



In addition to the general grant of powers set forth above, the town shall be empowered to exercise full police powers and to establish and maintain a police department. (1984, c. 212; 2006, c. 263)

§ 4. Administration and Government.--The administration and government of the town of Altavista shall be vested in one body to be called the council of the town of Altavista, which shall consist of seven (7) members, six (6) of whom shall be known as council members and one to be known as mayor, all of whom shall be residents and qualified voters of the said town. The council of the said town shall have power to elect or appoint such other officers as it may deem necessary, and to define their duties, including a town manager, who may or may not be a resident or qualified voter of the said town, who shall, under the control of the council, have the general charge and management of the administrative affairs and work of the said town, and who shall perform such other duties as may be required of him by the council. The said manager shall receive such salary as shall be allowed him by the council, and may be dismissed at any time by the said council. The council may create, appoint, or elect such other departments, bodies, boards, and other officers as are hereinafter provided for, or as are permitted, or required by law to be appointed by the council. (1936, c. 419; 2006, c. 263)

§ 5. The Mayor.--The mayor shall preside over the deliberations of the council and shall have the same powers and rights of voting as other members of the council, but he/she shall have no right of veto; he/she shall be the chief executive officer of the town and shall perform such other duties consistent with his/her office as may be imposed by the council; he/she shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed; he/she shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; he/she shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require; and he/she shall from time to time recommend to the council such measures as he/she may deem needful for the welfare of the town. (1936, c. 419; 1984, c. 212; 2006, c. 263)

§ 6. The Powers of the Council.--The council hereinbefore created shall have full power and authority, except as herein otherwise specifically provided, to exercise herein all of the powers conferred upon the town, and pass all laws and ordinances relating to its municipal affairs, subject to the constitution and general laws of the State and of this charter, and shall have full and complete control of all fiscal and municipal affairs of said town and all of its real and personal properties, and may from time to time amend, re-amend and/or repeal any or all of the said ordinances, for the proper regulation, management, and government of the said town and may impose fines and penalties for the violation or non-observance thereof. (1936, c. 419)

§ 7. Composition of the Council; Vacancies.--The mayor and the six (6) council members shall be elected at large by the qualified voters of the town, and shall be elected on the Tuesday following the first Monday of November of even years. Council members shall serve for terms of four years each.

At the regular municipal election to be held in 2006 and every two years thereafter three council members shall be elected for terms of four years each. The mayor shall serve for a term of four years. The mayor and council members elected in the election of 2004 shall serve out their terms through 2008.

Terms of office shall commence on the first day of January next following their election and the council members and mayor shall continue in office until their successors have been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of the members of said body or any of them. Vacancies in the council shall be filled within thirty days after such vacancy occurs for the unexpired term by a majority vote of the remaining members, except where otherwise inconsistent with the provisions of this charter. (1936, c. 419; 1956, c. 52; 1984, c. 212; 2006, c. 263)

§ 8. Salaries.--The town council shall fix the salaries of the mayor and members of the town council and the appointed officers and employees of the town. The town council is further authorized to establish and fix the salaries of members of boards or commissions of the town. Such salaries shall be subject to the limitations prescribed by all other applicable law and in no event shall an increase in salaries established for the mayor, council, boards, or commissions become effective until the date of commencement of the terms of council members elected at the next regular election. (1936, c. 419; 2006, c. 263)

§ 9. The Meetings of the Council.--The council shall by ordinance adopt such rules as it might deem proper for the regulation of its proceedings and shall meet at such times as may be prescribed by ordinance, provided, however, that it shall hold at least one regular meeting each month. A majority of the council shall constitute a quorum for the transaction of business. The mayor, or any other two members of the council, may call a special meeting of the council upon at least twelve hours written notice of the time, place, and purpose to each member served personally or left at his usual place of business or residence by the town sergeant, and no business shall be transacted by the council in such special meeting which has not been stated in the notice, provided, however, that these regulations shall not apply when all members of the council attend such meeting or waive notice thereof, nor shall it apply to an adjourned session from a regular meeting. No ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes or authorizing the borrowing of money, shall be passed except by the recorded affirmative vote of a majority of all members elected to the council. The meetings of the council shall be public unless the council by a recorded vote of a majority of those present shall declare that a closed session of the council pursuant to the laws of the Commonwealth is required; and citizens may have access to the minutes and records of the council at any reasonable time. (1936, c. 419; 2006, c. 263)

§ 10. Vice-mayor.--At the first meeting after the mayor takes office following his/her election, the council shall elect from its membership a vice mayor. The vice mayor shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor until the next regular councilmanic election. (1936, c. 419; 2006, c. 263)

§ 11. Elections.--The time of holding and the method of conducting municipal elections shall conform to the general laws of the State of Virginia. (1936, c. 419)

