

County of Shenandoah by 1824.

two years. Every two years thereafter, an election shall be held for the purpose of electing councilmen, and all such councilmen shall serve terms of four years, thus, staggering the terms of office of council.

(2) The terms of office for both the mayor and all councilmen shall begin on the first day of July next following his or their election. (1972, c. 752)

§ 3-b. Vacancies on Council.

Vacancies on the council shall be filled within forty-five days for the unexpired terms by a majority vote of the remaining members; provided, if the vacancy shall be filled by a majority vote of the remaining members of council only until the next council election, at which election the qualified voters of the town shall elect the person to serve as councilman for the remaining two years of the term. (1972, c. 752)

§ 3-c. Council as a Continuing Body.

The 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 reason of the expiration of the term of office or removal of any of its members. (1972, c. 752)

§ 3-d. Vice-Mayor.

The duly elected members of the council shall select from among themselves by majority vote a vice-mayor to serve in the absence of the mayor. The vice-mayor shall possess all the powers and discharge the duties of the mayor in the event of the mayor's absence or inability to act. (1980, c. 61)

§ 4. There shall be appointed for the town a registrar and officers of election in the manner prescribed by the general law of Virginia, and all elections held in said town shall be governed in accordance with said general law. Elections in the Town of Strasburg shall be conducted pursuant to, and in the manner prescribed by the general law of Virginia, as amended. (1922, c. 69; 1972, c. 752)

§ 5. The council of the town shall judge of the election, qualification and return of its members; if any person returned be adjudged disqualified, a new election to fill the vacancy shall be ordered by the council and held on such day as it may designate by ordinance. Any vacancies otherwise occurring shall be filled by the council. A vacancy in the office of mayor shall be filled by the council from the electors of the town. For the transaction of business by the council five members (not counting the mayor as one) shall constitute a quorum. (1922, c. 69)

§ 6. The mayor and councilmen of the town shall be clothed with all the powers and authority of a justice of the peace in civil matters within the corporate limits of the town and one mile beyond. The council shall have the authority, however, by a majority vote to designate and appoint any person residing within the County of Shenandoah, or who maintains his principal place of business in said county to be the police judge of the town, and who shall hear and dispose of all violations of the ordinances of the town within its corporate limits and one mile beyond the corporate limits, and of all criminal cases within said territory and which are within the jurisdiction of such trial officer. Such trial officer shall be provided with a place within said town to be used in the trial of such cases and the administration of such office, and he shall hold office at the pleasure of the council, and he shall subscribe to such oath of office as other officers of the town subscribed to. All trials held in pursuance to this section shall be held and conducted as criminal cases are heard and tried by the Trial Justice and State Courts, and appeal shall be to the Circuit Court of Shenandoah County. The fees in connection with such cases

shall be the same as the fees provided by law for trial justices, and all such fees, and all fines imposed by such trial officer, shall be collected by him and paid into the treasury of the town, unless said town by ordinance directs some other disposition thereof. The council may from time to time pass such ordinances as may be necessary to give this section proper force and effect and prescribe rules of procedure, collection of penalties, costs, et cetera, and provide for a clerk of such court and the proper records and supplies therefor. (1922, c. 69; 1946, c. 17)

§ 7. The jurisdiction of the corporate authorities of the town in all criminal matters and for imposing and collecting license taxes on shows, performances and exhibitions, shall extend one mile beyond the corporate limits of the said Town of Strasburg. All fines and costs imposed for offenses committed within the limits of said town and one mile beyond the same, when not paid to the trial justice imposing such fine, shall be collected by the sergeant of the town and turned into the treasury of the town. (1922, c. 69)

§ 8. The council may require the mayor to communicate to it annually as soon as may be practicable after the close of the fiscal year, or oftener if necessary, a general statement of the conditions of the town in relation to its government, finances and public improvements with such recommendations as he may deem proper, and the mayor may at any time, upon his own motion and at his pleasure, make such report and statement to the said council. The mayor shall exercise a constant supervision over all the affairs of the town and over the conduct of all subordinate officers. He shall have the power and authority to investigate the acts of such authorities, have access to all books and documents in their control and may examine such officers on oath. He shall have power to suspend all officers appointed by the council until the next regular meeting of the council, but such suspension shall in all cases be for misconduct in office or neglect of duties, the same to be specified in the order of suspension. In case of the suspension of any such officer, the mayor may appoint some other person in his place to hold such office and perform the duties thereof until the next regular meeting of the council. At such regular meeting, the mayor shall report such suspension, together with his reason therefor. (1922, c. 69)

