

CHILHOWIE, TOWN OF
County of Smyth.

Original charter, Circuit Court, 1913; repealed, 1984, c. 243.
Charter, 1984, c. 243.

CHAPTER 1.
INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.--The inhabitants of the territory comprised within the present limits of the Town of Chilhowie as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Chilhowie, 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. (1984, c. 243)

§ 1.2. Boundaries.--The boundaries of the town are those established by the original charter issued November 5, 1913, by the Circuit Court of Smyth County and recorded in Common Law Order Book 8, Page 150, in the Smyth County Circuit Court Clerk's Office and by the annexation granted on December 15, 1972, by the Circuit Court and recorded in Common Law Order Book 20, Page 91, in the Smyth County Circuit Court Clerk's Office. (1984, c. 243)

CHAPTER 2.
POWERS.

§ 2.1. Powers.--The Town of Chilhowie shall have all powers conferred upon towns under the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 18 (§§ 15.1-837 through 15.1-907) of Title 15.1 of the Code of Virginia, are hereby specifically conferred upon the Town of Chilhowie. (1984, c. 243)

CHAPTER 3.
GOVERNING BODY.

§ 3.1. Council.--A. The Town of Chilhowie shall be governed by a town council, composed of six members, elected at large.

B. The members of council in office at the time of the passage of this Act shall continue until the expiration of the terms for which they are elected, or until their successors are duly elected and qualified.

C. Every two years, on the dates specified by general law for municipal elections, three members of the council shall be elected for terms of four years each. The persons so elected shall qualify and take office on the first day of July following their election, and they shall continue to serve until their successors are duly elected, qualified and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman.

E. Vacancies on the council shall be filled for the unexpired term by a majority vote of the remaining members of the council. All vacancies shall be filled within sixty days. Any person qualified for the office of councilman may be chosen to fill a council vacancy. (1984, c. 243)

§ 3.2. Mayor.--A. In each even-numbered year, on the date specified by general law for municipal elections, a mayor of the Town of Chilhowie shall be elected for a term of two years. Persons so elected shall so qualify and take office on the first day of July following their election. Mayors shall continue to serve until their successors are duly elected, qualify and assume office.

B. Any person qualified to vote in town elections shall be eligible for the office of the mayor.

C. Vacancies in the office of mayor shall be filled for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the town. Vacancies shall be filled within sixty days. A member of council shall not be qualified to fill a vacancy in the office of mayor.

D. The mayor shall be president of the council, but he shall have no vote except in case of a tie. He shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall perform such other duties as may be assigned to him by council not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth or the provisions of this charter.

E. The town council at its first regular meeting in July following a general election shall elect one of its members as vice-mayor of the town, who shall exercise all the powers and duties of the mayor in the event of the absence of the mayor. (1984, c. 243)

CHAPTER 4. MISCELLANEOUS.

§ 4.1. Ordinances Continuing.--All ordinances now in force in the Town of Chilhowie not inconsistent with this charter shall remain in force until altered, amended, or repealed by the council. (1984, c. 243)

§ 4.2. 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, each ordinance or resolution shall be confined to one general subject. (1984, c. 243)

§ 4.3. Town Officers.--A. At its organizational meeting held following the qualifications of the mayor and members of council in each even-numbered year, the council may, in its discretion, appoint a town manager who shall serve as the chief administrative officer of the town.

B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. The council shall further provide the terms of each officer, or, if there be no terms, shall indicate that the officers serve at the pleasure of the appointing authority.

C. Each officer shall have such duties and shall receive such compensation as specified by the appointing authority not inconsistent with the Constitution and general laws of the Commonwealth and this charter.

D. The same person may be appointed to more than one office; provided that no person may serve both as member of council and as mayor.

E. In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1984, c. 243)

§ 4.4. Water and Sewer Charges.--In operating public water and sewer services, the town may charge a different rate for services furnished to customers without the

corporate limits from the rates charged for similar services to customers within the corporate limits. The town may provide by ordinance that all unpaid water or sewer service charges and intersects thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided. (1984, c. 243)

§ 4.5. Eminent Domain.--The powers of eminent domain which may be exercised by municipal corporations under the provisions of Titles 15.1 and 25 of the Code of Virginia, as amended, are hereby conferred upon the Town of Chilhowie. (1984, c. 243)