

CRAIGSVILLE, TOWN OF

County of Augusta.

Incorporated by order of Circuit Court of Augusta County, October 31, 1959.

Charter, 1960, c. 28.

Amended 1986, c. 223 (§§ 4 [repealed], 4.1 [added], 6, 9 [repealed],  
9.1 [added], 10, 13, 15, 17 [repealed], 17.1 [added],  
18 [repealed], 21 [repealed], 21.1 [added],  
21.2 [added], 25).

§ 1. The inhabitants of the territory embraced within the limits of the town of Craigsville as hereinafter defined or as the same may be hereafter altered or established by law shall constitute and continue a body politic and corporate, to be known and designated as the town of Craigsville, and as such 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. No enumeration of particular powers by this charter shall be held to be exclusive.

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 said town as a municipal corporation, and 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. (1960, c. 28)

§ 2. The territory embraced within the limits of the town of Craigsville is as follows:

All that territory set forth on a map made by John McNair and Associates, Engineers, dated November 17, 1958, and revised January 21, 1959, which map is on file in the circuit court of Augusta county.

Such territory is further described by metes and bounds in an order of the circuit court of Augusta county signed October 31, 1959, which order incorporates the town of Craigsville. (1960, c. 28)

§ 3. The present mayor and councilmen of the town of Craigsville shall continue in office until the expiration of the term for which they were elected, or until their successors are duly elected and qualified. (1960, c. 28)

§ 4. (1960, c. 28; repealed 1986, c. 223)

§ 4.1. The legislative powers of the town shall be vested in a town council composed of six members elected by the qualified voters of the town, five voting members and one nonvoting member who shall have been chosen mayor by the council members. The six council members shall be elected as specified herein.

In the municipal election to be held on the first Tuesday in May, 1986, all six members of council shall be elected and shall hold office as follows: the three councilmen receiving the highest number of votes shall serve terms of four years; the three remaining councilmen shall serve terms of two years. Thereafter all terms shall be for four years, so that three council members shall be elected in the municipal election held in 1988, (being those serving a two-year term resulting from the 1986 election) and

in municipal elections held every four years (1992, 1996, etc.) thereafter, and three council members shall be elected in the municipal election to be held in 1990 (being those serving a four-year term resulting from the 1986 election) and in municipal elections held every four years (1994, 1998, etc.) thereafter. The effect of these provisions is that after the 1986 election (where all six council members are elected three to serve a four-year term and three to serve a two-year term) there shall be a municipal election every two years at which time three council members will be elected to four-year terms. Council members so elected shall enter on their duties on July 1 succeeding their election, and remain in office until their successors shall 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 term of office or removal of any of its members. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment and the mayor shall take the oath prescribed by the law for state officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate such office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed. All council members, whether elected or appointed, shall be electors of the Town of Craigsville. (1986, c. 223)

§ 5. There shall be appointed for the town a registrar and officers of election in the manner provided for by general law. All elections held in the town shall be conducted in accordance with general law; the electorate shall be that prescribed by general law. (1960, c. 28)

§ 6. The council may fine members for disorderly conduct and, with the concurrence of two-thirds of the members elected, including the mayor, expel a member. Any vacancy occurring during the term of which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. In the event of the failure of the council to fill such vacancy within fifteen days, the circuit court of Augusta county shall make such appointment to fill the vacancy. A vacancy in the office of mayor shall be filled by the council from their members and any member of the council may be eligible to fill such vacancy. (1960, c. 28; 1986, c. 223)

§ 7. A majority of the members of the council shall constitute a quorum for the transaction of business. (1960, c. 28)

§ 8. Each member of the council may receive a salary to be fixed by the council, payable at such time and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of one hundred twenty dollars per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of five hundred dollars per annum. (1960, c. 28)

§ 9. (1960, c. 28; repealed 1986, c. 223)

§ 9.1. The mayor shall be a duly elected and qualified member of the town council. The town council, at its first regular meeting in July of an election year, following the qualification and taking of office of the new council members elected that year, shall choose one of its members as mayor of the town. The term of the mayor shall be two years, that is from date of his election by the council at its first meeting

subsequent to the council taking office on July 1 in an election year until the first meeting of the succeeding council subsequent to July 1 of the next election year, and his successor has been chosen by the council and qualified.

