

KILMARNOCK, TOWN OF

County of Lancaster.

Incorporated by Circuit Court of Lancaster County, December 8, 1930.

Charter, 1952 Extra Session, c. 8.

Amended 1966, c. 672 (§§ 3, 5 through 8, 9 [repealed], 10 [repealed], 13 [repealed], 14, 16, 17-a [added], 18, 19, 21, 21-a [added], 22, 28 [repealed], 29, 34, 38 [repealed], 44, 45, 49, 50, 57 [repealed], 58, 59, 60, 63 [repealed], 65, 70 [repealed], 72 [repealed], 73 [repealed], 75)  
1983, c. 86 (§§ 2, 3, 21, 23, 62)  
1991, c. 68 (§§ 2, 22, 45, 46, 51, 60, 68)  
2013, c. 333 (§§ 2, 3, 4, 5, 6, 7, 16, 17, 17-a, 18, 19, 21, 22, 23, 24, 25, 26, 27 [repealed], 29, 37 [repealed], 41 [repealed], 42, 44, 45, 46 [repealed], 48, 58, 59, 60, 71).

§ 1. The inhabitants of the territory comprised within the present limits of the Town of Kilmarnock, as such limitations are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the Town of Kilmarnock, 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, and no enumeration of particular powers by this charter 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 on the town as a municipal corporation, and the Town of Kilmarnock, 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, renew, or amend at its pleasure by proper ordinance. (1952 Ex Sess, c. 8)

§ 2. The present boundaries of the town are as set forth in an order of the Circuit Court of Lancaster County, Virginia, entered December 8, 1930, and of record in the Clerk's Office of said Court in Common Law Order Book 1927, at page 248, and a plat recorded therewith at page 252; and as further set forth by an order of the Circuit Court of Lancaster County, Virginia, entered February 2, 1942, which is of record in the Clerk's Office of said Court in Common Law Order Book 1935, at page 434, and a plat recorded therewith at page 436; and as further set forth by an order of the Circuit Court of Lancaster County, Virginia, entered August 1, 1975, which is of record in the Clerk's Office of said Court in Common Law Order Book 1973, at page 361; and as further set forth by order of the Circuit Court of Lancaster County, Virginia, entered November 26, 1984, which is of record in the Clerk's Office of the Court in Common Law Order Book 1984, at page 455, and a plat recorded therewith at page 458A and as further set forth by order of the Circuit Court of Lancaster County, Virginia, entered April 19, 2007, which is of record in the Clerk's Office of the Court in the Civil Order Book, page 312, instrument number 070001077, case number CL07000047, and a plat recorded therewith at pages 145D-147C. (1952 Ex Sess, c. 8; 1983, c. 86; 1991, c. 68; 2013, c. 333)

§ 3. The Town of Kilmarnock is governed using the "council-manager" form of government. The administration and government of the town is vested in the council composed of a mayor and six councilmen, all of whom shall be electors of the town.

(a) At the regular municipal election to be held on the first Tuesday in May in 1986, and on the first Tuesday in May each four years thereafter, the mayor shall be elected. At the regular municipal election to be held on the first Tuesday in May in 1984 and on the first Tuesday in May each two years thereafter, three councilmen shall be elected for a term of four years each. Terms of office shall begin on the first day of July succeeding their election. Each councilman and the mayor elected as hereinabove provided shall serve for the term stated or until his successor has 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.

(b) The remaining members of the council shall, by a majority vote thereof, fill any vacancy occurring in the council until the next election, in accordance with § 24.2-228 of the Code of Virginia, for the entire unexpired term. (1952 Ex Sess, c. 8; 1966, c. 672; 1983, c. 86; 2013, c. 333)

