

SMITHFIELD, TOWN OF  
County of Isle of Wight.

Established, 1752, c. 30.

Charter, 1856, c. 249; repealed 1900, c. 396.

Charter, 1900, c. 396; repealed 1952, c. 548.

Charter, 1952, c. 548.

Amended        1954, c. 32 (§ 42)  
                     1958, c. 138 (§ 30)  
                     1960, c. 57 (§§ 26, 27, 29, 38-a [added], 38-b [added])  
                     1962, c. 24 (§ 38-b)  
                     1973, c. 138 (§§ 26, 27, 29, 42 [repealed])  
                     1975, c. 91 (§ 30)  
                     1980, c. 15 (§ 30)  
                     1982, c. 69 (§§ 2, 4, 11 and 12 [repealed], 18, 19 [repealed], 21, 22  
   [repealed], 24, 26, 29, 31, 32, 33 [repealed], 35 [repealed],  
   36, 37, 38, 38-a, 38-b, 39, 41 [repealed])  
                     1999, cc. 140, 520 (§§ 2, 6, 27)  
                     2000, c. 955 (§ 26).

§ 1. The Town of Smithfield, in the Commonwealth of Virginia, in the County of Isle of Wight, shall continue to be a town corporate, in the name and style of the Town of Smithfield, and as such shall have and may exercise the powers and privileges hereinafter set forth, and all 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, 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. (1952, c. 548)

§ 2. The corporate limits of the Town of Smithfield as heretofore established, and unless and until changed in the manner prescribed by law, are hereby reestablished to include all of the territory described by certain annexation decrees of the Circuit Court of Isle of Wight County, Virginia, entered on October 27, 1960, November 16, 1966, June 13, 1978, and October 27, 1997, all of which are of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Common Law Order Book 12, at page 294, Common Law Order Book 12, at page 423, Common Law Order Book 22, at page 478, and Common Law Order Book 41, at page 718, respectively. (1952, c. 548; 1982, c. 69; 1999, cc. 140, 520)

§ 3. Powers of the Town of Smithfield.--In addition to the powers and privileges described elsewhere in this charter the Town of Smithfield shall have the powers and privileges set forth in succeeding sections to the extent that they are not in conflict with the Constitution or the general laws of this State. (1952, c. 548)

§ 4. The fiscal year for the town shall begin on the first day of July and end on the thirtieth day of June, unless and until changed by ordinance. (1952, c. 548; 1982, c. 69)

§ 5. The town shall have power: (a) To incur liabilities or debts, make contracts, borrow money, and execute or issue evidences of indebtedness and have a common seal.

(b) To expend the money of the town for all lawful purposes. (1952, c. 548)

§ 6. The town shall have power: (a) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein, within or without the town, for the use and benefit thereof; and to hold, improve, sell, lease, or mortgage the same or any part thereof, including any property now owned by the town.

(b) To construct, maintain, regulate or operate public improvements of all kinds, including municipal and other buildings, grounds and structures necessary or appropriate for the use and proper operation of all the various departments of the town.

(c) To lease or authorize the leasing of any property which the town would have the right and power to lease were it an individual, subject to the provisions of the Constitution of Virginia.

(d) To construct, own and operate a facility to be used for public and private activities generally associated with auditoriums, community centers, convention centers, entertainment halls or exhibit halls, as such terms are generally used, to provide for parking, utility and food services in connection with such facility, to charge and collect fees for the use of such facility, and to enter into contracts related to the exercise of such powers. (1952, c. 548; 1999, cc. 140, 520)

§ 7. The town shall have power to establish, enter, open, widen, extend, grade, construct, maintain, light, sprinkle or clean public streets, highways, alleys, parkways or parks or to alter or close the same; to regulate the weight of loads to be hauled or carried over or upon the streets; to regulate the use of all such highways, parks, streets, alleys, parkways and public places; to prevent the obstruction, destruction or injury to any of such streets, alleys or highways; to require any railroad company operating a railroad at the place where any highway or street is crossed within the limits of the town to erect and maintain at such crossing any style of gate deemed proper, and keep a man in charge thereof, or keep a flagman at such crossing during such hours as the council may require in accordance with the general law of the State and to regulate the length of time such crossing may be closed due to any operation of the railroad; to regulate the operation and speed of all cars, motorcycles, bicycles or vehicles upon said streets or highways as well as the speed of all engines, cars, or railroad trains within the town; to permit or prohibit poles or wires for electric, telephone or telegraph purposes to be erected or gas lines or watermains to be laid in the streets or alleys, and to prescribe and collect an annual charge for such privileges hereafter granted; to require the owner or lessee of any electric light, telephone or telegraph pole or poles or wires now in use or hereafter erected to change the location or remove the same. (1952, c. 548)