§ 12. Bond.--All officers elected or appointed under the provisions of this charter, shall, unless otherwise provided under general law or by this charter, or by ordinance of the council, execute such bond, with such approved corporate security as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the

same with the town clerk before entering upon the discharge of their duties; and in event of default on the part of any bonded municipal officer, the town shall have the same remedies against him and his sureties as are provided for the State in enforcing the penalty of any official bond given to it. (1936, c. 419)

§ 13. Oaths.--All officers elected or appointed under the provisions of this charter shall take the oath of office required by general law before entering upon the discharge of his duties, and if these requirements have not been complied with within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. (1936, c. 419)

§ 14. The Town Clerk.--The town clerk shall be appointed by the council, and shall attend the meetings of the council and shall keep permanent records of its proceedings; he/she shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he/she shall keep all papers, documents and records pertaining to the town, the custody of which is not otherwise provided for in this charter; he/she shall give notice to all parties, presenting petitions, or communications to the council of the final action of the council on such communications or petitions; he/she shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contracts or agreements; he/she shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he/she shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he/she shall perform such other acts and duties as the council may, from time to time, allow or require. (1936, c. 419; 2006, c. 263)

§ 15. The Town Treasurer.--There shall be appointed by the council one town treasurer who shall hold office during the pleasure of the council; but the present treasurer of the town shall continue to discharge the duties of the office until removed by the council or until his/her successor shall have qualified. Any vacancy in this office shall be promptly filled by the council. The said treasurer shall be the disbursing agent of the town and have the custody of all money and all evidences of value belonging to the town or held in trust by the town. He/She shall receive all money belonging to and received by the town and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He/She shall collect all taxes and assessments, water rents, and other charges belonging to and payable to the town, and for that purpose he is hereby vested with powers similar to these 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; he/she shall keep, disburse and deposit all money or funds in such manner and in such places as may be determined by ordinance or the provision of law applicable thereto; he/she shall pay no money out of the treasury, except in the manner prescribed by this charter or by ordinance or the general law; he/she shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and town license taxes and shall have power to administer oaths in the performance of his/her official duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by this charter or by ordinance or resolution of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be

provided by the council, and before entering upon the duties of his/her office shall execute a bond in such amount and with such security as the council by ordinance may prescribe. The treasurer shall be subject to the supervision of the council of the town of Altavista and shall perform such other duties not inconsistent with his/her office as may be required of him/her by the town council ; and he/she shall make all such reports as may be required by the council. The said treasurer and the town clerk may be one and the same person if the council may deem it more expedient. (1936, c. 419; 2006, c. 263)

§ 16. (1936, c. 419; repealed, 2006, c. 263)

§ 17. Tax Lien on Real Estate.--A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law of the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law. (1936, c. 419)

§ 18. Tax Remedies; Personal Property.--All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession. (1936, c. 419)

§ 19. License Taxes.--License taxes may be imposed by ordinance on businesses, trades, professions or callings and upon the persons, firms, associations and corporations engaged therein, and the agents thereof, except in cases where taxation by the localities shall be prohibited by the general law of the State, and nothing herein shall be construed to repeal or amend any general law with respect to taxation. The council may subject any person, who, without having obtained a license therefor, shall do any act or follow any business, occupation, vocation, pursuit, or calling in the town for which a license may be required by ordinance, to such fine or penalty as it has authority to impose for any violation of its laws. (1936, c. 419)

§ 20. Audit of Accounts.--After the close of each fiscal year an annual audit shall be made of the accounts of all town officers; said audit shall be made by a qualified public accountant selected by the council, who shall have no personal interest, direct or indirect, in the financial affairs of the town or any of its officers or employees. The council may at any time provide for an examination or audit of the accounts of any officer or department of the town government. (1936, c. 419; 2006, c. 263)

§ 21. Subdividing Lands, Dedication of Streets, Recording Plats.--Every owner or proprietor of any tract of land who may hereafter subdivide the same into three or more parts for the purpose of creating a subdivision shall conform to the general laws of the State of Virginia, in the preparation of the plat, laying out and dedication of streets, alleys, and lanes, and recordation thereof, except as herein otherwise provided, but in no event shall the town of Altavista be held responsible for the upkeep of any street, alley or lane, or be held liable for any accidents which may occur upon such streets, alleys or lanes until after the dedication of such streets, alleys or lanes shall have been accepted by or declared by ordinance of the town council. (1936, c. 419)

§ 22. Municipal Securities.--Bonds, notes, and other evidences of indebtedness may be issued by the town for such purposes and in such manner as are prescribed by Chapter 26 of Title 15.2 of the Code of Virginia the Constitution, or any other general statute on the subject of bond issues by towns or the issue of other municipal securities. (1936, c. 419; 1954, c. 190; 2006, c. 263)