§ 4. The electors of the Town of Kilmarnock shall be the actual residents of the town, who are otherwise registered to vote for members of the General Assembly. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 5. The municipal officers of said town shall, in addition to the mayor, consist of a treasurer, chief of police, clerk of the council, and such other officers as may be provided for by the town council; and the council shall appoint such committees of the council, each of which shall appoint its own chairperson, and create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this act and the general laws of this State. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 6. The council of the Town of Kilmarnock shall employ a town manager who may also serve as the director of public utilities. Upon the selection of a town manager by the council, he shall be vested with the administrative and executive powers of the town and shall hold office during the pleasure of the council. He shall receive such compensation as shall be fixed by the council. The town manager shall see that within the town the laws, ordinances, resolutions and bylaws of the council are faithfully executed. He shall attend all meetings of the council and recommend for adoption such measures as he shall deem expedient. He shall make reports to the council from time to time upon the affairs of the town, keep the council fully advised of the town's financial condition and its future financial needs. He shall prepare and submit to the council a tentative budget for each fiscal year. He shall perform such other duties as may be prescribed by the council and shall be bonded in such amount as the council may deem necessary. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 7. All officers and employees appointed by the town council may be removed by the town council at its pleasure. All other employees are under the authority of the town manager. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 8. The council shall by ordinance or resolution fix the salaries of all officers and employees of the town elected or appointed by it, or appointed by its authority and may so far as is not inconsistent with the provisions of this charter, define the powers and

prescribe the duties of all such officers and employees. To effectuate the powers conferred by general law as well as the powers herein specifically granted, the council may employ all such persons as may be necessary. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 9. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 10. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 11. The mayor, councilmen and all municipal officers of said town shall, before entering upon the duties of their respective offices, be sworn in accordance with the laws of the State of Virginia by anyone authorized to administer oaths under the laws of the State. (1952 Ex Sess, c. 8)

§ 12. When the mayor, councilmen, treasurer and clerk take the oaths required of them, duplicate certificates of the court or person administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same and be by him delivered for record as follows: one to the clerk of the circuit court of Lancaster County and one to the clerk of the town council. When any other municipal officer takes the oath required of him, a certificate as aforesaid, shall be secured by him and delivered to the clerk of the town council. (1952 Ex Sess, c. 8)

§ 13. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 14. If any person, having been an officer of said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification or request of the council within such time as it may allow, deliver to his successor in office all property, books and papers belonging to the town or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provision of this act, or of any ordinances or order of the town council, or any superior officer of said town, shall be deemed the property of said town and appertaining to said office. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 15. The mayor shall be elected by the qualified electors of the town for the term of four years. His salary shall be fixed by the town council, and shall not be diminished during his term of office. (1952 Ex Sess, c. 8)

§ 16. The mayor shall preside over the meetings of the town council, voting only in case of a tie. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 17. The mayor shall communicate to the town council annually at the January town council meeting, if he be required by the council, a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper; and may from time to time communicate to the council such suggestions and recommendations as he shall deem proper. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 17-a. The council shall elect, from among its members, a vice mayor of the council at its first meeting following any regular municipal election who shall preside in the absence of the mayor and who shall assume the duties of the mayor in case of his absence or inability to act. (1966, c. 672; 2013, c. 333)

§ 18. In case of the absence or inability of the mayor and the vice mayor of the council, some other member of the council selected by majority vote of the council shall possess the same power and discharge the municipal duties of the mayor during such absence or inability. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 19. In case a vacancy shall occur in the office of the mayor, the vacancy shall be filled by the vice mayor of the council; and in case of a vacancy in both such offices, the council shall elect one of its remaining members to serve the unexpired portion of the former mayor's term until such election is required by State law. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 20. The town council, composed of the mayor and six councilmen shall be elected at large by the popular vote of the qualified electors of the town. (1952 Ex Sess, c. 8)

§ 21. The town council is hereby authorized and empowered, by ordinance or resolution, passed by the affirmative recorded vote of the majority of those in attendance, to be determined by yeas and nays, to provide and fix salaries for its members, at such sums or in such amounts as it may determine, to be payable in such amounts and at such time or times as it may direct.

The council may provide and fix the salaries for its members, on the basis of stated amounts or sums for each regular meeting of council attended by members, and may prescribe that no member shall receive any compensation for any meeting of said council not attended by such member.