§ 8. The town shall have power to acquire by gift, purchase or by the exercise of the power of eminent domain within this State, land or any interest or estate in land, rock quarries, gravel pits, sand pits, water or water rights and the necessary roadways thereto, either within or without the town, or acquire and install machinery and equipment and build the necessary roads or tramways thereto, and operate the same for the purpose of producing materials required for any and all purposes of the town. (1952, c. 548)

§ 9. The town shall have power: (a) To raise annually, by taxes and assessments in said town, such sums of money in such manner as the council thereof shall deem necessary or expedient for the use, benefit and purposes of said town, in accordance with the Constitution of the United States, the Constitution of Virginia and the laws of the Commonwealth. Ordinances relating to taxation, levy or assessment shall remain in effect from passage to amendment or repeal.

(b) To fix or set, levy and collect taxes and assessments on persons and property; and to impose special or local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) To impose, fix or set, levy and collect a license tax, fee or assessment for the conduct, maintenance or operation of privileges, amusements, business, manufacture, professions, occupations or callings; to issue a license or permit and collect charges, or fees therefor and to prorate license fees or charges for the unexpired portion of the fiscal year. Such powers shall not be exercised so as to conflict with § 58-500 of the Code of Virginia. (1952, c. 548)

§ 10. The town shall have power: (a) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection.

(b) To require every owner of a motor vehicle to obtain a license to operate the same by making application to the treasurer of the town and to require said owner to pay an annual license fee therefor, to be fixed by the council, but the license fee shall not exceed the amount charged by the State on said motor vehicle.

(c) To make and enforce ordinances to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation or otherwise, provided, however, that no such ordinances shall be in conflict with any of the provisions of the Alcoholic Beverage Control Act or the general laws of this Commonwealth with respect to such alcoholic beverages, liquids, and articles. (1952, c. 548)

§ 11. (1952, c. 548; repealed 1982, c. 69)

§ 12. (1952, c. 548; repealed 1982, c. 69)

§ 13. The town shall have the power: (a) To acquire by purchase, gift, devise, condemnation or otherwise, and to own, operate and maintain water works and to acquire in any lawful manner, in any country of the State or from the United States Government such water, lands, property rights and riparian rights as the council of the town may deem necessary for the purpose of providing an adequate water supply to the town and of piping or conducting the same; to lay all necessary mains and service lines, within or without the corporate limits of the town; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply, and for protecting the same from pollution and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the water shed tributary to any such water supply, wherever such lands may be located within this State; to impose and enforce adequate penalties for the violation of any such rules and regulations and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

(b) To acquire, construct, own, operate or maintain electrical light or gas works, either within or without the corporate limits of the town, and to supply gas or electricity whether the same be generated or purchased by the town, to the customers or consumers, both within and without the corporate limits of the town, at such price and upon such terms as may be prescribed and to that end, it may contract to purchase electricity or gas from the owners thereof upon such terms as it may deem necessary or expedient.

(c) To establish, impose and enforce the collection of water, light, gas and sewerage rates, and rates and charges for other services, products, or conveniences operated or furnished by the town; and the council may prescribe a different rate to be paid for such services and conveniences rendered to users or customers without the corporate limits of the town. (1952, c. 548)

§ 14. The town shall have power to grant franchises for public utilities, subject to the provisions of the Constitution and general laws of the Commonwealth of Virginia. (1952, c. 548)

§ 15. The town shall have power to charge and collect fees for permits to use public facilities or for public service or privileges, and to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits. (1952, c. 548)

§ 16. The town shall have power: (a) To establish, construct, maintain and operate sanitary sewers, sewer lines, or cisterns and to require the abutting property owners to connect therewith, and to establish, construct, maintain and operate sewerage disposal plants, and to acquire by condemnation or otherwise, within or without the town, all lands, rights of way, and other rights and easements necessary for the purpose aforesaid, and to assess, charge and collect reasonable fees, licenses, taxes, assessments or costs of service for connecting with and using the same and such fees, licenses, taxes, assessments or costs of service shall be collected by the town as other taxes and levies are collected.