§ 23. Sinking Fund Provision.--(a) There shall be set apart annually from the revenues of the town a sinking fund sufficient in amount, to be invested as hereinafter set forth, to pay the outstanding indebtedness of the town as it matures and which by its terms is not payable in one year, and the council may in its discretion annually from time to time, set aside such additional sinking funds as may be deemed proper. (b) When taxes on real and personal property are collected for the year the town treasurer shall take therefrom the necessary amount and any additional sum, if any, so set apart, and deposit the same in a separate account to the credit of the sinking fund in such bank or banks as the council may designate; and the said council may, if it shall so elect, cause its sinking fund to be loaned on improved real estate situated in the town of Altavista, secured by first mortgage liens thereon, provided such funds shall not be loaned to a greater amount than fifty per centum of the fair market value of the property, and fire insurance shall be carried on the property during the loan in an amount at least equal to the face amount of the loan, which money shall be loaned at the rate of six per centum per annum, payable semi-annually and for no longer than five years at any one time. (c) All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not within a reasonable time be required for payment of any bond of the town, or cannot be used to advantage in the purchase and redemption of any bonds of the town, which may be outstanding, the same shall be securely invested in interest bearing municipal, State or government bonds or loaned upon otherwise unencumbered real estate, within the town of Altavista upon the basis hereinbefore provided, or invested in any securities approved by the general laws of the State for the investment of such funds, or deposited in a bank on a reasonable rate of interest. Such sinking fund may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council. (d) The town council shall act as the sinking fund commission and shall provide for the investment, deposit and application of the funds in conformity to the provisions of this charter; and it may require of any bank or banks receiving on deposit its revenues or any of its sinking fund a fidelity bond. (1936, c. 419)

§ 24. Acquisition of Property; Condemnation.--The town shall not take or use any private property for streets, highways or any other public purposes without making just compensation for the same, but where the town cannot obtain the title to property necessary for such purposes, it may proceed to condemn the same in the mode prescribed by the Constitution and general laws of the State. (1936, c. 419)

§ 25. Actions Against Town; Damages.--(a) (Repealed.) (b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in any action brought to recover damages for such negligence, and where there is judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or

jury which of the defendants is primarily liable for the damages assessed. (c) If it be ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or other corporation or corporations shall have been returned without realizing the full amount of such judgment. (d) If the town, where not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that said judgment is paid by the town, assign the said judgment to the town without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit in equity to enforce the said judgment, or an action at law, or scire facias to revive or enforce said judgment. (e) No order shall be made, and no injunction shall be awarded, by any court or judge, to stay the proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages. (1936, c. 419; 1984, c. 212)

§ 26. Investigations.--The council, the mayor, and any officer, board or commission authorized by them or either of them, shall have power to make such investigations relating to its government affairs as it may deem necessary, may order the attendance of witnesses and the production of books and papers and may administer oaths. The investigating body shall have the authority to apply to the judge of the Campbell County General District Court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or refusing to produce books, papers or records as ordered by the council, and the judge of such court shall, upon good cause shown, cause the subpoenas to be issued. Any person failing to comply with any such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. (1936, c. 419; 1984, c. 212)

§ 27. Books, Records, Et Cetera.--All books, records and documents used by any town officer in his office or pertaining to his duties shall be deemed the property of said town, and the chief officer in charge of such office shall be responsible therefor. Any such officer or person made by this section responsible for the keeping of such books, records, and documents shall, within ten days after the end of his term of office or within ten days after the date of his resignation or removal from office, as the case may be, deliver to the town clerk all such records and documents. Any such officer or person failing to deliver such books, records, or documents as required by this sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as the council may have by ordinance provided. (1936, c. 419)

§ 28. Validation of Contracts.--All contracts and obligations heretofore or hereafter made by the council of the town of Altavista, while in office, not inconsistent with this charter, or the Constitution, or the general laws of this State shall be, and are hereby declared to be valid and legal. (1936, c. 419)

§ 29. Ordinances to Continue in Force.--All ordinances now in force in the town of Altavista, not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council of the said town. (1936, c. 419)

§ 30. Partial Invalidity.--If any clause, sentence, paragraph, or part of this act, 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 said act, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1936, c. 419)

§ 31. Repealing Clause.--All acts or parts of acts in conflict with this charter, in so far as they affect the provisions of this charter, and all former charters and amendments thereto for the town of Altavista, Virginia, are hereby repealed. (1936, c. 419)

§ 32. Citation of Act.--This act may for all purposes be referred to or cited as the Altavista charter of 1936, as amended. (1936, c. 419; 2006, c. 263)

§ 33. (1958, c. 512; repealed, 2006, c. 263)