

NEW MARKET, TOWN OF
County of Shenandoah.

Established, 1796, c. 21; repealed 1806, c. 47.
Charter, 1806, c. 47; repealed 1914, c. 144.
Charter, 13 Jan 1836; repealed 1840, c. 176.
Charter, 1840, c. 176; repealed 1914, c. 144.
Incorporation and charter, 1872, c. 15; repealed 1914, c. 144.
Charter, 1914, c. 144; repealed 1948, c. 381.
Charter, 1948, c. 381; repealed 1972, c. 264.
Charter, 1972, c. 264.
Amended 1993, c. 358 (§ 5.1).

CHAPTER 1
INCORPORATION AND BOUNDARIES

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of New Market, as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of New Market, 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, renew, or amend at its pleasure by proper ordinance. (1972, c. 264)

§ 1.2. Boundaries.

The territory embraced within the Town of New Market is that territory in the County of Shenandoah, Virginia, more particularly described in that Order of Annexation entered by the Annexation Court on November 28, 1970, a copy of said Order being of record in Common Law Order Book Z, Page 312 and Deed Book 278 Page 488 of the Clerk's Office of the Circuit Court of Shenandoah County, Virginia, as containing 934.88 acres. (1972, c. 264)

CHAPTER 2
POWERS

§ 2.1. General Grant of Powers.

The Town of New Market 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 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. (1972, c. 264)

§ 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 2, 1971, and as hereafter amended are hereby conferred on and vested in the Town of New Market. (1972, c. 264)

CHAPTER 3
MAYOR AND COUNCIL

§ 3.1. Election, Qualification and Term of Office of Councilmen and Mayor.

(a) The Town of New Market shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified. An election for mayor and councilmen shall be held on the first Tuesday in May, 1972, and the mayor and councilmen shall constitute the town council, who shall hold office for a term of four years from the first day of July, next following the date of their election and until their successors have been duly elected and qualified; provided, that at said municipal election, to be held the first Tuesday in May, 1972, the six persons elected as councilmen shall hold office as follows, to wit: The three candidates receiving the highest number of votes at said election shall hold office for four years each, and the three candidates receiving the next highest number of votes at said election shall hold office for two years each. In the year 1974 and every second year thereafter, a municipal election of councilmen shall be held on the first Tuesday in May. In the year 1972, and every fourth year thereafter, a municipal election of mayor shall be held on the first Tuesday in May. (1972, c. 264)

§ 3.2. Vacancies on Council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1972, c. 264)

§ 3.3. Vacancy in Office of Mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1972, c. 264)

§ 3.4. 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 reasons of the expiration of the term of office or removal of any of its members. (1972, c. 264)

§ 3.5. General Grant of Powers to Council.

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the 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. (1972, c. 264)

§ 3.6. Powers and Duties of 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 not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the town council, but shall not vote except in the case of tie. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He 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 danger or

emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. He, or the person acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1972, c. 264)

§ 3.7. Vice-mayor.

The town council shall elect from its members by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council. (1972, c. 264)

§ 3.8. Meetings of Council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. The council shall keep a journal of its official proceedings and its meetings shall be open. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by four members of the council; provided, that the mayor and all council members are duly notified 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, this provision may be waived by a majority vote of the council. (1972, c. 264)

§ 3.9. Rules of Order and Procedure.

The town council shall establish its own rules of order and procedure and may take appropriate action against its own members and other persons for violation thereof. (1972, c. 264)

§ 3.10. Council to Fix Salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. (1972, c. 264)

CHAPTER 4
TOWN MANAGER

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be called the town manager, fix his salary and delegate to him such administrative duties, powers and responsibilities as it believes to be in the best interest of the town. During his tenure of office the town manager shall reside within the County of Shenandoah. The town manager shall serve at and during the pleasure of the town council. (1972, c. 264)

§ 4.2. Duties.