Said salaries, when provided and fixed, shall be payable out of the general funds of said town when approved for payment by said council. (1952 Ex Sess, c. 8; 1966, c. 672; 1983, c. 86; 2013, c. 333)

§ 21-a. The town council shall be further authorized and empowered, in its discretion, to appoint citizens advisory boards to advise the council in various matters. (1966, c. 672)

§ 22. The council shall by ordinance adopt such rules as it may 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 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 a town officer, 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 one hundred dollars shall be passed except by the recorded affirmative vote of a majority of all members elected to the council.

No tax shall be levied or corporate debt contracted, except by a vote of two-thirds of the members of council, which vote shall be by yeas and nays and recorded in the minutes.

Meetings of the council shall be public unless held in executive session as provided by law. Citizens may have access to the minutes and records of the council at any reasonable time. (1952 Ex Sess, c. 8; 1966, c. 672; 1991, c. 68; 2013, c. 333)

§ 23. Four councilmen, in addition to or in the absence of the mayor, shall constitute a quorum for the transaction of business, except as otherwise provided herein or by the general statutes of this State. But no vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of

members of the council as were present when such a vote was taken. (1952 Ex Sess, c. 8; 1983, c. 86; 2013, c. 333)

§ 24. Minutes shall be kept of the proceedings of the town council, typed in the form of a journal or in electronic form, posted on the town's website, and kept in perpetuity, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be submitted and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they were read. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 25. The clerk of the council shall keep said minutes and shall record the proceedings of the council at large thereon, and keep the same properly indexed. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 26. For the convenient transaction of business, the council may compel the attendance of absent members, punish its members for disorderly behavior, and, by a vote of two-thirds of its members, expel a member for malfeasance or misfeasance while in office. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 27. (1952 Ex Sess, c. 8; repealed 2013, c. 333)

§ 28. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 29. If any member of said council is absent from its meetings consecutively for three months, his seat may be declared vacant by the council, and the unexpired term filled by appointment as provided in paragraph (b) of § 3. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 30. The town council shall have, subject to the provisions of this act and the general laws of this State, the management and control of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to the town. (1952 Ex Sess, c. 8)

§ 31. The town council shall have all power and authority that is now or may hereafter be granted to the councils of towns by the Constitution and general laws of this State; 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 State to town councils, but not herein specified. (1952 Ex Sess, c. 8)

§ 32. For carrying into effect the powers granted by this act and the general laws of this State, the town council may make ordinances and bylaws, and prescribe fines and other punishments for violation thereof, lay taxes and levies, keep a town guard, appoint a collector of taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with surety, in such penalty as to the council may seem fit, payable to the town by its corporate name, and with condition for the faithful discharge of the said duties. (1952 Ex Sess, c. 8)

§ 33. To raise annually by levy of taxes and assessments in the town on all property, real and personal, as is now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council shall deem necessary for the purposes of the town, in the manner as the council shall deem expedient in accordance with the Constitution of this State and of the United States. (1952 Ex Sess, c. 8)

§ 34. To require the owner of every motor vehicle kept or habitually used in the town, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license plate to operate the same by making application to the town

treasurer, or such other person as may be designated by the council to issue said license plate, and to require the vehicle owner to pay an annual license fee therefor to be fixed by the council provided that the license fee shall not exceed the amount charged by the State on the said vehicle. Such license fees may be shared with Lancaster County or other towns therein, on such basis as the council determines, and the council may ratify prior arrangements in regard to such fees. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 35. To establish, levy, and collect, except when prohibited by general law, a tax or a license on any person, firm, or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may exceed the State license, if any be required and may provide penalties for nonpayment thereof. (1952 Ex Sess, c. 8)

§ 36. Where not otherwise provided for by the laws of this State the town council shall by ordinance provide for any irregular elections not herein or by the State laws provided for, and appoint the necessary officers to conduct the same. (1952 Ex Sess, c. 8)

§ 37. (1952 Ex Sess, c. 8; repealed 2013, c. 333)

§ 38. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 39. The town council shall have the power and authority, where any crime has been committed or attempted to be committed in the town, in their discretion, to offer such reward as they think right to any person or persons for information leading to the arrest or conviction of any such criminal. (1952 Ex Sess, c. 8)

