

SURRY, TOWN OF
County of Surry.

Incorporation and charter by order of Circuit Court, September 26, 1928.
Charter, Circuit Court, 1928; repealed 1973, c. 95.
Charter, 1973, c. 95.

CHAPTER 1
GENERAL PROVISIONS

§ 1-1. DEFINITION OF MUNICIPALITY.

Whenever the word "municipality" or "municipal" appears in this charter it shall be construed to refer to the incorporated town of Surry, Virginia. (1973, c. 95)

§ 1-2. POWERS AND PRIVILEGES GENERALLY; CORPORATE STATUS.

The town of Surry, in the county of Surry, Virginia, shall continue to be a town corporate in the name and style of the town of Surry, Virginia, and as such shall have and may exercise the powers and privileges conferred upon it by this charter and which are now, or may be hereafter delegated to towns in accordance with the Constitution and laws of the Commonwealth of Virginia. (1973, c. 95)

§ 1-3. CORPORATE LIMITS.

The corporate limits or boundaries of the municipality, unless and until changed in the manner prescribed by law, shall be the same as set forth in Common Law Order Book, page 178, dated 1926, in the Clerk's Office of the Circuit Court of Surry County, Virginia. (1973, c. 95)

§ 1-4. CORPORATE SEAL.

The municipality may provide for the adoption of its corporate seal. (1973, c. 95)

§ 1-5. ELECTIONS GENERALLY.

All elections shall be conducted pursuant to, and in accordance with, the general law as provided in the Code of Virginia governing the holding of elections in towns. (1973, c. 95)

CHAPTER 2
MUNICIPAL COUNCIL GENERALLY;
MAYOR; VICE-MAYOR
POWERS AND DUTIES

§ 2-1. LEGISLATIVE POWERS IN MUNICIPAL COUNCIL.

The legislative powers of the municipality shall be vested in a municipal council, consisting of six members, one of whom in addition shall be a mayor. (1973, c. 95)

§ 2-2. TOWN COUNCIL: COMPOSITION, TERMS OF OFFICE.

Each member of council shall be an elector of the municipality.

The municipal council of the town of Surry shall be elected by the town at large. Councilmen shall serve for terms of two years. (1973, c. 95)

§ 2-3. ELECTION OF COUNCIL: TERM OF OFFICE, MAYOR AND VICE-MAYOR.

On the first Tuesday in May, 1974, and every two years thereafter, there shall be elected by the qualified voters of the town, five electors who shall be denominated councilmen. In addition thereto, the qualified voters shall elect an additional elector who shall be denominated mayor. They shall enter upon the duties of their offices on the first

day of July next succeeding their election. Council shall elect from their numbers one who shall be denominated vice-mayor, who shall serve in the absence of the mayor. (1973, c. 95)

§ 2-4. DUTIES OF MAYOR.

The mayor shall preside at all meetings of the council and shall be a regular member of council. The mayor shall be recognized as the head of the municipal government for all ceremonial purposes, the purpose of military law and the service of civil process. The mayor shall authenticate by his signature such documents and instruments as the council, Constitution of Virginia or general laws of the Commonwealth require. The mayor shall be the chief executive officer of the town, unless and until a manager is appointed as hereafter provided. (1973, c. 95)

§ 2-5. CLERK OF COUNCIL.

The council may appoint a clerk of the council whose duties shall be as prescribed by the council. (1973, c. 95)

§ 2-6. MEETINGS OF COUNCIL.

Council shall hold at least one regular meeting each month. All meetings of the council shall be public meetings except as provided for by § 2.1-342 of the Code of Virginia of 1950. No official action shall be taken by the council in executive session. Council may by ordinance adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings. (1973, c. 95)

§ 2-7. VACANCIES IN OFFICE OF COUNCILMEN.

Vacancies in the office of councilmen or mayor for whatever cause, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council. If council shall fail to fill a vacancy within sixty days, such vacancy shall be filled by appointment of the judge of the Circuit Court of Surry County, Virginia, upon notice of the court by petition filed by the mayor or any councilman. (1973, c. 95)

CHAPTER 3

POWERS GENERALLY

§ 3-1. ADOPTION OF STATE LAW PROVISIONS.

The powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as amended, are hereby conferred on and vested in the town of Surry. (1973, c. 95)

§ 3-2. EMINENT DOMAIN.

The powers of eminent domain set forth in Title 15.1; Chapter 1.1 of Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of Surry subject to the provisions of § 25-233 of the Code of Virginia, as amended. (1973, c. 95)

§ 3-3. RATES FOR SERVICES.

The municipality shall have the power and right to charge a different rate for any utility service rendered or convenience furnished without the corporate limits from the rates charged for similar services within the corporate limits. (1973, c. 95)

CHAPTER 4

ZONING

§ 4-1. ZONING.

