

BIG STONE GAP, TOWN OF
County of Wise.
Formerly Mineral City (incorporated 1882, c. 28).
Name changed in 1888 to Big Stone Gap (incorporated 1888, c. 180).

Charter, 1890, c. 398; repealed 1932, c. 130.
Charter, 1932, c.130; repealed, 1966, 99.
Charter, 1966, c. 99; repealed, 1988, 135 (except § 1-2).
Charter, 1988. c. 135.

CHAPTER 1.
INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.--The inhabitants of the territory comprised within the present limits of the Town of Big Stone Gap, 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 Big Stone Gap (the "Town"), and as such shall have perpetual succession, may sue and be sued, plead 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. (1988, c. 135)

§ 1.2. Boundaries.--The boundaries of the Town until altered, are those established in § 1-2 of Chapter 99 of the 1966 Acts of the General Assembly of Virginia and the Circuit Court of Wise County, Virginia, by the following orders: dated July 15, 1977, Case No. L6057; dated April 11, 1978, Case No. L78-91; and dated December 7, 1983, Case No. C83-433. (1988, c. 135)

CHAPTER 2.
POWERS.

§ 2.1. General Grant of Powers.--The Town 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 in this charter shall be held to be exclusive, and the Town shall have, exercise and enjoy all 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. (1988, c. 135)

§ 2.2. Adoption of Powers Granted by the Code of Virginia.--The powers granted in § 2.1 of this chapter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.1-837 through 15.1-907, including subsequent amendments thereof. (1988, c. 135)

§ 2.3. Water System.--The foregoing provision shall not be construed to give to the Town Council the power to sell or convey the Town's water system, or other public works, or the lands, or any part thereof, constituting the watershed, now owned or used in connection with the Town's water system, without first being authorized to do so by a majority vote of the qualified voters in said town in an election held for the purpose of determining whether such sale or conveyance should be made; however, this provision shall not restrict the right of the town to sell treated surplus water to users outside of its corporation boundaries. (1988, c. 135)

CHAPTER 3.
MAYOR AND COUNCIL.

§ 3.1. Election, Qualification and Term of Office for Council.--The Town shall be governed by a town council composed of seven council members, all of whom shall be qualified voters in the Town and shall be elected by the qualified voters of the Town in the manner provided by law from the Town at large. The council in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. An election for three council members shall be held on the first Tuesday in May, 1988, and an election for four council members shall be held on the first Tuesday in May, 1990. Elections shall be held on the first Tuesday in May every two years thereafter. The council members shall serve for a term of four years, or until their successors are elected and qualified. The term of each person elected under this section shall begin on July 1 next following their election. (1988, c. 135)

§ 3.2. Vacancies.--Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the Town by a majority vote of the remaining members of the council. (1988, c. 135)

§ 3.3. Council.--The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council member. (1988, c. 135)

§ 3.4. Mayor.--At its first meeting in July, 1988, and biennially thereafter following the regular municipal election, the council shall choose one of its members as mayor. Vacancies hereunder shall be filled for the unexpired term by council from its membership. (1988, c. 135)

§ 3.5. Mayor.--The mayor shall be the chief executive officer of the Town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with the charter. He shall preside over the meetings of the town council and shall have the right to speak therein as a member of the council. He shall have a vote as a member of council but shall have no veto power. He shall be the head of the town government for all its ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1988, c. 135)

§ 3.6. Vice-Mayor.--The town council shall, by a majority of all its members, elect a vice-mayor from its membership at its first meeting to serve for a term of two years. In the absence of or during the disability of the mayor the vice-mayor shall possess the powers and discharge the duties of the mayor when serving as mayor. Vacancies hereunder shall be filled for the unexpired term by council from its membership. (1988, c. 135)

§ 3.7. Meetings of Council.--The council shall fix the time of its regular meetings, which shall be at least once each month, and, except as herein provided, the council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduct of its business except where inconsistent with the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its

meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor or any four members of the council, provided that the members of council are given reasonable notice of such meetings. No business shall be transacted at the special meeting except that for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived. (1988, c. 135)

§ 3.8. Compensation.--Compensation for the mayor and council members shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and the council members shall not be effective until July 1 following the next local election after the council approves such increases. (1988, c. 135)

CHAPTER 4.

APPOINTIVE OFFICERS.

§ 4.1. Appointments.--The town council shall appoint the following officers:

A. TOWN MANAGER.--A town manager who shall be responsible to the council for the proper administration of all affairs of the Town, for the control and supervision of all town departments, employees, and property, for the preparation and implementation of an annual budget, and for any other duties as prescribed by council. The town manager shall appoint for indefinite terms the heads of all departments and all other officers and employees of the town except as provided in B, C, D and E below, and shall have authority to remove any officer or employee appointed by him.

The town manager shall appoint for an indefinite term the chief of police and all other police officers.

Not later than May 1, annually, the town manager shall prepare and submit to the council a budget presenting a financial plan for the ensuing fiscal year, or earlier at the request of the council.

B. TOWN TREASURER.--A town treasurer, whose duties shall be to receive all money belonging to the Town, to keep correct accounts of all receipts from all sources and of all expenditures, to be responsible for the collection of all license fees, taxes, levies, and charges due to the Town, to disburse the funds of the Town as the council may direct, and other such duties as prescribed by the council.

C. TOWN ATTORNEY.--A town attorney who shall be an attorney at law licensed under the laws of the Commonwealth. The town attorney shall receive such compensation as provided by the council and shall have such duties as prescribed by council.

D. TOWN CLERK.--A town clerk whose duties shall be to record the minutes of the town council meetings and such other duties as council may designate.

E. OTHER OFFICERS.--The council may appoint any other officers that the council deems necessary and proper. serve at the pleasure of the council except those appointees provided for in A above excluding the town manager. The council may fill any vacancy in any office appointed by it. (1988, c. 135)

CHAPTER 5.

FINANCIAL PROVISIONS.

§ 5.1. Fiscal Year.--The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the year following. (1988, c. 135)

CHAPTER 6.

MISCELLANEOUS.

§ 6.1. Ordinance 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 council. (1988, c. 135)

§ 6.2. Severability of Provision.--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. (1988, c. 135)