

HAMILTON, TOWN OF  
County of Loudoun.  
Incorporated by an 1874-75 Act of Assembly.

Charter, 1874-75, c. 107; repealed 1958, c. 107.

Charter, 1958, c. 107; repealed 1977, c. 406.

Charter, 1977, c. 406.

Amended 1993, c. 325 (§§ 1.2, 3.1, 3.2, 3.12 [repealed], 4.1:1 [added]).

CHAPTER 1.  
INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.--The inhabitants of the territory within the present limits of the town of Hamilton as the same are now or may be hereafter altered and established by law shall constitute and continue to be a body politic and corporate 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 and renew or amend at its pleasure by proper ordinance. (1977, c. 406)

§ 1.2. Boundaries.--The town of Hamilton shall be that territory in the County of Loudoun having the same area and the same boundaries as set forth in Chapter 107 of the Acts of Assembly of 1874-1875, approved February 1875; and the same boundaries as recorded in the Circuit Court for Loudoun County, Virginia, in Plat Book 12, Page 87, Deed Book 498, Page 60 and Deed Book 1085, Page 333. (1977, c. 406; 1993, c. 325)

CHAPTER 2.  
POWERS.

§ 2.1. General grant of powers.--The town of Hamilton 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 full and completely as though such powers were specifically enumerated herein, and no enumeration of any particular powers by this chapter shall be held to be exclusive, and 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 upon the town as a municipal corporation. (1977, c. 406)

§ 2.2. Adoption of certain sections of the Code of Virginia.--The powers set forth in §§ 15.1-837 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on July two, nineteen hundred seventy-two, and as hereafter amended, are hereby conferred on and vested in the town of Hamilton. (1977, c. 406)

CHAPTER 3.  
MAYOR AND COUNCIL.

§ 3.1. Election, qualifications, and term of office of mayor and councilmen.--A. The town of Hamilton shall be governed by a mayor and a town council of six councilmen, all of whom shall be qualified voters of the town.

B. An election for mayor and councilmen shall be held on the first Tuesday in May, nineteen hundred seventy-eight, and every two years thereafter as provided herein. The term for mayor shall be four years. The term for councilmen shall be four years, except that following the election in May 1978, the councilmen duly elected by the people shall serve staggered terms. Three of said councilmen shall serve for two years

and until their successors shall have been elected and qualified. Three of said councilmen shall serve a term of four years and until their successors shall have been elected and qualified. The councilmen so serving two-year and four-year terms shall be determined by lot. Every two years on such Tuesday thereafter an election shall be held for the purpose of electing those councilmen whose terms in office will expire. The term of office for councilmen, thereafter, shall be for four years.

C. A term of office shall commence on the first day of July following the election and before entering upon their duties of their respective offices those elected shall take the prescribed oath, in the manner prescribed by law. (1977, c. 406; 1993, c. 325)

§ 3.2. Vacancies on the council.--Vacancies on the town council shall be filled by a majority vote of the town council from the qualified voters of the town, and such person shall serve until the next regular town election, at which time that vacancy shall be filled, by election, for the remainder of that term. (1977, c. 406; 1993, c. 325)

§ 3.3. Vacancy in the office of mayor.--A vacancy in the office of the mayor shall be filled by a majority vote of the town council from the qualified voters of the town, and such person shall serve until the next regular town election, at which time that vacancy shall be filled, by election, for the remainder of that term or for a new term. (1977, c. 406)

§ 3.4. The council; a continuing body.--The town council shall be a continuing body and no measures pending before such body or any contract or obligation incurred shall abate or be discontinued by reason of the expiration of the term of office or removal by any of its members. (1977, c. 406)

§ 3.5. A quorum.--The mayor and three councilmen or in his absence four councilmen shall constitute a quorum for the transaction of business. (1977, c. 406)

§ 3.6. Powers and duties of the mayor.--The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law and not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the right to speak and vote therein, as any member of the town council. He shall be recognized as the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. In times of public dangers or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose he may deputize such assistant police as may be necessary. He or the person acting as mayor shall authenticate by his signature all such documents or instruments as the council, this charter, or the laws of the Commonwealth may require. (1977, c. 406)