The powers set forth in §§ 15.1-486 through 15.1-489, inclusive, of Article 8 of Chapter 11 of Title 15.1 of the Code of Virginia are hereby conferred on and vested in the town of Surry. (1973, c. 95)

CHAPTER 5 TOWN MANAGER

§ 5-1. APPOINTMENT AND QUALIFICATIONS.

There may be a town manager, who shall be the executive officer of the town, responsible to the town council for the proper administration of the town government. The town manager shall be appointed by council for an indefinite term. At the time of appointment, he need not be a resident of the town, or of the Commonwealth, but during his tenure of office he shall reside within the town limits. (1973, c. 95)

§ 5-2. DUTIES.

The town manager shall:

- (a) attend all meetings of town council with the right to speak but not to vote;
- (b) advise town council of the financial condition and future needs of the town and of all matters pertaining to its proper administration and to make such recommendations as may seem to him requisite and proper;
- (c) prepare and submit to town council the annual budget and be responsible for the administration of the budget as adopted;
- (d) prepare in suitable form and submit to town council each year a comprehensive report of the financial transactions and administrative activities of the town government during the immediate preceding fiscal year;
- (e) arrange for an annual audit by a certified public accountant previously approved by the town council;
- (f) perform such other duties as may be prescribed by the general laws of this Commonwealth, required of him by town council, or otherwise provided for by this charter; and
- (g) have the right to attend and participate, but not vote, in the proceedings of all boards, commissions or agencies created by this charter, or by ordinance, or designated by town council. (1973, c. 95)

§ 5-3. POWERS AS TO EMPLOYEES.

Except those officers and employees appointed by town council pursuant to this charter or the general laws of this Commonwealth, all officers and employees shall be appointed by, and may be removed by, the town manager who shall report each appointment or removal to the town council at the next regular meeting thereof following such appointment or removal. (1973, c. 95)

§ 5-4. ACTING TOWN MANAGER.

The town council shall designate by ordinance a person to act as town manager in the case of absence, incapacity, death or resignation of the town manager until his return to duty or the appointment of his successor. (1973, c. 95)

CHAPTER 6 APPOINTEE OFFICERS

§ 6-1. APPOINTMENT AND TERM OF OFFICE.

The town council may appoint such officers of the town as they may from time to time deem necessary for the proper government thereof. Officers, deputies and assistants appointed by town council shall serve for a term of two years unless otherwise provided by this charter or by ordinance of the town council. Such terms shall commence upon appointment. The enumeration of officers hereinafter set forth in this chapter of this charter shall not be construed to require the appointment of any such officers herein

named subject to the provisions of Article VII, Section 6 of the Virginia Constitution. The town council in its discretion may appoint the same person to more than one appointive office. Vacancies in appointive offices shall be filled by town council for the remainder of the unexpired term. (1973, c. 95)

§ 6-2. DUTIES; APPOINTMENT OF DEPUTIES AND ASSISTANTS.

The officers appointed by town council shall perform such duties as may be specified in this charter, or as town council may designate. Town council may appoint such deputies and assistants to appointive offices as town council shall deem necessary. (1973, c. 95)

§ 6-3. TOWN CLERK.

The town clerk shall be clerk of the town council and shall be responsible for maintaining the journal of its proceedings and recording all ordinances and resolutions in the book or books kept for that purpose. The town clerk shall be custodian of the town corporate seal and shall be the officer authorized to use and authenticate it. The town clerk shall perform such other duties and keep such other records as town council may require or the general laws of the Commonwealth may require. All records of the office of town clerk shall be public records and open to inspection at all times during regular business hours. (1973, c. 95)

§ 6-4. TOWN TREASURER.

Town council shall appoint a municipal treasurer who shall give such bond as may be prescribed by town council and perform such duties as may be prescribed by town council or prescribed by the general laws of this Commonwealth. (1973, c. 95)

§ 6-5. ISSUING JUSTICES.

Town council shall appoint not more than two issuing justices who shall be qualified electors of the town and who shall hold office as provided for in § 39.1-8 of the Code of Virginia, as amended. Town council may provide for the compensation of any such issuing justices; for the issuance of any warrant, subpoena or other process and for admitting any person to bail, such issuing justices shall charge the same fees and costs as are provided in like cases by general law; which fees, costs and cash bail shall be paid to the clerk of the municipal court or the town treasurer if no clerk has been appointed. The issuing justices shall have power to issue warrants for arrest for violation of municipal ordinances and civil warrants in cases in which the municipal court has jurisdiction, the power to issue subpoena or other processes the same as could be issued by the municipal court and shall have the power to admit to bail in any case where the municipal court could admit to bail. Any warrant, summons or process issued by such issuing justices for violation of a municipal ordinance shall be returnable before the municipal court. The procedure for issuing warrants, service of process, return of a warrant, examination, bail, arrest, commitment and recognizances as provided by general law of the Commonwealth shall be followed by the issuing justices and police officers of the municipality. (1973, c. 95)

CHAPTER 7

COURTS

§ 7-1. ESTABLISHMENT AND JURISDICTION.

