

RICH CREEK, TOWN OF
County of Giles.
Incorporated by Circuit Court of Giles County, April 17, 1946.

Charter, 1947, Extra Session, c. 57.

Amended 1970, c. 210 (§§ 2,3)
 1973, c. 81 (§§ 2,3)
 1990, c. 37 (§ 3)
 2011, c. 778 (§§ 1, 2, 3, 6, 7, 9, 14, 19, 20 [repealed], 22).

§ 1. The inhabitants of the territory embraced within the present limits of the town of Rich Creek, 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 Rich Creek, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though all such powers were specifically enumerated herein. The present boundaries of the town are as recorded in the Clerk's office of the Circuit Court of Giles County, Virginia, in the Common Law Order Book 7, at Pages 151 through 153, or as the same may be hereafter altered as provided by law. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 2. The administration and government of the town shall be vested in a council which shall consist of six members, five of whom shall be denominated the councilmen and one to be denominated the mayor, all of whom shall be residents and qualified voters of the town. The council may determine the annual salary of its members by ordinance or resolution in accordance with the Code of Virginia. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. (1947, Ex. Sess., c. 57; 1970, c. 210; 1973, c. 81; 2011, c. 778)

§ 3. Pursuant to § 24.2-222.1 of the Code of Virginia and notwithstanding the provisions of § 24.2-222 of the Code of Virginia, the election of town council and the mayor shall be held on the general election date in November of odd-numbered years, beginning in November 2013, and biennially thereafter, in accordance with the following cycles: (i) the election for the town council seats filled by the council election of May 2008 shall be held on the November 2011 general election date and every four years thereafter; and (ii) the election for the town council seats and the office of mayor filled by the council election of May 2010 shall be held on the November 2013 general election date and every four years thereafter.

In accordance with the provisions of subsection D of § 24.2-222.1 of the Code of Virginia, members of town council elected at the May general elections in 2008 and 2010 shall have their terms of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have qualified to serve. (1947, Ex. Sess., c. 57; 1970, c. 210; 1973, c. 81; 1990, c. 37; 2011, c. 778)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' written notice shall be given to the other members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of

the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. (1947, Ex. Sess., c. 57)

§ 5. The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1947, Ex. Sess., c. 57)

§ 6. There shall not be a town sergeant in the town. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 7. Except as otherwise authorized by law, a member of council or the mayor elected or appointed after May 1, 2011, shall not be eligible during his or her tenure of office as such member, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, he or she may be compensated as a member. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 8. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the town of Rich Creek and its council shall have the powers set forth in the following sections of this charter. (1947, Ex. Sess., c. 57)

§ 9. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the Council prescribes, provided that the rates charged consumers without the corporate limits shall not be less than, nor more than double, the rates charged consumers within the town for similar services, any or all of which rates the council may alter at any time without notice except for the notice required by the Code of Virginia.

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. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 10. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the town which fronts or abuts on any such sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer service, of the reasonableness of which the council shall be the sole judge; and sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues.

The town is empowered to acquire by condemnation or otherwise. such properties or interests or estate therein, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining or operating any such sewer line or lines. (1947, Ex. Sess., c. 57)

§ 11. The town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, golf courses and other recreational facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights of way from the town to any property acquired by it under any of the provisions of this charter, which lies without its corporate limits, and to construct and maintain upon such rights of way, such roads or bridges as may be reasonably necessary for the full enjoyment thereof, and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so. (1947, Ex. Sess., c. 57)

§ 12. In so far as not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation upon its streets and alleys of motor vehicles carrying passengers or freight for hire, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as meets with the approval of the council; and (c) to prescribe rules and regulations with respect to motor traffic of all kinds within the town, and the parking of motor vehicles on its streets and alleys. (1947, Ex. Sess., c. 57)

§ 13. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to impose and collect a license tax for the privilege of doing within the town, anything upon which the State imposes a license tax; provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such thing than that imposed by the State on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council. (1947, Ex. Sess., c. 57)

§ 14. The town is empowered (a) to provide a building code for the town; to provide for the orderly and safe construction of houses and other buildings; to prescribe setback lines on designated streets; to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections; and (b) to adopt a comprehensive plan concerning the subdivision of lands within the corporate limits of the town; and to require that plats of all such subdivisions shall, after having been approved by the council as hereinafter provided, be recorded in the clerk's office of Giles County. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 15. The town is empowered (a) to prohibit, and to punish for mischievous or wanton damage to school property or any other property, either public or private, within the town; (b) to prohibit minors from frequenting or loitering in public pool rooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same; (c) to compel persons sentenced to confinement in jail for violations of town ordinances, to work on the streets or other public places of the town. (1947, Ex. Sess., c. 57)

§ 16. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town, by any fence, building, porch, or

other projection, and to require the removal of any such encroachment heretofore or hereafter made, unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town no statute of limitation shall run. (1947, Ex. Sess., c. 57)

§ 17. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed, to be placed in suitable conduits underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1947, Ex. Sess., c. 57)

§ 18. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and by-laws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances, by-laws, and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, by-laws and resolution, upon which the same shall become effective. (1947, Ex. Sess., c. 57)

§ 19. Town manager.--(a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering. The town manager shall serve without definite term.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1947, Ex. Sess., c. 57; 2011, c. 778)

§ 20. (1947, Ex. Sess., c. 57; repealed 2011, c. 778)

§ 21. All ordinances now in force in the town of Rich Creek, not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this act. (1947, Ex. Sess., c. 57)

§ 22. The charter herein is in lieu of and a complete substitute for the charter of the town of Rich Creek granted by the circuit court of the county of Giles on April 17, 1946, and as enacted and amended by the General Assembly in 1947, Ex. Session, c. 57; in 1970, c. 210 (§§ 2, 3); in 1973, c. 81 (§§ 2, 3); and in 1990, c. 37 (§ 3). (1947, Ex. Sess., c. 57; 2011, c. 778)