.--A vacancy in the office of mayor shall be filled promptly for the unexpired portion of the term from among the members of council, by a majority vote of the council. (1978, c. 76)

§ 3.6. Meetings of council.--The council shall fix the time of its stated meetings and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be open to the

public. Three members of the council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor, by any three members of the council or by the town manager; provided that the members of the council are given reasonable notice of such meetings, and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. (1978, c. 76)

§ 3.7. Salaries.--The salaries of all councilmen shall be fixed by a commission of five resident taxpayers according to the procedure in § 15.1-939 et seq. of the Code of Virginia. The council is hereby authorized to fix the salaries of all appointed officers and employees of the town. (1978, c. 76)

Chapter 4.

Appointive Officers.

§ 4.1. Appointments.--At the first meeting in July following each councilmanic election, or as soon thereafter as practicable, the council shall appoint: (1978, c. 76)

§ 4.2. Town manager.--A town manager who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the town or the Commonwealth but during his tenure of office shall reside within the town. His duties shall be as prescribed by the council. (1978, c. 76)

§ 4.3. Town treasurer.--A town treasurer, whose duties shall be as prescribed by the council. (1978, c. 76)

§ 4.4. Town clerk.--A town clerk, who also may be the town manager, and/or the town treasurer, whose duties shall be as prescribed by council. (1978, c. 76)

§ 4.5. Town attorney.--A town attorney, who shall be an attorney at law licensed to practice under the laws of the Commonwealth and shall have actively practiced his profession therein for at least five years immediately preceding his appointment. He shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. His duties shall be as prescribed by the council. (1978, c. 76)

§ 4.6. Fire department officers.--Fire department officers, as provided in § 27-13 of the Code of Virginia, 1950, as amended. (1978, c. 76)

§ 4.7. Deputies and assistants.--The council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1978, c. 76)

§ 4.8. Term of office.--Appointees hereunder shall serve at all times at the pleasure of the council and may be dismissed at any time by the council. (1978, c. 76)

§ 4.9. Bonds.--Officers, deputies and assistants shall execute such bonds as may be required by resolution of the council. (1978, c. 76)

§ 4.10. Vacancies of office.--The council may fill any vacancy in any appointive office. (1978, c. 76)

§4.11. Appointment of one person to more than one office.--The council may appoint the same person to more than one appointive office. (1978, c. 76)

§ 4.12. Boards and commissions.--The council may, in its discretion, appoint such boards and commissions as it deems necessary, including the Board of Zoning Appeals. (1978, c. 76)

Chapter 5.

Courts.

§ 5.1. Jurisdiction of courts within the town.--The Washington County General District Court and the Juvenile and Domestic Relations Court, and the Circuit Court of Washington County, or their successors, shall have the same jurisdiction both criminal and civil within the town as provided by law. (1978, c. 76)

Chapter 6.

Financial Provisions.

§ 6.1. Fiscal year.--The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1978, c. 76)

Chapter 7.

Miscellaneous.

§ 7.1. Elections governed by State law.--All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1978, c. 76)

§ 7.2. Applicability outside town.--All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1978, c. 76)

§ 7.3. Ordinances continued in force.--All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the council. (1978, c. 76)

§ 7.4. Severability of provisions.--If any clause, sentence, paragraph or part of 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 the charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1978, c. 76)

§ 7.5. Disclosure of interest.--The council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1978, c. 76)

§ 7.6. Legislative procedure.--Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1978, c. 76)