(b) To collect and dispose of sewerage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to make reasonable charges thereof; to acquire and operate reduction or other plants for the utilization or destruction of any or all of said materials, to contract, regulate and collect for the disposal thereof, and to require or regulate the disposal thereof. (1952, c. 548)

§ 17. The town shall have power to prevent or extinguish fires, and to establish, regulate, and control a fire department or division; to regulate the size, heights, materials and construction of buildings, fences, walls, retaining walls or other structures hereafter erected, in such manner as the public safety or conveniences may require; to remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish or designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged, or repaired and to direct that any and all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements. (1952, c. 548)

§ 18. The town shall have power to exercise full police powers and establish and maintain a department or division of police. (1952, c. 548; 1982, c. 69)

§ 19. (1952, c. 548; repealed 1982, c. 69)

§ 20. The town shall have power: (a) To maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding punishment may be provided for the violation of such ordinance.

(b) To compel the abatement and removal of any and all nuisances whatsoever, public or private, within the town, or upon property owned by the town beyond its limits, at the expense of the person, persons, corporations or firms causing the same, or of the owner or occupant of the grounds or premises whereon the same may be, and collect the expense by suit or motion, or by distress and sale; to require all lands, lots or other premises within the town to be kept clean, sanitary or free from stagnant water, weeds, filth, or unsightly deposits or to make them so at the expense of the owners or occupants thereof, and to collect the expense as other taxes and levies are collected; to regulate or prevent slaughter houses or other noisome or offensive business within the town, the keeping of hogs, or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment thereon; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise, to regulate the location of stables and the manner in which they shall be constructed or kept; to regulate the location, construction, operation or maintenance of bill boards; to provide how, when and under what conditions awnings may project over the streets and sidewalks from buildings, and the manner in which sidewalks may be used for advertising or display signs or merchandise; to generally define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, safety or welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary or free from all weeds, filth and unsightly deposits, ice or snow. (1952, c. 548)

§ 21. The town shall have power to prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding one thousand dollars or twelve months' imprisonment in jail or both. (1952, c. 548; 1982, c. 69)

§ 22. (1952, c. 548; repealed 1982, c. 69)

§ 23. The town shall have power: (a) To do all things whatsoever necessary or expedient and lawful to be done, for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants.

(b) To pass and enforce all by-laws, rules, regulations, and ordinances which it may deem necessary for the good order and government of said town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all other laws as may be necessary or proper to carry into full effect, all power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in the town, or in the council or officers thereof, or which may be necessarily incident to a municipal corporation. (1952, c. 548)

§ 24. To the extent permitted by state law, licenses may be required by ordinance of businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the

town, whose principal office is or is not located in the town, except when in conflict with general law, whether or not a license may be required therefor by the Commonwealth.

Licenses may also be imposed upon and collected from persons, firms, or corporations selling and delivering at the same time at other than a definite place of business, goods, wares or merchandise, to licensed dealers or retailers in the town.

For every license issued or transferred under this charter, there may be prescribed by ordinance a charge or fee for issuing or for transferring the same, such charges or fees shall be collected and paid into the town treasury. (1952, c. 548; 1982, c. 69)

§ 25. A lien shall exist on all real estate within the corporate limits for taxes, levies or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the procedure for collecting the taxes, including the selling of real estate for town taxes, shall be the same as provided in the general laws of this State. The council shall have the benefit of all other and additional remedies for the collection of town taxes which are now, or may hereafter be granted or permitted under the general law of the State. (1952, c. 548)

§ 26. All legislative powers of the town shall be vested in a council composed of seven members, one of whom shall be mayor. The mayor and councilmen shall be electors of the town to be chosen as hereinafter provided, from the residents and electors of the town, and their qualifications to hold offices, respectively, shall be the same as required of persons to vote and hold office under the Constitution and laws of the Commonwealth of Virginia. A vacancy in the office of councilman shall be filled in the manner specified in Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2 of the Code of Virginia for towns with a population greater than 3,500.

The mayor shall be chosen by the council from its membership; he shall act as the presiding officer of the council and shall have no other power except as a member of the council as specifically set forth in this charter. (1952, c. 548; 1960, c. 57; 1973, c. 138; 1982, c. 69; 2000, c. 955)

§ 27. Council members shall be elected to serve four-year staggered terms. At elections held on the first Tuesday in May 1998, three members of council were elected to serve terms expiring on July 1, 2000, and four members of council were elected to serve terms expiring on July 1, 2002. At the general election to be held on the first Tuesday in May 2000, and every four years thereafter, three members of council shall be elected for a term of four years. At the general election to be held on the first Tuesday in May 2002, and every four years thereafter, four members of council shall be elected for a term of four years. Members of council elected under this act shall enter upon the duties of their offices July 1 next succeeding their elections. (1952, c. 548; 1960, c. 57; 1973, c. 138; 1999, cc. 140, 520)

§ 28. (a) All elections for the officers of the town shall be held and conducted in the manner prescribed by law.