It shall be the duty of the town manager to (a) attend all meetings of the town council with the responsibility to counsel and advise but with no voting rights; (b) keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration and make such recommendations as he deems desirable; (c) prepare and submit the annual budget to the town council and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit to the town council at a regular meeting in September of each year a concise, comprehensive report of the financial transactions and administrative

activities of the town government during the immediately preceding fiscal year; (e) present adequate financial and activity reports as required by the town council; (f) arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council; and (g) perform such other duties as may be prescribed by this charter or required in accordance therewith by the mayor or the town council or which may be required of the chief administrative officer of a town by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter. (1972, c. 264)

§ 4.3. Temporary Transfer of Personnel between Departments and Removal of Personnel.

The town manager shall have the power, whenever the interests of the town require, to assign employees of any department, bureau, office or agency under his supervision to the temporary performance of duties in another department, bureau, office or agency. The town manager shall not have the right or power to appoint, transfer or remove the town clerk, town sergeant, chief of police, town attorney or town treasurer, but the town council may delegate to the town manager the authority to appoint and remove other personnel. (1972, c. 264)

§ 4.4. Relations with Boards, Commissions and Agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in the meetings of all boards, commissions or agencies created by this charter or by ordinance and any other board or commission the town council may designate. (1972, c. 264)

§ 4.5. Acting Town Manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. (1972, c. 264)

CHAPTER 5 APPOINTIVE OFFICERS

§ 5.1. Appointments.--The town council shall appoint a town clerk, a chief of police, a town attorney and a town treasurer and may appoint such other officers of the town as they deem necessary. Each and every officer appointed under this section shall be directly responsible to the town council, mayor, town manager, and/or town clerk as the town council may from time to time determine by appropriate resolution and/or ordinance. Such officers shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the council may prescribe. (1972, c. 264; 1993, c. 358)

§ 5.2. Deputies and Assistants.

The town council may appoint such deputies and assistants to appointive offices as they may deem necessary. (1972, c. 264)

§ 5.3. Term of Office.

Officers and deputy and assistant officers appointed by the town council shall serve at and during the pleasure of the town council. (1972, c. 264)

§ 5.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1972, c. 264)

§ 5.5. Vacancies in Office.

The town council may fill any vacancy in any appointive office. (1972, c. 264)

§ 5.6. 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 Virginia Constitution. (1972, c. 264)

§ 5.7. Town Clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1972, c. 264)

CHAPTER 6

MISCELLANEOUS

§ 6.1. Elections Governed by State Law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1972, c. 264)

§ 6.2. Actions against Town for Damages, Etc.

(a) No action shall be maintained against the town for damages for any injury to any person or property 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 an attorney appointed by the town council for this purpose, and the town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. 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 twenty days. No officers, agents or employees of the town shall have authority to waive such conditions precedent or any of them.

(b) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(c) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1972, c. 264)

§ 6.3. United States Government Employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer or employee of any board or commission. (1972, c. 264)

§ 6.4. Acceptance of Federal Aid, Contributions, etc.

The Town of New Market shall have the power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving 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 in order to obtain and use such federal grants. 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. (1972, c. 264)

§ 6.5. Eminent Domain.

The powers of eminent domain set forth in Title 15.1; Title 25, Chapter 1.1; and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, are hereby conferred upon the Town of New Market, provided, however, that the provisions of § 25-233 or any other applicable section of the Code of Virginia shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act.

(a) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, of 1950, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council signed by the mayor and countersigned by the town clerk. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner under the aforesaid laws and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for acquisition of lands, easements or related interests in property necessary for streets, water, sewer or utility pipes or lines and/or conduits, or related facilities, whether within or without the town.

(b) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or canceled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive funds theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds for good cause shown by the town or any other person or party in interest prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1972, c. 264)

§ 6.6. Disclosure of Interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1972, c. 264)

§ 6.7. 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. (1972, c. 264)

§ 6.8. Present Officers to Continue.

The present elected officers of the town shall be and remain in office until June 30, 1972, or until their successors have been duly elected and qualified. (1972, c. 264)

§ 6.9. Ordinances in Force.

All ordinances now in force in the Town of New Market, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1972, c. 264)

§ 6.10. 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 rendered. (1972, c. 264)