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.

The mayor shall see that the duties of the various town officers are faithfully performed. He shall take care and see that the bylaws, ordinances, acts and resolutions of the council are executed and obeyed. He shall see that peace and good order are preserved and that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of the Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town. (1986, c. 223)

§ 10. The council shall, as soon as practicable after qualification, and annually thereafter, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor shall perform the duties and be vested with all the power, authority and jurisdiction of the mayor; in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town. (1960, c. 28; 1986, c. 223)

§ 11. The council shall, by ordinance, fix the time and place for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any three members of the council in writing; no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when, in the judgment of the council, the public welfare requires executive meetings. (1960, c. 28)

§ 12. The council shall keep a minute book, in which its clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed. (1960, c. 28)

§ 13. The council shall appoint at its first regular meeting in July after its election, a clerk of the council who shall hold office at the pleasure of the council. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish reports and ordinances as are required to be published and shall perform such other duties as the council may require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council. (1960, c. 28; 1986, c. 223)

§ 14. The council may adopt rules for regulating its proceedings, but no tax shall be levied, or corporate debt contracted, except by a recorded two-thirds vote of all the members elected to the council or appropriation of money exceeding the sum of one

hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council. (1960, c. 28)

§ 15. The council shall appoint at its first meeting in July or as soon as practicable thereafter, a treasurer who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct. The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at such times as the council may direct, such examination and audit to be reported to the council. (1960, c. 28; 1986, c. 223)

§ 16. The council may designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart and not commingled with any personal or other accounts. (1960, c. 28)

§ 17. (1960, c. 28; repealed 1986, c. 223)

§ 17.1. The town council may appoint a chief of police, and the chief of police shall hold office at the pleasure of the council. His duties shall be as prescribed by the council. He shall be vested with the power of a conservator of the peace. As authorized by § 15.1-796 of the Code of Virginia, the office of town sergeant shall not be established. (1986, c. 223)

§ 18. (1960, c. 28; repealed 1986, c. 223)

§ 19. In addition to the officers of the town specifically provided for herein, the council may appoint such other officers, including a town clerk who may be the same person as the clerk mentioned in § 13 of this charter, as it may deem necessary, and define the duties, fix the compensation, set the qualifications and terms of office and require proper bonds of each. The council may provide for the payment of bond premiums for the official bond of any of its officers. (1960, c. 28)

§ 20. All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from passage. (1960, c. 28)

§ 21. (1960, c. 28; repealed 1986, c. 223)

§ 21.1. 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. (1986, c. 223)

§ 21.2. Adoption of Powers Granted by the Code of Virginia.-The powers granted in §§ 1 and 21.1 of this charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 15.1-837 through 15.1-907. (1986, c. 223)

§ 22. No actions shall be maintained against the town for damages for any injury to any person or property, or for wrongful death, alleged to have been sustained by reason of the negligence of the town or any officer, agent or employee thereof unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received shall have been filed with the mayor or town attorney within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis or the injured party dies within such sixty days, such statement may be filed within one hundred and twenty days, and no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1960, c. 28)

§ 23. Nothing contained in this act shall be construed to invalidate or to, in any manner, affect the present existing indebtedness and liabilities of the town of Craigsville, whether evidenced by bonded obligations or otherwise. (1960, c. 28)

§ 24. All ordinances in force in the town of Craigsville not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council. (1960, c. 28)

§ 25. This act may for all purposes be referred to or cited as the Town of Craigsville Charter as revised 1986. (1960, c. 28; 1986, c. 223)

§ 26. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered. (1960, c. 28)