(b) The council of the town shall judge of the election, qualification and returns of its members and if a person returned be adjudged disqualified or in the event of tie votes, the council, upon the written request of one of such candidates, receiving the same number of votes as another candidate for the same office, the council shall order a new election to fill the vacancy or break the tie, said election to be at the same place, on such day as the council may prescribe, provided that the written request of any such candidate shall be filed with the council within ten days after the election, otherwise the council

may declare a vacancy in such office and fill the same from the electors of the town by a majority vote of the council. (1952, c. 548)

§ 29. (a) The officers of the town, in addition to the mayor and councilmen, shall be a town manager, treasurer, clerk, and chief of police.

(b) The council may, by ordinance, provide for such other officers, agents and employees as it may deem appropriate, prescribe their duties and fix their compensation.

(b1) The council shall appoint a treasurer who shall hold office at the pleasure of the council and shall serve under the direction and supervision of the town manager. The office of treasurer may be filled by the town manager.

(c) The clerk shall be elected by the council for a term of two years, coincident with that of the council. The office of treasurer and clerk may be filled by the same person, and may be filled by the town manager.

(d) The council may provide for and require annual audit of any books pertaining to the receipts and the expenditure of the funds of the town.

(e) The council shall appoint a town manager who shall be charged with the administration of the business of the town as set forth in this charter.

(f) As authorized by § 15.1-796, the office of town sergeant shall not be established. (1952, c. 548; 1960, c. 57; 1973, c. 138; 1982, c. 69)

§ 30. The council shall fix the salaries of the mayor, councilmen, treasurer, clerk, sergeant, deputy sergeant and employees, as it may deem appropriate, at its first meeting in June, which salary shall be for a period of one year, beginning the first day of July next following; provided, however, that the Council may increase or decrease the salaries at such other times as it may deem appropriate and in the best interests of the town, and further provided, that a salary may be paid one or more councilmen or a salary in excess of that paid other councilmen may be paid one or more councilmen, if a majority of the council determine that additional duties and responsibilities assumed by such councilman or councilmen, by reason of committee assignment or otherwise, warrant such salary, and a majority of the council authorize such additional compensation. (1952, c. 548; 1958, c. 138; 1975, c. 91; 1980, c. 15)

§ 31. (a) All meetings of the council shall be public unless an executive session is called according to law. Any citizen may have access to the minutes of public meetings.

(b) A majority of the council shall constitute a quorum for the transaction of business, but no ordinance or resolution shall be passed or adopted having for its object the levying of taxes or contracting a debt except by a concurring vote of two-thirds of the members of the council. Each member of council shall have one vote.

(c) The council shall, by ordinance, adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings.

The council may fine a member for disorderly conduct and with the concurrence of two-thirds vote of the council expel a member in accordance with the Constitution and general laws of the Commonwealth of Virginia. (1952, c. 548; 1982, c. 69)

§ 32. (a) The mayor shall preside at all meetings of the council. Council shall elect a vice-mayor who shall preside in the absence of the mayor.

(b) The council may require the attendance of its officers, agents, appointees or employees at its meetings and may further require that reports be submitted. (1952, c. 548; 1982, c. 69)

§ 33. (1952, c. 548; repealed 1982, c. 69)

§ 34. (a) No action shall be maintained against the town for damages for 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 a written statement by the claimant, his agent or attorney, or the personal representative of any decedent whose death is the 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 any attorney appointed by the council for the purpose within sixty days after such cause of action shall have accrued, except 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 and twenty days, and no officer, agents, or employees of the town shall have authority to waive such conditions precedent or any of them.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, disposal plants or water mains, where any corporation or person is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in any action brought to recover damages for such negligence, and where the judgment or verdict is against the town as well as the other defendant or defendants, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it be ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or corporation shall have been returned without realizing the full amount of the judgment.

(d) If the town, where not primarily liable, shall pay the said judgment, in whole or in part, the plaintiff shall, to the extent that said judgment is paid by the town, assign the said judgment to the town without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit in equity to enforce said judgment, or an action at law, or scire facias to revive or enforce said judgment.