§ 40. The town council shall have the power and authority to establish a market or markets in and for said town, and appoint proper officers therefor; to provide suitable buildings and grounds therefor; to prescribe the time for holding markets and to regulate the same, and to make and enforce such regulations as may be necessary and proper. (1952 Ex Sess, c. 8)

§ 41. (1952 Ex Sess, c. 8; repealed 2013, c. 333)

§ 42. The town council shall have the power and authority to lay off public grounds and provide, erect and keep in order all buildings proper for the use of the town. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 43. The town council shall have the power and authority to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, to provide by general ordinances what are nuisances, to cause the abatement of any nuisance so declared to be by the general laws of this State or by the general ordinances of the town, and to require and compel the abatement and removal of such nuisances within said town by or at the expense of the owners of the ground whereon the same may be or of other persons responsible therefor. (1952 Ex Sess, c. 8)

§ 44. The town council shall have the power and authority to appoint a chief of police and such additional police officers and privates as it may deem necessary or proper and to prescribe their rate of pay. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 45. The police force shall be under the control of the town manager for the purpose of enforcing peace and order and executing the laws of the Commonwealth and ordinances of the town. For the purpose of enabling them to execute their duties, each policeman is hereby invested with all the power and authority which belonged to the office of constable at common law in criminal cases. The uniforms and badges of office

of such police and the rules and regulations governing such police force shall be prescribed by the town manager. (1952 Ex Sess, c. 8; 1966, c. 672; 1991, c. 68; 2013, c. 333)

§ 46. (1952 Ex Sess, c. 8; 1991, c. 68; repealed 2013, c. 333)

§ 47. The town council shall have the power and authority to establish and maintain a fire department for the town, and all powers necessary for the government, management, maintenance, equipment and direction of such fire department and the premises, property and equipment thereof; or the Council may contract with other persons, firms, corporations or organizations to furnish for the town such services as are normally provided by a fire department and to provide such regulations as it may determine to be appropriate to govern such persons, firms, corporations or organizations in the performance of its functions under such contracts. The council may make ordinances as it may deem proper for the prevention and extinguishment of fires, for the regulation of the conduct of persons in attendance at fires, in relation to the powers and duties of the officers and men of the fire department, to require citizens to render assistance to the fire department in case of need, and in relation to the acquisition, use, maintenance and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1952 Ex Sess, c. 8)

§ 48. The town council shall have the power and authority to regulate the keeping or sale of combustibles within the town; to regulate the sale and use of gunpowder and other combustibles, and firecrackers or fireworks manufactured therefrom; to regulate the exhibition of fireworks and the discharge of firearms; and to restrict the making of bonfires in streets, alleys, and yards. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 49. The town council shall have power and authority to acquire or otherwise obtain control of or establish, maintain, operate, extend and enlarge waterworks, gasworks, electric plants, other public utilities, and land for town uses and industrial uses within or without the limits of the town; and to acquire within or without the limits of the town by purchase, condemnation or otherwise, whatever land may be necessary for acquiring, location, establishing, maintaining, operating, extending and enlarging said waterworks, electric plants, other utilities and the rights of way, rails, pipes, poles, conduits and wires connected therewith or any of the fixtures or appurtenances thereof; promulgate and enforce reasonable rates, rules and regulations for use of the same, any or all of which rates, rules and regulations the council may alter at any time without notice.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 50. The town council shall have the power and authority to require the owners or occupiers of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipeline or conduit to make connections therewith, and to use such sewer pipes and conduits and water furnished by the town under such ordinances and regulations as the council may deem necessary to secure the proper sewerage thereof and to improve, secure good sanitary conditions; and regulate the use of such sewers or water line pipes or conduits and shall have the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties under the provisions of this act. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 51. The town is empowered to make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within the town into streets, alleys, roads and lots or tracts shall be submitted to and approved by the council within such limitations as they may prescribe before such plats or replats are filed for record or recorded in the clerk's office of the circuit court of the county in which the land so subdivided is located. (1952 Ex Sess, c. 8; 1991, c. 68)