Town council may establish by ordinance a municipal court which shall be known as the Municipal Court of Surry. Jurisdiction of the municipal court in civil matters shall

be as provided in § 16.1-77, as amended, of the Code of Virginia and in criminal matters as provided in § 16.1-124, as amended, of the Code of Virginia. (1973, c. 95)

§ 7-2. JUDGE AND SUBSTITUTE JUDGE.

The judge of the municipal court shall be appointed by the town council and shall serve at the pleasure of town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. The judge of the municipal court need not be a resident of the town. Compensation of the judge and the substitute judge shall be fixed by town council. Council may appoint a clerk of the municipal court. (1973, c. 95)

§ 7-3. JURISDICTION OF COUNTY COURT IN ABSENCE OF MUNICIPAL COURT.

In the event town council shall elect not to establish a municipal court as herein provided, the County Court of Surry County shall have such jurisdiction within the town as the municipal court would have had if it were established by town council. The town council may enter into such contracts or agreements as it may deem necessary to permit the trial in said county court of cases or causes of action arising within the town or within the jurisdiction of the town. (1973, c. 95)

CHAPTER 8
FINANCIAL PROVISIONS

§ 8-1. FISCAL YEAR.

The fiscal year of the town shall begin on July first of each year and end on June thirtieth of the year following. (1973, c. 95)

§ 8-2. ACTIONS AGAINST THE TOWN.

(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, stating 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 any attorney, hereby authorized, appointed by the town council for this purpose, 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 120 days, provided that if the complainant is compos mentis during such sixty days but is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the sixty-day period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from such injury so as to give notice. No officer, agent, employee or attorney of the town shall have the 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 its works unless it be manifest that the town, its officers, agents or servants are transcending the authority granted by this charter and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated by damages.

(c) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1973, c. 95)

§ 8-3. CREATION OF DEBT: ISSUANCE OF BONDS.

The town shall have the authority to borrow money, contract debts, make and issue or cause to be issued, as evidence thereof, bonds, notes, or other obligations within the limitations prescribed by the Virginia Constitution, and in accordance with the provisions of the Virginia law concerning bond issues by towns. Any ordinance creating a debt for which money is to be borrowed shall be adopted by a recorded majority vote of the elected members of the town council. (1973, c. 95)

§ 8-4. SALE OR LEASE OF TOWN UTILITIES.

Neither town council nor any town officers or agents shall have the power or authority to sell, lease, rent or otherwise dispose of any public utility owned by the town without first submitting such sale, rental, lease or other dispositions to a vote of the qualified electors of the town at a special election to be held in accordance with the law providing for special elections for towns in Virginia. Such sale, lease or disposition shall be consummated only upon a vote of the majority of the qualified electors of the town voting in such election. (1973, c. 95)

CHAPTER 9
MISCELLANEOUS

§ 9-1. BONDS OF OFFICERS AND EMPLOYEES.

Town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of their respective duties, whether such officers and employees be solely or partly paid by the town. Town council may authorize payment of premium on such bonds from town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town, as its interest may appear, in event of breach of the conditions thereof. (1973, c. 95)

§ 9-2. ORDINANCES TO CONTINUE IN FORCE.

All ordinances now in force in the town of Surry and not inconsistent with the provisions of this charter shall be and remain in force until altered, amended or repealed by the town council. (1973, c. 95)

§ 9-3. OFFICERS TO CONTINUE.

The present elected officers of the town of Surry shall be and remain in office until expiration of their respective terms and until their respective successors have been duly elected and qualified. (1973, c. 95)

§ 9-4. APPLICABILITY OF ORDINANCES TO LANDS OUTSIDE OF TOWN.

All ordinances of the town of Surry, so far as they are applicable, shall apply on, in, or to all land, buildings and structures owned by or leased or rented to the town of Surry and located outside the town limits. (1973, c. 95)

§ 9-5. CONTINUATION OF PRIVILEGES AND PROPERTY.

All the rights, privileges and property of the municipality heretofore acquired, now owned or enjoyed shall continue undiminished and remain vested in the town of Surry. (1973, c. 95)

§ 9-6. POWER TO TAX UTILITIES.

In addition to other taxing powers of towns as generally provided by law, the town of Surry shall have the power to tax public utility facilities within the corporate limits of the town. (1973, c. 95)

§ 9-7. 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. (1973, c. 95)

§ 9-8. This charter shall supersede and render null and void any other charter heretofore ordered by a court of this Commonwealth. (1973, c. 95)