(e) No order shall be made and no injunction shall be awarded by any court or judge, to stay the proceedings of the town in the prosecution of its works, unless it be manifest that it, its officers, agents or employees are transcending the authority given it or them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages. (1952, c. 548)

§ 35. (1952, c. 548; repealed 1982, c. 69)

§ 36. Requisites for voting in town elections shall be those prescribed by general law for voting in the towns in the Commonwealth. (1952, c. 548; 1982, c. 69)

§ 37. The mayor shall be the chief executive officer of the town; he shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent with this charter; he shall perform such other duties consistent with his office as may be imposed by the council; in the event of the inability of the mayor to discharge his duties, his place may in the discretion of the council be filled and his duties discharged, until such disability shall cease, by the vice-mayor. The mayor shall be the official head of the town. 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. The mayor or 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. (1952, c. 548; 1982, c. 69)

§ 38. The treasurer shall receive all money belonging to and received by the town and keep a correct account of all receipts from all sources, and expenditures of all departments. He shall collect all taxes, levies, licenses, assessments, fees, water rents and other charges belonging to and payable to the town and for that purpose he is hereby vested with any and all powers which are now or may be hereafter vested in county and state treasurers, for the collection of county, city and state taxes under the general law; he shall keep and disburse all monies or funds in such manner and in such places as may be determined by ordinance or the provisions of law applicable thereto. He shall pay no money out of the treasury except in the manner prescribed 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 the town license taxes and shall have power to administer oaths in the performance of such duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by the mayor or by resolution and ordinance 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. (1952, c. 548; 1982, c. 69)

§ 38-a. The council shall appoint a town planning commission which shall have such powers and duties as are provided by general law. (1960, c. 57; 1982, c. 69)

§ 38-b. A town manager appointed pursuant to this act shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the town or the Commonwealth but during his tenure of office shall reside within the town, or in the immediate vicinity thereof. He shall be appointed for an indefinite term and shall hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution which may be changed from time to time. He may be bonded as the council may deem necessary. During the absence or disability of the town manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the town manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager and neither the council nor any member thereof shall give orders to any subordinates of the town manager or employees of the town, either publicly or privately. The town manager shall have the authority and it shall be his duty:

(1) To see that all laws, ordinances, resolutions, and bylaws of the council are faithfully enforced.

(2) To appoint such officers and employees, with the exception of the treasurer and clerk, as the council shall determine and authorize, as are necessary for the proper administration of the affairs of the town with the power to discipline and remove any such officer or employee, but he shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the town manager and confirmed by the council shall have the power to discipline his subordinates and with the approval of the town manager to discharge any subordinate for just cause. Any officer or employee so removed shall have the right to appeal to the council within thirty days after his removal and after notice to the town manager. The action of the council on such appeal shall be final.

(3) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(4) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(5) To make reports to the council from time to time upon the affairs of the town and to keep the council fully advised of the town's financial condition and its future financial needs.

(6) To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent.

(7) To perform such other duties as may be prescribed or requested by council. (1960, c. 57; 1962, c. 24; 1982, c. 69)

§ 39. The council may provide that the premium on any surety bond required of any town official or employee shall be paid by the town. (1952, c. 548; 1982, c. 69)

§ 40. The town clerk shall be the clerk of the council, shall attend all meetings thereof and shall keep a record of its proceedings. He shall keep all papers, documents and records pertaining to the town, the custody of which is not otherwise provided for. He shall be custodian of the town seal and shall attest the same, and shall perform such other duties as are required by general law or by the council by ordinance or resolution. (1952, c. 548)

§ 41. (1952, c. 548; repealed 1982, c. 69)

§ 42. (1952, c. 548; 1954, c. 32; repealed 1973, c. 138)

§ 43. All fees, costs or charges for making arrests or trying cases involving violations of town ordinances shall be assessed and forthwith paid into the town treasury. (1952, c. 548)

§ 44. All the rights, privileges and property of the town heretofore acquired, now owned or enjoyed, shall continue undiminished and remain invested in the town; and all the laws of the Commonwealth of Virginia, ordinances, and resolutions of the council now in force and not inconsistent with this act shall continue in full force and effect until amended or repealed. (1952, c. 548)

§ 45. The enumeration of particular powers and authority in this charter shall not be deemed nor held to be exclusive but in addition to the powers herein enumerated, implied hereby or appropriate to the exercise thereof, the town shall have and may exercise all other powers which are now or may be hereafter conferred upon or enjoyed by towns under the Constitution and general laws of this State. (1952, c. 548)