§ 52. The town council shall have the authority to open, close, alter, improve, widen or narrow streets, avenues, alleys and walkways; to have them kept in good condition and properly lighted, to prevent the cumbering of streets, sidewalks, alleys, lanes or bridges of the town in any manner whatever; to prevent the building of any structure, obstruction or encroachment over, under or in any street, sidewalk or alley in said town. (1952 Ex Sess, c. 8)

§ 53. The town council shall have the power and authority to adopt ordinances authorizing owners or occupants of property abutting upon any street or alley in the town, within such limitation as they may prescribe, to construct and maintain in, upon and over such street or alley, awnings, fire escapes, shutters, signs, cornices, gutters, down spouts and bay windows and other appendages to buildings; but such permission so granted shall be held and deemed to be a license merely and shall be revocable at the pleasure of the town, and said permission shall not be construed to relieve the said owners of any negligence on their part. (1952 Ex Sess, c. 8)

§ 54. The town council shall have the power and authority in their discretion to establish and maintain parks, playgrounds and boulevards and cause the same to be laid out, equipped and beautified. (1952 Ex Sess, c. 8)

§ 55. For the promotion of health, safety, morals, comfort, property and general welfare, the town is empowered to provide by ordinance, for the adoption of a master plan, divide the area of the town into one or more districts, establish set back building lines, regulate and restrict the location, construction, reconstruction, alteration and repair or use of buildings and other structures and their height, area and bulk and percentage of lot to be occupied by buildings or other structures and the trade, industry and other specific uses of the premises in such districts and adopt building, plumbing, electrical and other codes to carry these purposes into effect. (1952 Ex Sess, c. 8)

§ 56. The town council shall have the power and authority to make and enforce ordinances to secure the safe and expeditious use of the streets and alleys of the town, to regulate traffic thereon, and for the protection of persons and property thereon or near thereto. (1952 Ex Sess, c. 8)

§ 57. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 58. A town clerk may be appointed by the council, but in no case shall the mayor, vice mayor, or any councilman acting as mayor be so appointed, and shall attend the meetings of the council and shall keep permanent records of its proceedings; he 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 shall keep all papers, documents, and records pertaining to the town, the custody of which is not otherwise provided for in this charter; he shall give notice to all parties, presenting petitions or communications; he shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contract or agreements; he shall publish such records and ordinances as the council is required to publish, and such other records and ordinances as it may direct he

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 shall perform such other acts and duties as the council may, from time to time, allow or require. He shall continue to discharge the duties of the office until he is removed by the town council or until his successor shall have qualified. Any vacancy in this office shall be promptly filled by the town council. The town clerk shall be subject to the supervision of the town manager, shall perform such other duties not inconsistent with his office as may be required of him by the town manager, and shall make such reports as may be required of him by the town council. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 59. There shall be appointed by the council a town treasurer, who shall continue to discharge the duties of the office until removed by the council or until his 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 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 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 those which are now or may hereafter be vested in county and town treasurers for the collection of county, town, and State taxes under the general law; he shall keep, disburse and deposit all money or funds in such manner and in such places as may be determined by ordinance or the provisions of the law applicable thereto; he shall pay no money out of the treasury, except in the manner prescribed by this charter or by ordinance or the general law; he 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 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 office shall execute a bond in such amount and with such security as the council by ordinance may prescribe. The council may, in its discretion, and if it deems it necessary or convenient, appoint some person or persons from the electors of the town to assist the town treasurer in the collection of all taxes and assessments, water rents, and other charges belonging to and payable to the town, which person may be the town sergeant, or superintendent of water works, but before entering upon the discharge of his duties, such person 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 town manager of the Town of Kilmarnock, shall perform such other duties not inconsistent with his office as may be required of him by the town manager, and shall make all such reports as may be required of him by the town council. (1952 Ex Sess, c. 8; 1966, c. 672; 2013, c. 333)