§ 3.7. General grant of powers to the council.--The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by general laws of the Commonwealth, and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1977, c. 406)

§ 3.8. Vice-mayor.--The town council shall elect from its members by a majority vote of the members present, a vice-mayor. During the absence of the mayor or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. (1977, c. 406)

§ 3.9. Meetings of the town council.--The town council shall fix the time of the stated meetings and they shall meet at least once a month. Special meetings may be called at any time by the mayor or by three members of the council provided that the mayor and all councilmen be notified in writing within a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present at such meetings, this provision may be waived by majority vote of the council. (1977, c. 406)

§ 3.10. Rules of order and procedures.--The town council shall establish its own rules of order and procedures and may take appropriate action against its own members and other persons for violation thereof. (1977, c. 406)

§ 3.11. Council to fix salaries.--The town council is hereby authorized to fix the salaries of the mayor, members of the council, and employees of the town. Such salaries are not to exceed any limitations placed by the law and Constitution of the Commonwealth of Virginia. (1977, c. 406)

§ 3.12. (1977, c. 406; repealed, 1993, c. 325)

#### CHAPTER 4.

##### APPOINTED OFFICERS.

§ 4.1. Appointments.--The town council may appoint such officers, deputies and assistants of the town as they deem necessary. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law as well as such additional duties as are prescribed by this charter or the town council. (1977, c. 406)

§ 4.1:1. The town recorder.--The town council shall appoint a town recorder as an officer of the town, who shall, before undertaking the duties of the office, take the prescribed oath in the manner prescribed by law. The town recorder shall be the recorder of the council, shall keep the journal of its proceedings fully and accurately, and shall record all ordinances and resolutions in a book or books kept for that purpose. The person appointed as recorder shall be the custodian of the corporate seal of the town and the officer authorized to use and authenticate it, and shall perform such other duties and keep such other records as the town council or general laws of the Commonwealth of Virginia may prescribe. (1993, c. 325)

§ 4.2. Terms of office.--Officers, deputies and assistants appointed by the town council shall serve at the pleasure of the town council. (1977, c. 406)

§ 4.3. Bonds.--Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1977, c. 406)

§ 4.4. Appointment of one person to more than one office.--The town council may appoint the same person to more than one appointive office subject to the limitations of Article VII, Section 6 of the Constitution of Virginia. (1977, c. 406)

#### CHAPTER 5.

##### MISCELLANEOUS.

§ 5.1. Elections governed by the State laws.--All town elections shall be held and conducted in accordance with existing State laws of the Commonwealth. (1977, c. 406)

§ 5.2. Actions against the town for damages, etc.--A. No action shall be maintained against the town 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 notice shall be given by the claimant in accordance with § 8-653, as amended, of the Code of Virginia.

B. The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1977, c. 406)

§ 5.3. Acceptance of federal aid, contributions, etc.--The town of Hamilton shall have the power to receive and accept from any federal agency, grants of any kind for and in aid of public works, the construction of any project, the procuring or preserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required to obtain and use such funds. The town may receive and accept aid or contributions from any source, or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. (1977, c. 406)

§ 5.4. Disclosure of interest.--The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected or appointed town officials not inconsistent with the general law. (1977, c. 406)

§ 5.5 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. (1977, c. 406)

§ 5.6. Present officers to continue.--The present elected officers of the town shall be and remain in office until June thirty, nineteen hundred seventy-eight, or until their successors have been duly elected and qualified. (1977, c. 406)

§ 5.7. Ordinance in force.--All ordinances now in force in the town of Hamilton not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the town council. (1977, c. 406)

§ 5.8. 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 this 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 reduced. (1977, c. 406)

§ 5.9. Supersedes old charter.--This charter supersedes and renders null and void all charters and amendments thereto and enabling acts or orders granted by circuit courts pursuant to general law, except insofar as orders of such courts established boundaries of the town of Hamilton. (1977, c. 406)