§ 9. The mayor may appoint special policemen when in his judgment it is best for the peace and good government of said town. The mayor may, at any time that the welfare and peace of the town require it, direct the police force of the town in the performance of any of its special or regular duties. (1922, c. 69)

§ 10. The council shall, by ordinance or resolution, fix the time of its regular meetings; but a meeting may be called and convened by the mayor or by any three members of the council by giving due notice to all members of the council at any time, but at such call meetings no business shall be transacted except such as may be plainly stated in such call. (1922, c. 69)

§ 11. The council may adopt rules for the regulation of its proceedings but no tax shall be levied or corporate debt contracted except by a vote of two-thirds of the council, six votes being counted as two-thirds, the mayor having no vote except in case of a tie, which vote shall be taken by yeas and nays recorded on the journal in which the minutes of all meetings of the council are kept. It may appoint such committees as may be deemed proper for the transaction of business and may compel the attendance of absent members. The mayor shall preside over the council but shall not be entitled to vote on any

question except in the case of a tie. A journal shall be kept of the proceedings of all meetings of the council and at the request of any member the yeas and nays shall be recorded on any question. (1922, c. 69)

§ 12. Every ordinance passed by the council for the violation of which any penalty is imposed, shall be published in such way as the council may order, so as to give general publicity thereto and no such ordinance shall become effective until the same shall have been published, either by handbills or in some paper published in the town, as the council may deem proper. If the publication be by handbills, a certificate of the posting of them shall be given by the sergeant to the clerk of the council; provided, however, that after the expiration of six months from the date of the passage of such ordinance its publication shall not be questioned or its validity affected by any failure to publish the same. (1922, c. 69)

§ 13. In addition to the powers conferred by other general statutes, the council of the town shall have the power to lay off streets, walks or alleys; alter, improve and light the same and have them kept in good order; to lay off public grounds and provide all buildings necessary for the town; to abate and remove nuisances; to make regulations and provisions in reference to contagious diseases; to regulate the keeping of gun powder or other combustibles within the corporate limits and beyond within one mile thereof; to regulate the keeping of gasoline, kerosene and other combustible oils within the town or out of the town near the corporate limits, and may prohibit the keeping of more than certain fixed quantities of gasoline and other such combustible or explosive products at certain places and within fixed areas and permit the storage of larger quantities at other places within and beyond the limits of the town; to provide, permit or prohibit the establishment of cemeteries or places for interment of the dead in or within one mile of the town, and to regulate the same, and also all such places heretofore established; to acquire control or establish, maintain, operate, extend and enlarge water works, ice plants, gas works, electric light and power plants and other public utilities within or beyond the limits of the town for the purpose of supplying the inhabitants of the town with gas, light, power and other benefits and conveniences for public use, and for such other purposes as are permitted by the laws of the State; to acquire within or beyond the limits of the town by purchase, condemnation or otherwise, whatever land may be necessary for constructing, locating, establishing, maintaining, operating, extending, or enlarging any such water works, ice plants, gas works, electric plants and other plants and facilities necessary for establishing, any and other public utilities, and also the rights of ways, rails, pipes, poles, conduits or any of the fixtures or appurtenances thereof; to lease, own, operate or maintain rock quarries and land within or out of the town for the purpose of obtaining material for use upon the public streets, places or works of the town and to own and operate all machinery and plants necessary for the operation and development of any such quarries; to prevent the pollution of water and injuries to water works and electric light plants and their appurtenances, for which purposes the council shall have jurisdiction for ten miles beyond the limits of the town in like manner as if said works, plants and other property of the town were within the town, and to protect from injury by ordinance with adequate penalty, the pipes, poles, works, fixtures, land and other things used in connection with the water works, electric plants or other public utilities owned or controlled by the town; to make, erect, and construct within or beyond the limits of said town septic tanks and other sewage disposal plants, sewers and public ducts and to