§ 60. There shall be appointed by the council a chief of police who shall qualify and give bond in such amount as the council may require. He shall be vested with powers of a conservator of the peace, and shall have the same powers and discharge the same

duties which formerly belonged to the office of constable at common law within the corporate limits of the town or beyond its corporate limits pursuant to any agreement entered into, or authority arising pursuant to law, and shall perform such other duties as may be from time to time prescribed by the council. He shall continue to discharge the duties of the office until he is removed by the town council or until his successor shall have qualified. Any vacancy in this office shall be promptly filled by the town council. The chief of police shall be subject to the supervision of the town manager, shall perform such other duties not inconsistent with his office as may be required of him by the town manager, and shall make such reports as may be required of him by the town council. (1952 Ex Sess, c. 8; 1966, c. 672; 1991, c. 68; 2013, c. 333)

§ 61. The town council, within the limits of the Constitution of this State and in accordance with the provisions of the general laws thereof, may, in the name of, and for the use of the town, contract loans or cause to be issued certificates of debts, notes or bonds. (1952 Ex Sess, c. 8)

§ 62. The council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the town, such loans to be evidenced by bonds or notes bearing interest at such rate as may be authorized by general law. Such bonds or notes shall be payable within one year from date of issue out of the current revenue of the year in which same are issued. (1952 Ex Sess, c. 8; 1983, c. 86)

§ 63. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 64. All bonds, and other evidences of indebtedness of the town shall be signed by the Mayor and countersigned by the clerk of the council, and to all bonds the clerk of the council shall affix the corporate seal of the town and attest the same. (1952 Ex Sess, c. 8)

§ 65. No member of the council shall be interested directly or indirectly in the profits of any contract or work or be financially interested directly or indirectly in the sale to the town of any land, materials, supplies or services, other than official services. Any member of the council offending against the provisions of this section shall, upon conviction thereof, be fined not more than five hundred dollars or be imprisoned not more than ninety days, or both in the discretion of the court, and shall forfeit his office. The prohibitions of this section shall not apply if the council shall declare by unanimous vote of the members present that the best interests of the town are to be served despite the personal interest direct or indirect. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 66. The town is empowered to levy and collect taxes, on all subjects of taxation except as restrained by the Constitution or by general law heretofore or hereafter adopted, provided that it shall impose no taxes on the bonds of the said town. (1952 Ex Sess, c. 8)

§ 67. (Section not created, 1952 Ex Sess, c. 8)

§ 68. The assessment of real and personal property in the town for the purpose of municipal taxation shall be the same as the assessment for the purpose of county taxation, but where the treasurer of the town knows of property that has been omitted by the commissioner of revenue of the county from his books, the treasurer of the town may by the same proceedings as are provided for county commissioners of revenue in similar cases assess such omitted property, real or personal, for taxation. (1952 Ex Sess, c. 8; 1991, c. 68)

§ 69. The town is empowered to collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; to contract or regulate the collection and disposal thereof and to require and regulate the collection and disposal thereof. (1952 Ex Sess, c. 8)

§ 70. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 71. To regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of same, or any of them, within the town. (1952 Ex Sess, c. 8; 2013, c. 333)

§ 72. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 73. (1952 Ex Sess, c. 8; repealed 1966, c. 672)

§ 74. The Town Council is empowered to establish a local board of health to consist of three persons, at least one of whom shall be a physician, to be elected by the Council and to serve at its pleasure, and to employ such health officers and other employees as it may in its discretion determine to be proper. Such board of health, if established, shall have the powers and perform the duties provided by general law for boards of health in towns and shall, in addition, perform such other services as the Council may direct. (1952 Ex Sess, c. 8)

§ 75. The town council is empowered to fix rates for water, lights, gas, garbage collection and for use of sewer and other utilities supplied by the town from its works, or works operated by it. (1952 Ex Sess, c. 8; 1966, c. 672)

§ 76. (Section not created, 1952 Ex Sess, c. 8.)

§ 77. All ordinances now in force in the town of Kilmarnock, not inconsistent with this act, shall be and remain in force until altered, amended or repealed by the town council. (1952 Ex Sess, c. 8)

§ 78. The present officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1952 Ex Sess, c. 8)

§ 79. All former charters and amendments thereto for the town of Kilmarnock, Virginia, are hereby repealed. (1952 Ex Sess, c. 8)

§ 80. This act may for all purposes be referred to or cited as the Kilmarnock Charter of 1952. (1952 Ex Sess, c. 8)