acquire within or beyond the limits of said town, by purchase, condemnation or otherwise, so much land as may be necessary to make, erect, construct, operate and maintain the same; to make regulations concerning the building of houses in said town and to establish and maintain public squares, parks and playgrounds and boulevards and cause the same to be laid out, equipped or beautified and, in particular districts or along particular streets, to prescribe and elect building lines, regulate the height and character of buildings, and to require the removal of any dilapidated, unsightly or unused buildings, especially where same constitute a dangerous menace and fire risk; to locate and establish or re-locate and re-establish permanent street lines where same are in doubt and after due notice to all parties in interest; to make regulations for the purpose of guarding against accidents, fires and other dangers to the general public; to regulate the means of exit from houses used for the assemblage of the public; to prevent injury or annoyance to the public from anything dangerous, offensive or unwholesome; to protect places of divine worship and to prevent disturbances of public worship in and about the premises where held; to provide for order and preservice of the Sabbath Day; to prevent vice and immorality; to suppress houses for gambling and of ill fame; to appoint and publish the places for holding town elections and the time of holding special elections and polls. (1922, c. 69)

§ 14. In any case where a street of the town or other public place has been or may be encroached upon by any fence, building or other structure, the council may require its removal and may cause such encroachment to be removed at the expense of the person responsible therefor. No encroachment on any street, sidewalk or public place, however long continued, shall constitute an adverse possession or right against the town. (1922, c. 69)

§ 15. Any street or alley reserved in the division or subdivision in the lots of any portion of the territory within the corporate limits of the town by plat or plan of record, shall be deemed and held to be a dedication to the uses of the town and general public and this provision shall apply, through the subdivision of such territory into lots, streets and alleys, shall have taken place prior to the inclusion of such territory within the corporate limits of the town. Whenever any street or alley within the town shall have been opened to and used by the public for a period of five years, the same shall thereby become a public street or alley. And provided further, that all plats and replats hereafter made subdividing any land within the corporate limits of the town into streets, alleys, roads, lots or tracts, shall be submitted to and approved by the council before the land in question may be so subdivided. (1922, c. 69; 1946, c. 17)

§ 16. In addition to the right of the town under the general law to negotiate temporary loans and thereby anticipate its income for and during any year, the council in the name of and for the use of the said Town of Strasburg, may contract loans, incur debts and cause certificates of debt or bonds to be issued whenever two-thirds of its members, by a recorded vote, decide that such course is in the best interest of the town and necessary in the acquirement and establishment of some needed public improvement or utility, but such council may borrow money in such manner and for such purposes only to the extent and subject to the provisions prescribed by the Constitution and laws of Virginia. If it is proposed by the town to borrow money and issue bonds under the provisions of the Constitution and laws of Virginia for any revenue producing undertaking, the council shall adopt an ordinance, reciting the expediency of borrowing money by the town and the issuance of bonds therefore, the amount of such issue, the

length of time for which they are to run, the maximum rate of interest to be paid thereon, and the purpose for which the money realized therefrom is to be used, and if, under the Constitution and laws of Virginia, the purpose of borrowing money and issuing bonds qualifies such indebtedness so that it is not to be included within the otherwise authorized indebtedness of the town, the ordinance shall state that fact, as well as the specific undertaking for which the money is proposed to be borrowed and the bonds are to be issued. Any such ordinance must be passed upon the recorded affirmative vote of a two-thirds majority of all the members elected to the council. After adoption of such ordinance a certified copy thereof shall be forthwith presented to the circuit court having jurisdiction over the town, or to the judge thereof in vacation.

If the proposed bond issue be pursuant to Article VII, Section 10 (a) (3) of the Constitution of Virginia, whereby the principal and interest on such bonds are payable exclusively from the revenues and receipts of a specific undertaking or undertakings from which the town may derive a revenue or secured, solely or together with such revenues, by contributions of other units of government, the council shall thereupon authorize and issue such bonds in accordance with the Constitution and laws of Virginia without submission of the question of such bond issue to the qualified voters for approval.

If the proposed bond issue be pursuant to Article VII, Section 10 (a) (2) of the Constitution of Virginia, whereby the full faith and credit of the town is pledged by the ordinance authorizing the issuance of said bonds, the court or judge, on the receipt of the certified copy of such ordinance, shall, by an order entered in term time or vacation, direct the proper election officers of the town to take such steps and prepare such means as may be proper to give due publicity to such election. If a majority of the qualified voters who vote thereon at such special election shall approve contracting the debt, borrowing the money and issuing the bonds, the governing body of the town shall thereupon authorize and issue such bonds in accordance with the provisions of the Constitution and laws of Virginia applicable to the authorization and issuance of bonds by cities and towns.

For the purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those matters set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed. (1922, c. 69; 1972, c. 752; 2009, c. 815)

§ 17. The council shall have the power to impose taxes and assessments upon abutting landowners for making and improving the walkways upon then existing streets and improving and paving then existing alleys and for either the construction or for the use of sewers in accordance with the provisions of the State Constitution and general laws of the State enacted in regard thereto. (1922, c. 69)

§ 17-a. Except when prohibited by general law, the town council may levy 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, which license may exceed the State license, if any be required. (1938, c. 244)

§ 18. There shall be elected by the council at its first meeting in July in the year following the year of a regular election of members to council, or as soon thereafter as practicable, a treasurer, a town manager, a clerk of the council, a chief of police, and a town attorney, whose terms of office shall be for a period of two years unless sooner removed for cause. If for any reason any or all officers are not elected in the July meeting, as set forth herein, the incumbent office holders shall continue in office until council has conducted an election as contemplated by this section. The salaries and compensation to be paid such officers, together with their respective duties, shall be fixed by the council. The council may also elect such other officers as may be necessary and desirable in the best interests of the town. All such officers as may be elected by the council shall reside within twenty miles of the limits of the town of Strasburg. For officers elected to their first term, the residency requirement will be waived for a period of one year.

In order to transition to the election cycle set forth herein, for the appointments in July of 2010, the appointment of a town officer shall be for a term of one year. Thereafter, each officer shall be appointed for a period of two years. (1922, c. 69; 1924, c. 173; 1946, c. 17; 1983, c. 46; 1995, c. 153; 2009, c. 815)

§ 19. Compensation of Mayor and Councilmen.

The Mayor shall receive a salary to be fixed by the council, but such salary shall not be increased or diminished during his term of office. The council shall be paid a salary for performing their duties, but such salary shall not be increased or diminished except as set forth herein. Any increase in the salary to be paid to the Mayor shall not take effect until after the next mayoral election following the approval of any such increase. Any increase or decrease in the salary to be paid to a member of council shall not take effect until July 1 following the next two regular council elections. The council may provide for additional salary to such of their committees performing special work to the extent that may be reasonable and fair. (1922, c. 69; 1972, c. 752; 2009, c. 815)

§ 19-a. Duties, Qualifications, etc., of the Town Manager.

The town manager shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the town or the Commonwealth, but during his tenure of office he shall reside as provided in § 18 of this charter. The town manager shall be the chief administrative officer and head of the administrative branch of the town government. He shall execute the laws and ordinances and administer the government of the town and be responsible therefor to the council. He shall:

(1) Except with respect to § 18 above, appoint all directors, or heads of the administrative departments, and all other administrative officers and employees of the town;

(2) When deemed necessary and in accordance with policies approved by the council, suspend, demote or remove all such directors or heads and all other administrative officers and employees of the town appointed by him except as he may authorize the head of a department, an officer or any agency to exercise such powers respecting subordinates in such department, office or agency;

(3) Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees of the town; and when directed by the council he shall examine the records and books of the office of Treasurer;

(4) Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable;

(5) Keep the council advised of the financial condition and future needs of the town, and make such recommendations on matters of policy and other matters to the council as may seem to him desirable;

(6) Have power, whenever the interests of the town require, to assign employees of any department, bureau, office or agency, to the temporary performance of duties in another department, bureau, office or agency;

(7) Have such other powers and duties consistent with the town charter as the council may prescribe. (1972, c. 752; 1995, c. 153)

§ 20. All ordinances now in force in the town not inconsistent with this act or the laws of this State and of the United States, shall be and remain in force until altered, amended or repealed by the council of the said town. (1922, c. 69)

§ 21. All former acts and parts of acts of the general assembly in relation to said town in conflict with the provisions of this act are hereby repealed. (1922, c. 69)

§ 22. Inasmuch as there is a necessity for its going into effect at the earliest possible moment, this act is declared to be an emergency act and the same shall be in full force and effect from the date of its passage. (1922, c. 69)